

Funerals

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The death of a loved one is often painful and overwhelming. Funerals provide an opportunity to remember your loved one, celebrate their life and grieve with others. If you are arranging their funeral, there are some things to consider and steps to take

This page includes information on:

- [what to do first](#)
- [funeral products and services](#)
- [costs and payments](#)
- [your consumer rights](#)
- [advice if you have a problem](#)

What to do first

First, you should find out if your loved one had a will as it could contain directions for funeral arrangements. Then consider:

1. Have any financial arrangements been made to pay for the funeral such as a [funeral bond, insurance or pre-paid funeral](#)?
2. Does the deceased have a pre-paid grave?
3. Is there enough money in the deceased person's bank account to pay for the funeral and have you contacted the bank about accessing the funds?
4. Are there any sickness, accident, life, superannuation or private health insurance policies which may make a payment towards the funeral?
5. Was the deceased a returned service person or did they belong to any club, pensioner association or trade union, which may entitle them to a funeral benefit?

If you or the deceased person received payments from Centrelink, you may be entitled to [bereavement payment](#) or allowance. Visit the [Centrelink website](#) to learn more.

"It is important to ensure that your family/legal representatives are aware that you have entered into a funeral plan. Remember to keep all your paperwork and contract in a safe place."

Funeral products and services

Using a funeral director

Funeral directors help console and guide the bereaved during the funeral process. They advise on and arrange all the aspects of a funeral service, ensuring the wishes of the deceased, their family and friends are fulfilled.

There is no legal requirement to use a funeral director, however many people find it easier to have an experienced professional carry out at least some of the tasks involved.

Funeral directors usually provide these services:

- collect and lodge legal documents
- collect and care for the body
- supply the coffin or casket
- contact the cemetery or crematorium and arrange the date and time of the funeral
- arrange floral tributes, newspaper notices and other matters if required
- provide a hearse and (if required) other vehicles for family and friends
- pay the various fees involved (called disbursements), including cemetery/crematorium fees, minister or celebrant fees etc
- complete registration of death with [NSW Births Deaths and Marriages](#).

"Funeral directors do not need a licence and can set up business without any specific training or qualifications. Do your research and ask your family and friends for recommendations so you find the funeral director right for your needs."

What is a 'basic' funeral?

A basic funeral is a single dignified service conducted at the funeral director's premises or the burial/cremation site between 8am and 5pm on a weekday. It includes the following goods and services:

- arrangement and conduct of the funeral
- obtaining a standard death certificate from the Registrar of [Births, Deaths and Marriages](#) if requested by the bereaved
- transporting the body to any of the following places as required, where no individual journey is further than 30 kilometres:
 - the premises of a supplier of funeral goods and services
 - a mortuary
 - the place at which the body is to be buried or cremated
- storage of the body at a mortuary or holding room
- preparation of the body for burial or cremation (does not include preparation for viewing or embalming)
- supply of the least expensive coffin the supplier has available
- collection of certificates or permits provided by a medical practitioner in relation to the body

- burial or cremation of the body.

If a funeral director offers a 'basic funeral' option, they must give you a written quote for this service. This is called a 'basic funeral notice'.

The funeral director must give you the 'basic funeral notice' before they make funeral arrangements with you. This is a requirement under the [funeral information standard](#).

You may be asked to sign the notice slip to show you have received it, even if you choose a different funeral. Signing this slip does not mean you are committing to a funeral with this funeral director.

Entering into an agreement

Entering into an agreement

If you agree to the quote and wish to go ahead with the funeral director and their services, you will need to sign an agreement (contract).

Make sure you read the contract (including the terms and conditions) carefully. If you don't understand or disagree with something, talk to the funeral director. Once you sign the agreement you become liable for the funeral costs (regardless of your relationship to the deceased).

For more information, refer to our [contracts](#) page.

"Remember, although the funeral director 'directs' the funeral, you make the final decisions."

Payment

Before you make a payment, the funeral director must give you an itemised final invoice of the goods and services and their costs. Refer to the agreement terms and conditions to ensure you meet any payment requirements.

Relevant laws

Funeral directors in NSW are subject to:

- public health, local government and work health and safety legislation
- [Australian Consumer Law](#) and the [Fair Trading Act 1987](#)
- the Funeral information standard in the [Fair Trading Regulation 2012](#)
- the [Funeral Funds Act 1979](#).

