

What is the difference between a funeral director and a cemetery operator?

In NSW, funeral directors are regulated by Fair Trading NSW and cemetery and crematorium operators are regulated by Cemeteries & Crematoria NSW (CCNSW)

What does Cemeteries & Crematoria NSW do?

Cemeteries & Crematoria NSW (CCNSW) is a NSW Government agency which:

- supports and regulates the interment industry (cemeteries and crematoria) in NSW,
- provides information on burial and cremation options to the public.

As the regulator of the interment industry in NSW, CCNSW's powers include monitoring, compliance, and enforcement in relation to operators of cemeteries and crematoria across the state.

Interment describes the placement of human remains in the earth or in a mausoleum, crypt, vault, niche wall or other structure designed for the placement of human remains.

The NSW Government has introduced the Interment Industry Scheme as part of the Cemeteries and Crematoria Regulation 2022 to make sure people in NSW have access to clearly defined, respectful and affordable burial and cremation (interment) services. The proposed Scheme includes licence conditions in relation to clear contracts with consumers, customer service, cemetery maintenance, pricing transparency, religious and cultural requirements, and Aboriginal cultural and spiritual requirements.

Under the Interment Industry Scheme, all cemetery and crematorium operators in NSW will be required to hold a licence by 1 October 2024. Funeral directors are not required to be registered or licenced in NSW, but they are required by NSW Fair Trading to publish information about their prices, goods and services in a specific, clear and simple way. Both cemetery and crematorium operators and funeral directors also need to comply with a range of public health requirements under the Public Health Regulation 2022.

The roles of a funeral director and a cemetery or crematorium operator

When a loved one passes away, two types of providers are usually involved in ensuring they are laid to rest with dignity and respect, in accordance with their religious, cultural, and spiritual beliefs. Namely, funeral directors and cemetery or crematorium operators.

Funeral Directors

Family members may engage a funeral director at the time of a person’s passing to help organise a funeral or memorial service. The funeral director:

- advises on and arranges all aspects of a funeral service, including organising a cremation or burial,
- is required to prominently display an itemised price list on their website and at their place of business.

Cemetery and Crematorium operators

Cemetery and crematorium operators are involved in the sale of an interment right - either a burial site, or a location to place ashes in the cemetery. This can be done both before (pre-need) or after (at need) the person’s death.

There is no legal requirement for:

- ashes to be interred in a cemetery,
- families to have a funeral/memorial service.

Note if the decision is made to not hold a funeral there are still requirements relating to the care, storage, transportation, and burial or cremation of the deceased which must be complied with. See Part 8 of the Public Health Regulations 2022 -

<https://legacy.legislation.nsw.gov.au/~pdf/view/regulation/2022/502/whole>.

Funeral directors can assist by providing these services even if a funeral service is not going to be held.

Roles and responsibilities

Funeral director	Cemetery or crematorium operator
Transporting and caring for the deceased	Managing the cemetery or crematoria, including maintenance of the grounds and gardens
Mortuary care, preparation, dressing of the deceased, placement in a coffin (or shroud)	Selecting the most appropriate interment site or location within a cemetery
Registering a death with Registrar of Births, Deaths and Marriages	Granting of interment rights (purchase of an appropriate space for burial or for ashes to be placed)
Obtaining legal documents such as death certificate, medical cause of death certificate and application for cremation (if applicable)	Establishing memorials related to an interment right

Funeral director	Cemetery or crematorium operator
Placing of any notices in newspapers	Dig and fill the grave or place ashes in their interment site
Organising a venue for a funeral service	Holding services in their chapels/function spaces
Organising personalised options for the service (viewing, organising a coffin or shroud, order of service, flowers, music)	Keeping a register of all burials and cremations in that cemetery or crematorium
Either performing the funeral service or organising a religious leader, celebrant, or other person to perform the funeral service	Providing that activity reporting annually to CCNSW

What to do if you have a problem that cannot be resolved by the cemetery or crematorium operator?

Please contact CCNSW and submit an enquiry or complaint via the following options:

- Online at <https://www.cemeteries.nsw.gov.au/complaints-and-enquiries>
- By emailing ccnsw.info@cemeteries.nsw.gov.au
- Or by calling 02 9842 8470

If the problem relates to the services of a funeral director, please contact NSW Fair Trading on 13 32 20 or via their online complaints system at <https://www.fairtrading.nsw.gov.au/help-centre/online-tools/make-a-complaint>.

There is a fact sheet available on our website with further information about how to make a complaint.

Contact details

Further information can be obtained from Cemeteries & Crematoria NSW, 4 Parramatta Square, Parramatta, NSW, 2124

Mail address: Locked Bag 5022, Parramatta, NSW 2124

Email: ccnsw.info@cemeteries.nsw.gov.au

Phone: 02 9842 8470