

# Cemetery Operator Licence: Review of Decisions Policy

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Policy for operators who wish to request an internal or external review of a licensing decision.

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## Application of this policy

The Cemeteries & Crematoria NSW ('CCNSW') operator licensing system aims to ensure that there is an appropriate level of regulation and compliance based on the volume of interments being undertaken by a NSW cemetery and/or crematoria operator ('Operator').

CCNSW's licence assessment process determines which category of licence an Operator will be assigned, ranging from 1 to 4, based on the following:

- Category 1: 100 or greater interments annually (averaged from the previous 3 years' activity data)
- Category 2: 50 or more interments, but no more than 99 interments **or** crematoria only operators
- Category 3: Less than 50 interments
- Category 4: No intended future interments or 'Caretaker' status

The category will be determined based on information provided by the Operator on the Operator Licence Application Form ('Application Form') when applying for a licence and will be reviewed at least every five years in alignment with the licensing renewal period.

## Requesting a review of a licensing decision

If you do not agree with a licensing decision made by CCNSW, you may choose to request a review of this outcome. The mechanisms available to an Operator are:

1. Internal review: CCNSW will review the decision internally
2. External review: NSW Civil & Administrative Tribunal ('NCAT') will review the decision externally

You must seek an internal review in the first instance.

## Circumstances for a review

You may choose to apply for a review in various circumstances, as listed in Clauses 4P and 4Q of Part 2A of the Regulation. These circumstances include but are not limited to:

- Refusal of your application
- Suspension or cancellation of your licence

- Refusal of your application to vary your licence
- The imposition of a condition on a licence, or on a suspension or cancellation of your licence – this could include the standard conditions imposed on a licence by way of its categorisation by CCNSW, or addition of a specific licence condition on your licence
- Variation of your licence
- Refusal of an application to cancel or suspend your licence.

## Internal review by CCNSW

You may request that a decision made by CCNSW be reviewed internally by CCNSW.

This request must be submitted to CCNSW within 28 days of being notified of the relevant decision by CCNSW.

Any application for the internal review must:

1. be in writing addressed to CCNSW
2. include an address in Australia to which CCNSW can send notice of the result of the review
3. state the grounds on which the application is being made
4. include the evidence supporting the request
5. be accompanied by the prescribed fee of \$100.

The internal reviewer will review all information and determine if the correct decision has been made in relation to your circumstances. The review will be undertaken by a different CCNSW staff member who is more senior than the person that undertook the initial review and assessment. The review will only consider the matters raised in the application for internal review, unless the review decision requires that other decisions, not identified in the application, also require review. CCNSW has a targeted outcome timeframe of 21 days from receipt of the prescribed fee for the internal review application.

During the review process CCNSW may request further information to make an assessment. A request for information may be subject to a stop clock with a deadline. If the information is not received before this deadline, the clock will resume, and the assessment will continue with the evidence already in hand.

As a result of this internal review, CCNSW may choose to retain the original decision or may change the outcome. In the event of an altered decision, amended documentation will be supplied to you. You will be notified formally and the reasons for the decision will be provided.

Once an internal review has been completed, you will not be entitled to a further internal review of the same decision, however you may apply for an external review (see below).

## Fee waiver

A waiver of part or all of the fee for internal review can be applied for in certain circumstances. These include:

- Demonstrated financial hardship (shown through providing annual accounts or financial statements)
- Cemeteries who conduct less than 10 interments per year, and/or operate on a not-for-profit basis.

## External review by the NSW Civil and Administrative Tribunal (NCAT)

If you are not satisfied by the outcome of an internal review conducted by CCNSW, you have the option to seek further review from NCAT under Clause 4Q of the Regulation.

The process for applying for an NCAT review is located [here](#). You need to lodge your application to NCAT **within 28 days** from when you are notified of the internal review decision.

Fee information for NCAT is available [here](#) – for guidance, at the time of printing this guide the standard application fee for administrative review is \$110. These fees are subject to change at the sole discretion of NCAT.

## More information

Further information can be obtained from:

Cemeteries & Crematoria NSW, 4 Parramatta Square, Parramatta, NSW, 2124

**Mail address:** Locked Bag 5022, Parramatta, NSW 2124

General enquiries email: [ccnsw.info@cemeteries.nsw.gov.au](mailto:ccnsw.info@cemeteries.nsw.gov.au)

Licensing enquiries email: [ccnsw.licensing@cemeteries.nsw.gov.au](mailto:ccnsw.licensing@cemeteries.nsw.gov.au)

## Version Control

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