Contributory and pre-paid funerals

Some people make pre-payments towards the cost of their funeral. There are two types

of pre-paid funeral arrangements:

1. Contributory

In a contributory fund, the consumer makes small regular payments to go toward part or all of a funeral service with a particular funeral director. Entitlement may vary between contributory funeral funds and will be set out in detail in the fund's constitution.

List of contributory funds:

- Aboriginal Community Benefit Fund Pty Ltd
Aboriginal Community Benefit Fund
PO Box 1188
COOLANGATTA QLD 4225
- ACBF Funeral Plans Pty Ltd
Aboriginal Community Funeral Plan
PO Box 1188
COOLANGATTA QLD 4225
- Australian Muslim Welfare Centre Funeral Fund Pty Ltd
13-17 Eagleview Road,
MINTO NSW 2566
- Community Funeral Plans Pty Ltd
Community Funeral Plan
PO Box 1188
COOLANGATTA QLD 4225
- Darkinjung Funeral Fund Pty Ltd
PO Box 401
WYONG NSW 2259
- Labor Funerals Contribution Fund Pty Ltd
Level 4, 153 Walker Street
NORTH SYDNEY NSW 2060
- M Mortality Fund Pty Limited
Unit 42, 1 Macquarie Street
PARRAMATTA NSW 2150
- Metropolitan Burial & Cremation Society Funeral Contribution Fund Pty Ltd
Level 4, 153 Walker Street
NORTH SYDNEY NSW 2060
- Unions NSW Funeral Contribution Fund
Level 3 Trades Hall
4-10 Goulburn Street
SYDNEY NSW 2000

2. Pre-paid

This involves selecting a funeral director, making decisions about the type of funeral that

you would like and then paying for that funeral at today's prices, usually in one lump sum or several instalments. The money is then forwarded to a funeral fund registered with NSW Fair Trading.

When you are considering a contributory or pre-paid funeral fund, the business must provide you with information on each component supplied under the contract and the cost of those components before you enter into an agreement. This information should also detail the services not covered by the contract.

The company must transfer money received to a registered funeral fund within 10 days.

All pre-paid and contributory funeral funds in NSW must be registered with Fair Trading. Registered funds are required to:

- invest all the money paid in secure investments
- lodge annual reports with NSW Fair Trading
- be separate from a funeral director company
- provide you with an annual report that details the amount you paid into the fund in the previous year and specifies the amount you'll be entitled to upon your death, as at the date on the report.

List of pre-paid funds:

- Remembrance Pre-arranged Funeral Fund
Remembrance Pre-arranged Funeral Fund No.2
Simplicity Independence Pre-paid Funeral Plan
Funeral Funds of Australia Trust
Funeral Funds of Australia Trust No.2 (managed by Australian Executor Trustees)
Locked Bag 4010
Queen Victoria Building
SYDNEY NSW 1230
- Australian Funeral Fund Management Pty Ltd
Level 5, 432 Hunter Street
NEWCASTLE NSW 2300
- Australian Pre-Arranged Funeral Plan Pty Ltd
C/- Gregory & Carr
PO Box 199
GORDON NSW 2071
- Palmdale Memorial Park & Crematorium Pty Ltd
PO Box 55
OURIMBAH NSW 2256
- Perpetual Trustees Consolidated Ltd
Beresfield Funeral Fund
GPO Box 4172
SYDNEY NSW 2001

- The Andrew Kennedy, Walters & Son, Wood Coffill Group Funeral Fund Pty Ltd
SV Partners
PO Box A2631
SYDNEY SOUTH NSW 1235
- Total Care Funeral Plan Ltd
PO Box 188
MULGRAVE VIC 3170

Pre-paid products

You can prepay for a grave plot, a wall niche or a place in a memorial garden. This is typically purchased directly from a cemetery or crematorium.

Some funeral directors limit pre-paid schemes to items of the funeral they have control over such as personal services and the coffin. This might not include the burial or cremation.

Funeral directors must give you a 30-day cooling-off period when you enter a pre-paid funeral contract. Generally, you can cancel the contract within the cooling-off period without incurring a financial penalty.

Make sure you understand your rights and obligations and what the cost covers before you buy a pre-paid funeral arrangement. If you have any concerns about the arrangement, seek independent legal or financial advice.

Pre-paid funerals and pre-purchased cemetery plots are exempt from the assets test for Centrelink payments. Contact Centrelink on 13 23 00 or visit the [website](#) for more details.

