

Understanding Category 3 licence conditions

Which cemetery and crematorium operators will be licenced with Category 3 conditions?

Cemetery operators who perform under 50 interments per year (averaged over the past 3 years) will be licenced with Category 3 conditions, which impose minimal licensing requirements. See our fact sheet on licensing and categorisation [on our website](#) for more detail.

An operator who has **only** inactive cemeteries and who does not intend to undertake any further interments, may apply for a Category 4 caretaker licence. This would further minimise the applicable conditions, but prohibit future interments. Exceptions may be available in limited circumstances, such as when remaining plots have already been sold at the time the licence is first granted.

Note: an inactive cemetery is one which is at capacity or at which no further interments are intended to be carried out.

What do Category 3 licence conditions mean?

Please note this is a summary of the proposed Scheme and licence conditions. For more details read the Licence Conditions for Operators of Cemeteries and Crematoria [on our website](#).

As a licensed Category 3 operator, in addition to the current requirements (to complete an activity report, update contact information for the cemeteries and crematoria register each year, and comply with the interment rights system record keeping), you will need to:

- apply for a licence renewal after 5 years
- pay a licensing fee at commencement of the Scheme and again on each renewal (note that this fee may be waived or reduced)
- comply with the conditions of your licence, which will involve:
 - maintaining your cemetery to minimum standards for public access and safety (condition B.1)
 - including certain standard terms and conditions in contracts for the sale of interment rights (conditions A.1 and A.2)
 - abiding by customer service standards outlined in the Scheme, including behaving professionally and ethically and maintaining a register of complaints (conditions D.1, D.3, D.5 and D.6)
 - complying with the religious and cultural principles, and Aboriginal cultural and spiritual principles (conditions E.1 and E.2).

Category 3 licence conditions are the least onerous of the 3 categories for active cemeteries.

Under Category 3, operators are exempt from the majority of maintenance requirements, pricing transparency and some of the standard consumer contract terms and conditions and customer service requirements.

How will CCNSW support operators?

CCNSW recognises that transitioning to the Scheme may present challenges for small operators and will be available to provide support and guidance.

The Scheme will be implemented progressively to give operators time to transition into the Scheme. It is anticipated by October 2024 all operators will have a licence and be compliant with all applicable licence conditions.

Small operators will apply for a licence towards the end of the transition stage to give them more time to work towards meeting requirements. Operators who performed 5-49 interments in the 2021/22 financial year will be required to apply for a licence in January-March 2024. Operators who performed 1-4 interments will be required to apply for a licence in April-June 2024.

CCNSW will assist small operators to comply with these new requirements in various ways including:

- preparing a model contract that operators can choose to adopt, or adapt, if they wish
- preparing a standard customer service charter and complaints register
- detailing expected levels of compliance in guidance and explanatory material in relation to each set of licence conditions, which will be released as the Scheme commences
- providing ongoing support to operators by CCNSW staff.