

# Interment Industry Scheme for cremation only operators

The Interment Industry Scheme (**Scheme**) is a licensing framework for cemetery and crematorium operators. There are 4 categories of licence and 5 key sets of licence conditions (the Licence Conditions for Operators of Cemeteries and Crematoria (**Conditions**)). The Scheme commenced on 14 October 2022 and will be implemented progressively to give operators time to transition into the Scheme. By October 2024, all operators will be required to have a licence and be compliant with all applicable conditions.

Cremation only operators are those operators who provide cremations, but not ash interments or burials. All cremation only operators will be required to be licensed and will be subject to Category 2 licence conditions.

This fact sheet summarises the applicable requirements.

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## What will cremation only operators need to do?

All cremation only operators will be required to apply for a licence, the licence to be granted will be a Category 2 licence and the operator must comply with the Conditions attaching to that licence, with the exception of maintenance obligations (Conditions B).

Licence conditions for cremation only operators include:

- Consumer contracts (Conditions A): standard terms and conditions explained clearly so consumers can understand what they are paying for
- Pricing transparency (Conditions C): so that customers know what they are purchasing and can easily compare prices, including the development of a Basic Cremation product
- Customer service (Conditions D): to ensure operators are consistently providing quality service
- Religious, cultural and spiritual principles (Conditions E): ensuring respect for religious and cultural requirements (as they relate to cremation), and for the requirements of Sorry Business for Aboriginal people
- Reporting obligations (Conditions F): operators must keep CCNSW informed of matters affecting the operator and their operations

For more information, Operators should review the Licence Conditions, and may refer to fact sheets available for each licence condition, [available on our website](#).

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## Licence conditions summary - consumer contracts

### A.1 Operators must comply with pre-contract requirements and ensure consumer contracts are transparent and clear

Operators must ensure consumer contracts are transparent, clear and expressed in reasonably plain language likely to be understood by the average customer.

Before a contract is offered, an operator must inform the customer of the least expensive products (Basic Cremation) available, and what is included in the price.

Operators will need to give customers reasonable time and privacy to think about a quote and contract before they sign, and a copy of the contract once signed. The time given to customers to consider a quote or contract may vary, particularly where there are cultural or religious requirements for an urgent burial. In circumstances where a burial is urgent, it may be reasonable for this time to be very short.

### A.2 Operators must not enter into a consumer contract unless it includes certain key details relating to the interment right

These are standard terms and conditions, which all operators (except those with a Category 4 licence) are required to include in their consumer contracts. These seek to ensure that tenure, type and grant of right, fees and charges, and payment terms are adequately captured in the contract.

There must be a summary of the agreement between the customer and operator, including any specific conditions the customer must comply with. There must be a signed declaration from both the Operator (or their authorised agent, such as a funeral director) and the customer, that the terms and conditions have been explained and that there has been sufficient time and privacy to consider the contract. The customer must also declare that they have provided true and correct information.

### A.3 Operators must include certain matters in all Consumer Contracts

Cremation only operators, as Category 2 licence holders, must ensure their consumer contracts include:

- a breakdown of fees and charges in the format specified
- clarification of responsibility for and costs associated with maintenance
- a start date and expiry or termination terms, including notice
- information on the requirement to collect information as required by the *Cemeteries and Crematoria Act 2013*
- information on the rights of customers and operator obligations under the applicable privacy legislation
- information on how to find and access the complaints resolution process as well as information about customer rights under the Australian Consumer Law.

For further information about the Consumer Contract conditions, please see the Consumer Contracts fact sheet.

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## Licence conditions summary – pricing transparency

### C.1 Operators must publish standardised price breakdowns of their basic Cremation product

New pricing disclosure requirements will mean operators must make publicly available the pricing breakdowns of the least expensive cremation only product offered in each of their sites, in a way that is clear and easy to find.

Operators must use the format prescribed by CCNSW to break down the basic prices. The approved [Operator Price Breakdown template for the Basic Cremation](#) is available on our website.

## C.2 Basic price breakdowns need to be provided to customers before contracts are signed

Operators must make customers aware of their Basic Cremation product before customers sign a contract. This will allow customers to understand the price and components of the least expensive option offered by the operator, and how it differs from the package they have chosen to purchase (if different).

For further information about the Pricing Transparency conditions, please see the Pricing Transparency fact sheet.

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## Licence conditions summary – customer service

### D.1 Operators must meet industry-wide customer service standards

Operators must take all reasonable steps to ensure their organisation and staff comply with the Customer Service Principles which have been developed by CCNSW.

A copy of the Customer Service Principles must be made available to all customers.

Operators must have systems and processes in place to support the Customer Service Principles.

CCNSW will be developing a Customer Service Charter that operators may choose to adopt as a way of operationalising the Principles.

### D.3 Operators must ensure proper disclosure of information

Operators are subject to requirements, which include:

- making efforts to ensure customers fully understand all the details of what they are buying, and help customers who do not speak English or have specific communication needs
- being transparent if they recommend another provider that the operator or staff member has a financial or personal relationship with
- making sure customers are aware of their consumer rights and have up-to-date information.

### D.4 Operators must establish a dispute resolution process

The Scheme introduces a process for resolving disputes between operators and customers which:

- ensures complaints are managed respectfully in an appropriate timeframe
- provides information to customers about how complaints will be managed.

Operators must also let people know about what to do if they are not satisfied with how their complaint has been handled, including the ability to refer complaints to CCNSW.

### D.5 Operators must have a complaints register

Operators must establish and maintain a register of all written complaints. The register should contain all relevant details as specified in the licence condition, and records should be kept for 7 years. The register must be provided to CCNSW on request.