Funeral insurance

Funeral insurance is usually purchased directly from an insurer. It involves small regular contributions for a specified cash payment on death. Age and health restrictions may apply when taking out the policy and premiums can increase to keep up with inflation or other factors.

"Like most forms of insurance, the money paid over the years cannot be refunded if you decide to cancel funeral insurance."

Funeral insurance is regulated by the Commonwealth through the [Life Insurance Act 1995](#) and [Australian Securities and Investments Commission Act 2001](#).

Funeral insurance policies fall under the jurisdiction of the [Australian Prudential Regulatory Authority \(APRA\)](#) and the [Australian Securities and Investments Commission \(ASIC\)](#).

Refer to ASIC's [MoneySmart website](#) for more information on funeral insurance and remember:

- an insurance policy isn't a savings account
- you don't get your money back
- if you stop paying, the policy ends and you don't get a refund of the money you have paid so far
- over time, you may end up paying more than you will receive from any claim.

Funeral bonds

A funeral bond allows you to set aside your own money for a funeral. The money is held as a bond and paid when the funeral is required. It cannot be withdrawn early.

The funeral bond can be in your own name, in joint names (with the benefit paid in-full upon the death of the first joint owner) or can be assigned to a funeral director.

Certain funeral bonds are exempt from the Centrelink assets test. Find out if your bonds are exempt by contacting Centrelink on 13 23 00 or visit the [website](#).

Membership benefit schemes

A number of organisations offer a payment upon the death of a member to help with funeral costs.

Under a cash benefit scheme, when a member dies, a set sum is provided for the funeral. These schemes may be a membership benefit for a particular organisation (for example, a trade union), or a contribution may have to be made to the fund before death.

Cash benefits schemes are organised on a contributory basis, that is, the member must make regular payments to the scheme to be eligible for the benefit.

It is important to remember that:

- some schemes will not pay benefits if the member failed to keep payments up to date, this could mean years of contributions may be lost and no benefit is received from that fund
- there may not be provision for the member to cash-in the contributions to the fund, in this case, the only benefit the fund offers is the contribution towards the funeral
- the benefit offered by such a scheme is limited as a set sum.

There are also non-cash benefit schemes where the funeral or cremation is performed without charge for the member. These schemes are usually run by the funeral industry itself.

Costs and payments

Funeral costs in Australia vary widely, depending on how simple or elaborate they are.

So, before you sign an agreement for a funeral, it is important to consider the costs and find out what money is available to help you pay for the service.

Money to pay for a funeral could come from:

- a funeral fund the deceased person may have paid into
- the estate (assets of the deceased person, including any money) - check with the bank if they will allow money in the deceased person's account to be used to pay for funeral expenses before probate is granted, when the rest of the estate can be accessed
- a pre-paid benefit or investment scheme, superannuation fund or life insurance
- the Commonwealth [Department of Veterans Affairs](#) if the deceased is a returned service person (they may also be eligible for an official war grave)
- a health fund, trade union, pensioner association or other type of club that they belonged to
- [Centrelink bereavement assistance](#).

If you use a funeral director, they are required by law to provide you with the following information before entering into an agreement:

- a basic funeral notice if they ordinarily offer a basic funeral
- the funeral goods and services to be supplied and the cost of each
- disbursements for the burial or cremation and a reasonable estimate of the cost of each.

You should make sure that GST is included in the itemised quote so you know the full cost of the services.

Your consumer rights

[Australian Consumer Law](#) guarantees your rights when you buy goods and services.

In fact, most products and services purchased after 1 January 2011 come with an [automatic consumer guarantee](#) that the product or service you purchased will work and do what you asked for. This includes funeral products and services.

Acceptable quality

When you engage a business to provide a service, you have the right to expect 'acceptable quality'. Services must be:

- provided with due care or skill (taking all necessary steps to avoid loss and damage)
- fit for any specified purpose (express or implied)
- provided in a reasonable time (when no time is set).

What is 'reasonable' will depend on the nature of the service, the difficulty of the task and other relevant factors like busy periods and public holidays etc.

Proof of purchase and service documentation

You have the right to receive proof of purchase (like an invoice, cash register receipt, handwritten receipt or lay-by agreement).

Funeral products and services in Australia are usually supplied under a contract. You have the right to receive a written copy of any contract you sign (including its terms and conditions). Keep this for your records and in case you need to refer to the contract terms during a dispute. For more information, refer to our [Contracts](#) page.

