

# Licence conditions B – cemetery maintenance

## *Commencing 1 October 2024*

The Interment Industry Scheme (**Scheme**) introduces the Licence Conditions for Operators of Cemeteries and Crematoria (**Conditions**) which include mandatory minimum standards for cemetery maintenance (Conditions B.1–B.6) to ensure accessibility, safety and visitor amenity of cemeteries.

The recent [statutory review of the Cemeteries and Crematoria Act 2013](#) found significant variations in cemetery maintenance standards across NSW due to a lack of specified maintenance standards.

The [Independent Pricing and Regulatory Tribunal Review of the costs and pricing of interment in NSW](#) also recommended implementing minimum maintenance standards. It found that standards would increase consumer choice and assist with developing the future requirements for perpetual maintenance.

As recommended in those reports, the conditions have drawn from CCNSW's existing Voluntary Code of Practice for Cemetery Maintenance and were amended following consultation with industry and consumer and community representatives.

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## Who is required to comply?

Operators will be subject to licence conditions in one of 4 categories. See our fact sheet on [licensing and categorisation on our website](#) for more information. Cemetery maintenance conditions will apply to all Category 1 and 2 operators, with Category 3 and 4 only required to comply with B.1.

Crematorium operators which manage memorial gardens are required to comply with cemetery maintenance standards. Those crematorium operators who do not have any memorial gardens or interment spaces are not required to comply.

B. Cemetery maintenance	Licence condition	Category 1	Category 2	Category 3	Category 4 (caretaker)
	B.1	Yes	Yes	Yes	Yes
	B.2	Yes	Yes	No	No
	B.3	Yes	Yes	No	No
	B.4	Yes	Yes	No	No
	B.5	Yes	Yes	No	No
	B.6	Yes	No	No	No

## Licence conditions summary

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

### B.1 Operators must ensure site maintenance is carried out and public access to the Site is maintained.

This includes ensuring:

- public access during daylight hours
- removal of fallen trees or branches with consideration of risk to public and monumentation
- basic grounds maintenance to allow the cemetery to remain accessible.

Public access is not required if, for reasons beyond the control of the operator, the operator has reasonable grounds to believe it is unsafe to allow access to the Site or part of the Site, for example due to damage caused by adverse weather conditions.

This Condition applies to all 4 categories of licence and all sites. This Condition recognises that accessibility and safety are the core minimum standards and it is the only maintenance condition that will apply to Category 3 and 4 licences. Heritage requirements may also apply to certain sites or parts of sites and may invoke maintenance requirements under the Heritage Act 1977.

Public access to the Site may be limited to access by appointment, if operators advertise this and appointments are available within a reasonable time.

### **B.2 Operators must prepare a document which outlines the operational maintenance needs of their site(s)**

Operators with a Category 1 or 2 licence, must prepare this document, which must include:

- the current status of the site(s), or areas of the site(s), including whether they are active or inactive
- a list of assets which require ongoing maintenance
- how often the assets will be inspected
- a maintenance schedule which includes response times for unplanned maintenance (such as repairs).

In this document operators should outline how they propose to maintain their cemeteries, allowing for flexibility in how different areas are maintained depending on their active/inactive status or other significant land use factors (e.g. use as a natural burial site). If an operator has a combination of active and inactive cemeteries, this enables those cemeteries to be maintained at different standards as appropriate.

For operators with a Category 1 licence the maintenance schedule must be updated annually. For operators with a Category 2 licence the maintenance schedule must be updated every 2 years. The operator must tell CCNSW when it has been updated.

### **B.3 Operators must keep records of their operational maintenance activities**

To support the operational maintenance document in B.2, operators with a Category 1 or 2 licence must keep records of their maintenance activities, including a summary of the activity, when it was undertaken, and any associated costs. Operators must provide a copy of these records to CCNSW if requested.

### B.4 Operators must provide CCNSW with a completed self-assessment checklist

Category 1 licence holders must complete and provide a copy of the self-assessment checklist to CCNSW annually.

Category 2 licence holders must complete and provide a copy of the self-assessment checklist to CCNSW every 2 years.

While it will not be mandatory for operators with Category 3 or 4 licences to complete the checklist, it is recommended as best practice particularly for Category 3. There is no requirement to submit the checklist to CCNSW for Category 3 or 4.

