

Interment Industry Scheme – monitoring compliance

The Interment Industry Scheme (**Scheme**) introduces a licensing framework which requires operators to hold a licence to perform interment services (burials, cremations, ash interments and caretaker services). There are 4 categories of licence. The category of licence determines the conditions, outlined in Licence Conditions for Operators of Cemeteries and Crematoria (**Conditions**), that apply to an operator and with which it must comply to operate in NSW. The Conditions will be reviewed periodically by the CCNSW Board and will be updated, amended or added to as determined by the Board.

How CCNSW regulates – our regulatory framework

Customers and families are best served when cemetery and crematoria operators act in compliance with the law, rectify any compliance breaches quickly and voluntarily, and where customers are able to make fully informed and accurate choices about interment.

CCNSW is committed to supporting the industry to achieve compliance, using a 5 part regulatory approach to monitoring compliance, as outlined in our [Regulatory Framework](#).

CCNSW has a range of powers under the *Cemeteries and Crematoria Act 2013* (the Act) and various tools that it can use to support and enforce compliance.

CCNSW is committed to working with cemetery and crematorium operators across the sector, peak industry associations and other government agencies to support operators to achieve and maintain compliance with the Scheme.

How CCNSW will monitor compliance with licence conditions

CCNSW is currently finalising our compliance plans and policies. The Regulatory Framework envisages operators will be partially self-regulating, with monitoring and compliance carried out by CCNSW on a targeted risk basis through a sampling process. We will monitor compliance largely by reviewing documents submitted to us by operators, with selective audits in relation to particular conditions of a sample of operators each year and site visits where necessary.

Operators will be expected to meet the key requirements of the Scheme on their own initiative. For example, operators will need to ensure their customer service policies and processes align with the requirements. The self-assessment checklist for meeting minimum maintenance standards will also be completed by operators. CCNSW will provide support for operators to comply.

The focus of compliance audits each year will be determined by CCNSW, including from sources such as complaints and/or any investigations carried out in the previous 12 months.

During the initial 2 year transition period, CCNSW will investigate complaints and breaches of the Act and monitor implementation of the conditions.

Timeframes for commencement of compliance monitoring

The Scheme will be implemented progressively to give operators time to transition into and become compliant with the Scheme. Licence conditions will commence in stages from October 2023– July 2024. During this transition phase, CCNSW will investigate complaints and breaches of the Act and monitor implementation of the conditions. Consistent with our regulatory framework, CCNSW will work with operators in an effort to resolve any compliance issues prior to any enforcement action. By October 2024 all operators will be required to have a licence and be compliant in all Conditions attaching to their licence. From 1 October 2024 (the end of the transition period) CCNSW will commence full compliance activities.

CCNSW will publish explanatory material, templates and other resources to help operators meet licensing requirements. In addition, we will provide information and advice to operators to assist with implementation.

Support material will be published well in advance of each of the expected compliance deadlines.

Please read the Implementation and transition fact sheet [on our website](#) for more information and key dates.

FAQs

Funeral directors often deal directly with customers. How will CCNSW monitor they are complying with the requirements?

The responsibility for compliance with these conditions is borne by the operator, not funeral directors. If a funeral director is acting as an agent of an operator and is found to be failing to explain the terms and conditions, or sign the necessary declarations in a consumer contract, CCNSW will assist the operator to remedy these compliance issues. As the operator is responsible for compliance with the Conditions, if their agent is not acting in compliance, the operator will need to consider revoking the agent's authorisation and attending to these matters personally or appointing another agent.

CCNSW is working with NSW Fair Trading and representatives from the funeral director industry to ensure funeral directors have access to information on the operation of the Scheme and the requirements relating to consumer contracts.

How can we find out more detail about how CCNSW will approach compliance and enforcement?

Compliance and enforcement will be in line with the CCNSW Regulatory Framework. To provide more detail, CCNSW will be publishing a Statement of Compliance Intent in early 2023 which will give more information about the proposed approach.