Advertising

Advertising can be a powerful means of persuasion, so it's important it is truthful, accurate and easy to understand. Australian Consumer Law protects consumers from deceptive advertising claims and conduct.

Businesses are not allowed to make false or misleading representations about their products or services. This includes advertising for funeral products and services.

Learn more about advertising standards.

Remedy when things go wrong

You are entitled to an appropriate remedy from the business when the product or service you purchased does not meet one or more of the consumer guarantees.

This might be a refund, a further service to rectify the problem and in some cases, reimbursement for damages and consequential loss.

The type of remedy will depend on whether the problem is:

Minor

If the problem is minor and can be fixed, the business can choose how to fix the problem.

You cannot cancel and demand a refund immediately. Instead, you must give the business an opportunity to fix the problem.

However, if the remedy takes too long, you can get someone else to fix the problem (if possible) and ask the business to pay reasonable costs or cancel the service and get a refund.

For more information, see [repairs, replacements & refunds](#).

Major

If the problem is major or cannot be fixed, you can choose to:

- terminate the contract for services and request a full refund
- seek reimbursement for the difference between the value of the services provided compared to the price paid.

A problem is considered 'major' when it:

- would have stopped someone from purchasing the service had they known about it
- is substantially unfit for purpose and can't be fixed in a reasonable timeframe
- creates an unsafe situation
- doesn't meet the specific purpose or achieve the specific result that the consumer requested.

For more information, see [repairs, replacements & refunds](#).

Have a problem?

1. Contact the business in the first instance and explain the problem. We have [tips and sample letters](#) to help you take the first step.
2. If you're unable to resolve the matter with the business, check if they are a member of a professional association like the [Funeral Directors' Association of NSW](#), the [Australian Funeral Directors Association](#) or the [National Funeral Directors Association](#).
Professional associations like these may operate a code of conduct and have a complaint handling process to help you.
3. If the funeral service provider is not a member of a professional association or you are unhappy with the response, you can contact us for help on 13 32 20 or [make a complaint online](#).

[Read our complaint handling process](#)

[Visit our complaints register](#)

Further information

Read these publications:

[What to do following a death](#)

[Rest assured: a legal guide to wills, estates and funerals](#)

Contacts and other sources of information

Burial, cremation and memorials

- [Australian War Graves](#): Information on eligibility for an official commemorative plaque or grave.
- [Cemeteries and Crematoria Association of NSW](#): Access an index of member cemeteries and crematoria, as well as information about the funeral process and frequently asked questions.
- [Department of Environment and Energy](#): Contact the Department to apply for a permit to conduct a [burial at sea](#).
- [Department of Veterans' Affairs](#): Financial assistance for the funeral of a returned service person.

Legal advice and information

- [LawAccess NSW](#): Find legal information and services to help with legal issues.
- [Law Society of NSW](#): Find a lawyer with experience in probate and estate administration.
- [Legal Aid NSW](#): Free legal advice and assistance (means tested).
- [NSW Civil and Administrative Tribunal, Guardianship Division](#): Information about decisions on guardianships.
- [NSW Public Guardian](#): Information on powers of attorney and guardianship.
- [NSW Trustee and Guardian](#): Information about whether a will has been made with the Public Trustee, having a will made free of charge or handing over an executor role.

Support for the bereaved

- [Lifeline](#): Access 24-hour telephone counselling and referrals for a wide range of issues including depression, grief and loss. Phone 13 11 14.
- [National Association for Loss and Grief](#): Information on grief counselling services or support groups.
- [Red Nose Grief and Loss](#): Access 24-hour telephone support following the sudden death of a child during pregnancy, birth or infancy. Phone 1300 308 307
- [Victims Services](#): Free counselling, support and compensation (subject to conditions), if you are an immediate family member of a homicide victim. Phone 1800 633 063 or 1800 019 123 for the Aboriginal contact line.

Who enforces Australian Consumer Law?

The following agencies enforce provisions relating to consumer goods and services:

- [Australian Competition and Consumer Commission \(ACCC\)](#)
- [NSW Fair Trading](#), and
- other State and Territory consumer protection agencies.

The [Australian Securities and Investments Commission \(ASIC\)](#) is responsible for financial products and services.

[Prev](#) Fitness and gyms

[Next](#) Health and medical services