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Aboriginal cultural and spiritual principles

Please note this is a summary of the licence conditions. For more details read the Interment Industry Scheme information Operators of Cemeteries and Crematoria [click here](#)

The Aboriginal cultural and spiritual principles were developed through engagement with key Aboriginal stakeholders, CCNSW's Industry Consultation Group, Aboriginal cemetery operators and a survey distributed to Aboriginal peoples through CCNSW's key stakeholders.

These proposed principles are intended to help cemetery and crematoria operators better meet the needs of Aboriginal people when it comes to burial and cremation. They are written to show recognition of, and value and respect, for Aboriginal peoples, cultures, societies, histories, and connection to Country. This includes recognising the diversity within and between Aboriginal peoples and promoting awareness of the unique significance of (what is commonly referred to as) Sorry Business to Aboriginal people.

It is expected that operators will take reasonable steps to comply with the Aboriginal cultural and spiritual principles. The expected level of compliance will be scaled based on the assigned licence category of an operator.

The principles include:

- 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 burial and cremation.**

This is an important principle for all cemetery operators, but the actions taken to inform themselves may look different for operators of different sizes. For smaller operators, this could simply involve knowing which Aboriginal lands their cemeteries are located on, and which key local bodies represent those lands. They should also familiarise themselves with the guidelines on Aboriginal burial and cremation requirements which will be published by CCNSW. For medium or large operators, a deeper level of information could be sought – for example finding more out about Aboriginal communities in their area through ABS data analysis, engaging with relevant Local Aboriginal Land Councils and Registered Native Title Body Corporates.

- 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 burial or cremation.**

Not every Aboriginal person will have the same requirements for their burial or cremation. Operators are required to ask whether any consumers have Aboriginal cultural or spiritual requirements they would like met in relation to each burial or cremation. This may be through a funeral director or directly with the consumer. Where an Aboriginal consumer doesn't want their requirement to be recorded, this should be respected by the operator.

- 3. Operators must satisfy requests to meet Aboriginal cultural or spiritual requirements in relation to burial or cremation, where the request is practicable and aligns with all relevant laws, including work health and safety obligations.**

This principle makes it clear that operators must meet all Aboriginal culture or spiritual requirements where the request is within the law and complies with work health and safety obligations. While the principle does not include Aboriginal cultural or spiritual requirements which may relate to acquiring a dedicated area of land for Aboriginal peoples or to the erection of structures these requirements should be considered if raised as community needs or grievances in relation to Principle 5.

- 4. For services provided to satisfy a request to meet Aboriginal cultural and spiritual requirements under Principle 3 (above), the Operators 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 as per A.2.3.v).**

This principle means that Operators need to show all charges related to meeting Aboriginal cultural and spiritual requirements and that these charges need to be included in the contract. This principle aims to provide information on the actual costs for Aboriginal requirements relating to the interment, and that the costs be clear and transparent.

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

Where Principle 1 requires operators to have a high-level understanding of local Aboriginal peoples and of Aboriginal requirements in general, Principle 5 requires Operators who commonly provide burials to seek a deeper level of understanding and to engage with local communities about what their specific requirements are. Resolving grievances and accommodating community needs should be done in good faith, which does not mean community requests must always be met or disputes always resolved in favour of the community but sets standards for how operators work with communities.

If requested, the operator must provide the Cemeteries Agency with documents or information outlining steps taken by the operator to comply with Aboriginal Cultural and Spiritual Principles.