



Treasury Laws Amendment (Financial Services Improved Consumer Protection) (Funeral Expenses Facilities) Regulations 2019

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 28 November 2019

David Hurley
Governor-General

By His Excellency's Command

Josh Frydenberg
Treasurer

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
	Schedule 1—Funeral expenses facilities	2
	<i>Corporations Regulations 2001</i>	<i>2</i>

1 Name

This instrument is the *Treasury Laws Amendment (Financial Services Improved Consumer Protection) (Funeral Expenses Facilities) Regulations 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 April 2020.	1 April 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Corporations Act 2001*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Funeral expenses facilities

Corporations Regulations 2001

1 Subregulation 1.0.02(1)

Insert:

friendly society funeral product: see subregulation 7.6.01(7).

funeral services entity: see subregulation 7.6.01(7).

2 Regulation 7.1.07D

Repeal the regulation.

3 After paragraph 7.6.01(1)(t)

Insert:

- (ta) a financial service provided by a person in the following circumstances:
 - (i) the financial service is providing financial product advice in relation to a friendly society funeral product, or dealing in a friendly society funeral product;
 - (ii) the person is a funeral services entity, or an employee, director or other officer of a funeral services entity;
 - (iii) the financial service is provided in the funeral services entity's ordinary course of business as a funeral services entity;

4 Subregulation 7.6.01(7)

Insert:

friendly society funeral product means a financial product that is an account (however described):

- (a) provided by:
 - (i) a body that is a friendly society for the purposes of the *Life Insurance Act 1995*; or
 - (ii) a body that is registered or incorporated as a friendly society under a law of a State or Territory; or
 - (iii) a body that is permitted, by a law of a State or Territory, to assume or use the expression *friendly society*; or
 - (iv) a body that, immediately before the date that is the transfer date for the purposes of the *Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999*, was registered or incorporated as a friendly society under a law of a State or Territory; and
- (b) the sole purpose of which is to save money for the purpose of meeting the whole or a part of the expenses of and incidental to the funeral, burial or cremation of a person on the death of that person.

funeral services entity means an entity of one of the following kinds:

- (a) a body corporate;
- (b) a partnership;

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- (c) an unincorporated body;
 - (d) an individual;
 - (e) for a trust that has only one trustee—a trustee;
 - (f) for a trust that has more than one trustee—the trustees together;
- that carries on a business in this jurisdiction of supplying:
- (g) services for the care and preparation of human bodies for burial or cremation; and
 - (h) services for the arrangement, supervision or conduct of a funeral, burial or cremation; and
 - (i) products in connection with the services mentioned in paragraphs (g) and (h).

5 In the appropriate position in Chapter 10

Insert:

Part 10.37—Application provisions relating to the Treasury Laws Amendment (Financial Services Improved Consumer Protection) (Funeral Expenses Facilities) Regulations 2019

10.37.01 Application of amendment relating to funeral expenses policies

Despite the repeal of regulation 7.1.07D by item 2 of Schedule 1 to the *Treasury Laws Amendment (Financial Services Improved Consumer Protection) (Funeral Expenses Facilities) Regulations 2019*, that regulation, as in force immediately before 1 April 2020, continues to apply on and after that day in relation to a funeral expenses policy (as defined in subregulation 7.1.07D(2)) if:

- (a) for a funeral expenses policy entered into with a person who is a financial services licensee immediately before 1 April 2020—the funeral expenses policy is entered into before 1 January 2021; or
- (b) for any other case—the funeral expenses policy is entered into before 1 April 2020.

Note: Regulation 7.1.07D (as in force before its repeal) provided that a funeral expenses policy is not a financial product.