For further information about the customer service conditions, please see the Customer Service fact sheet.

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## Licence conditions summary – religious, cultural and spiritual principles

For more information on these licence conditions, see our fact sheet.

### E.1 Religious and cultural principles

1. Operators must inform themselves of the religious and cultural demographics of the region in which they operate, and about the religious and cultural requirements of the communities that they service.
2. Operators must inform themselves of, and record, any religious or cultural requirements in relation to each cremation.
3. In addition to the existing legal obligations of an operator in relation to cultural or religious practices for interments, if an operator receives a request to meet religious or cultural requirements in relation to a cremation, the operator must satisfy the request if it is practicable to do so and doing so aligns with all relevant laws, including work health and safety obligations. This principle does not require the dedication of land or the erection of structures.
4. For services provided to satisfy a request to meet religious requirements under Principle 3 (above), the Operator must set out the basis for any charge incurred to meet these requirements (and this must be reflected in the fees and charges itemised in the consumer contract).
5. Operators must engage with the religious and cultural communities they service, or those seeking to be serviced by the operator, and undertake good faith negotiations to accommodate the identified community needs and to resolve any grievances.

### E.2 Aboriginal cultural and spiritual principles

1. Operators must inform themselves of the Aboriginal communities, including Traditional Owners, in the region in which they operate, and of Aboriginal cultural and spiritual practices and requirements for cremation.
2. Operators must inform themselves of, and record (unless expressly asked not to make a record), any Aboriginal cultural and spiritual requirements in relation to each cremation.
3. In addition to the existing legal obligations of an Operator in relation to cultural or religious practices for interments, if an Operator receives a request to meet Aboriginal cultural or spiritual requirements in relation to a cremation, the operator must satisfy the request if it is practicable to do so and doing so aligns with all relevant laws, including work health and safety obligations. This principle does not require the dedication of land or the erection of structures.
4. For services provided to satisfy a request to meet Aboriginal cultural and spiritual requirements under Principle 3 (above), the Operator must set out the basis for any charge incurred to meet these requirements (and this must be reflected in the fees and charges itemised in the contract).

5. An Operator commonly providing Aboriginal cremations for Aboriginal communities must, in respect of each community:
- a. engage with relevant Aboriginal communities about their cultural and spiritual requirements relating to cremation, and
  - b. undertake good faith negotiations to accommodate the identified community needs and to resolve any grievance.

For further information about the Principles, please see the Religious, Cultural and Spiritual Requirements fact sheet.

## Licence conditions summary – reporting obligations

F.1 Providing updated information to CCNSW Operators must notify CCNSW (the Cemeteries Agency) in writing of any changes to the information they have provided as licence holder. This includes changes in relation to the Sites (cemeteries and/or crematoria operated), contact details, or other substantial changes such as a change in majority shareholder.

Information must be updated within 30 days of the date of the change.

## FAQs

### When will cremation only operators need to be licensed?

All cremation only operators will be considered as part of Group 2 for licensing purposes and will need to apply for a licence before 30 September 2023. CCNSW will assess all cremation only operator applications will between July and September 2023. CCNSW will notify operators when that period commences to remind them to apply and will send a pre-populated application form.

### When do cremation only operators need to meet each licence condition?

Licence conditions will commence in stages to allow operators to become compliant with them. The commencement date of each condition will be noted on the licence.

The stages will be:

Stage	Commencement Date	Conditions
1	1 October 2023	D – Customer Service
2	1 February 2024	A – Contracts (previously 1 October 2023) E – Religious, Cultural and Spiritual Principles

Stage	Commencement Date	Conditions
3	1 July 2024	C – Pricing Transparency

Note that licence conditions will only commence for those operators that hold a licence at that point in time.

### How much does it cost to apply for a licence?

The application fee for a Cemetery Operator Licence is \$800

Where an applicant for a Cemetery Operator Licence performed 49 or fewer interments on average over the last 3 financial years, the prescribed fee is reduced by 50%, to \$400.

Operators that are applying for a Category 4 Caretaker Licence do not need to pay any fee under the Regulation and there is an automatic waiver of the application fee for operators with fewer than 10 interments on average over the previous 3 financial years.

If you believe that, as an Operator, you are unable to afford the required licence fee, you may apply for a waiver or reduction based on financial hardship considerations.

### What if I operate a crematorium and a cemetery/offer ash interments?

Operators who have both a crematorium and a cemetery, or a crematorium that also offers ash interments, are not considered cremation only operators and will be categorised based on their total number of interments, like any other operator.

### What if I am a funeral director who owns a crematorium?

In this case, you would be required to apply for an operator licence and would be categorised as a Category 2 cremation only operator. The licence conditions outlined in this fact sheet would then apply to you.

### How can CCNSW require cremation only operators to become licensed, if they are not offering interments?

The Scheme regulates the provision of “interment services” by the interment industry. The Act provides that the interment industry means, among other things, cemetery operators and that crematoria are cemetery operators. Interment services extends to all services offered by the interment industry, including crematoria. Cremation is an interment service to which the scheme applies, regardless of whether the crematorium also provides the further service of interring ashes.

### What support is available to help operators transition to the new licensing scheme?

CCNSW will provide support through templates, model contracts and charters that can be adopted by operators, together with detailed guidance and explanatory materials on how to comply with the conditions. These materials are available on our website.

### What items need to be included in the price of a Basic Cremation?

If operators offer a cremation only product, they will be expected to provide a breakdown of their Basic Cremation using the price breakdown template.

The Basic Cremation breakdown includes:

- collection and storage fee
- administration fee
- cremation fee
- religious, cultural or spiritual fee
- collection after cremation fee
- additional service fees.