### B.5 Operators must comply with site maintenance standards

Category 1 and 2 operators must take all reasonable steps to comply with site maintenance standards. The site maintenance standards are mapped against 5 key themes and relate to:

- site entry and access
- cemetery grounds
- memorials
- public information.

### B.6 Operators must comply with additional site maintenance standards

Operators with a Category 1 licence must also take all reasonable steps to comply with additional site maintenance standards, mapped against 3 themes:

- environmental management
- built assets and infrastructure (buildings, roads and pathways)
- staff maintenance skills and resources.

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## How will CCNSW support operators?

The existing [self-assessment checklist](#) and [Voluntary Code of Practice for Cemetery Maintenance](#) provide guidance for use in the Scheme. Operators can refer to these now to understand their overall maintenance obligations. The self-assessment checklist is being amended to align with the new standards, with a new version to be available in 2023.

CCNSW will provide further explanatory material on the minimum standards for operational cemetery maintenance, and instructions for completing the self-assessment checklist. If useful,

CCNSW will also prepare a template of an operational maintenance document, which operators may choose to use in order to comply with Condition B.2.

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## FAQs

### What will be the expected difference in maintenance standards between an operator with Category 1 and Category 2 licence?

While minimum maintenance standards between Category 1 and Category 2 are similar, reporting requirements and frequency of reporting will be more flexible for operators with Category 2 licences. This recognises that there is a large difference between a larger Category 1 operator with potentially over 100 interments a year, and a smaller Category 2 operator who may conduct 51 interments a year.

Additionally, Category 2 operators are not required to meet the additional maintenance standards outlined in clause B.6, which are intended for larger operators. However all operators may choose to meet these standards as best practice.

### We have several cemeteries, only a few of which are now active and the rest of which are heritage and/or full. Similarly, we have cemeteries with some sections that are active and some sections that are inactive. Do we need to meet the maintenance standards for all the cemeteries and all the sections within each cemetery?

The level of maintenance required will depend on the level of activity, the visitation rates in each cemetery or section, and any existing contractual arrangements in place. There may be religious and/or cultural requirements for particular sections that will need to be considered as well.

Generally maintenance requirements for inactive cemeteries or inactive sections of cemeteries will be substantially less than for active operational cemeteries and focussed mainly on public safety.

Licences will be issued with facilities listed as either active or inactive, and licence conditions will be applied to active facilities and to inactive facilities. Inactive facilities, unless specific circumstances apply, will only have the basic B1 maintenance condition applied. Operators will also be able to self-identify the status of their cemeteries, or parts of their cemeteries, through their operational maintenance documents (Condition B.2). They will then be able to indicate how they will appropriately manage each cemetery/section so identified. Inactive cemeteries or sections of cemeteries will only need to meet the basic B.1 requirement to remain accessible and safe.

This will be outlined in explanatory material to be provided by CCNSW.

### Do our maintenance standards only apply to the public areas, or the private/back of house areas too?

The minimum maintenance standards are intended to cover those areas of a cemetery that are publicly accessible. Back of house areas which are not publicly accessible, such as maintenance depots, are not the subject of these conditions. Any areas which are not publicly accessible should be identified in the cemetery operator's maintenance documents as required by Condition B.2 of the licence. Nothing in the Conditions, including the maintenance standards, affects operator's obligations under any applicable law or regulation, including for example Work Health and Safety laws.

### Does this mean that all cemeteries must now be maintained to the same standards?

No. In addition to the difference in requirements by category, CCNSW is aware that cemetery maintenance is impacted by many factors including a cemetery's age, access, heritage and geography. Operators should think about these features when determining the appropriate level of maintenance for a site. For example, a cemetery located in an arid area would not be expected to have the type of lawn maintenance that another cemetery might have. These are the things that an operator can consider in their operational maintenance documentation (B.2) when determining how the standards apply to their cemeteries/parts of cemeteries.

### What does 'all reasonable steps' mean in relation to maintenance standards?

As indicated above, CCNSW will take into account the circumstances of individual operators and their cemeteries in considering what reasonable steps would be, and when assessing any complaints. This will be assisted by the operational maintenance documentation prepared by each Category 1 and 2 operator. Extreme weather events and adverse environmental circumstances will also be taken into account (eg floods).