

# Summary of Changes to Licence Conditions - October 2023

Condition	Amendment required	Rationale
Glossary	Replacement of word 'package' with word 'service' in definitions of Basic Adult Burial, Basic Ash Interment and Basic Cremation.	Responds to feedback that a basic product is not a package.
	Inclusion of Price Breakdown Template	Required as C.1 amended to clarify that the approved format is known as the Price Breakdown Template.
A.1	<p>Addition of (as relevant) to clarify that the operator must provide the customer with information about the relevant basic interment service.</p> <p>Amendment of 'the price and inclusions of that package' to read 'the price breakdown for that interment service'</p>	Again removing the word package for consistency, and clarifying that it is the price breakdown of the relevant basic interment service that must be provided to a customer with their contract.
A.3.1	<p>Simplification of condition by linking the breakdown of fees and charges in the contract to the breakdown of fees and charges in the Price Breakdown Template.</p> <p><i>New wording - From 1 July 2024 (the Effective Date of Conditions C) these fees and charges must be broken down in accordance with the approved format for Licence Condition C.1 (the Price Breakdown Template for the relevant service). Where additional goods or services are included in the contract (beyond those provided in the Price Breakdown Template), they should be clearly itemised.</i></p>	Breakdown of fees and charges in the contract conditions (Conditions A) is intended to mirror the breakdown of fees and charges in the Price Breakdown Template (Conditions C.1). This change more clearly links the two elements.
C.1	<p>Clarification that the approved format for publishing price breakdowns is the Price Breakdown Template</p> <p>Simplifying the explanation of which price breakdowns must be provided by each operator.</p> <p><i>New wording - The information must be provided in the approved format for the relevant service (referred to as the Price Breakdown Template) and made available at each place of business of the Operator or in another manner approved in writing by the Cemeteries Agency. The approved format can be found on the Cemeteries Agency's website.</i></p> <p><i>Operators must provide a price breakdown for each type of interment service offered :</i></p> <ul style="list-style-type: none"> <li>- <i>If burial is offered, publish a price for a Basic Adult Burial</i></li> </ul>	<p>Provides clarification to operators that the approved format for publishing prices as required by C.1 is the Price Breakdown Template. This is a mandatory format for each basic interment service.</p> <p>Clarifies which price breakdowns operators need to provide.</p>

<p>- If ash interment is offered, publish a price for a Basic Ash Interment</p> <p>If cremation is offered, publish a price for a Basic Cremation.</p>	
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-	Replacement of reference to licensing and categorisation fact sheet with reference to Cemetery Operator Licence – Categorisation Policy.	Policy has been drafted to clarify licence categorisation approach.
A.2.3	Move all conditions (except first sentence of A.2.3) re breaking down fees and charges to become a new A.3.1. This enables removal of the requirement for Category 3 operators to break down their fees and charges in line with the Price Breakdown Template.	Category 3 are exempt from pricing transparency requirements (Conditions C) but still needed to break down their prices for individual products here. This removes the inconsistency.
B.1	<p>Include ‘with consideration of risk to public and monumentation’ as part of the considerations for how quickly a fallen tree or branch should be removed.</p> <p>Replace the term “basic landscaping servicing” with “basic grounds maintenance”</p>	<p>This clarifies that consideration of what is practicable for removing a safety hazard should also take into consideration the risk that is presented to public and/or to monuments.</p> <p>The term ‘basic landscaping’ was found to be confusing and open to misinterpretation during Consultation with industry – ‘landscaping’ could mean installing new planting, rather than maintaining existing planting/grounds.</p>
B.5.1.e	Replace “high foot traffic areas” with “high visitation areas”	Improved clarity as recommended by industry consultation.
B.5.1.f	Delete ‘Public access must be available during daylight hours’	Duplicates same requirement in B.1
B.5.1.g	Delete clause re accessibility requirements.	<p>Board has previously agreed that existing areas are not required to meet this standard - this would not be feasible. Any new works would be required to abide by accessibility requirements as part of the development application process, therefore this requirement is superfluous.</p> <p>The Guide to Maintenance Conditions will provide further information on how operators can find out the existing accessibility requirements that apply to their sites.</p>
B5.2.a. and B5.2.b	Delete	These clauses duplicate B.1 requirements
B.5.3.b	Clarify that ‘regularly assessed’ means at least once in every 5 year period as per B2	Clarifying that this what we mean by ‘regular’.
B.5.4.a	Delete:	Requirement is unnecessary.

	Where a local council is the Operator, maintenance must be included as part of the Integrated Planning and Reporting Framework prepared by a Local Council under Chapter 13, Part 2 of the Local Government Act 1993	The requirement was included as a way of letting Councils know they could use existing reporting measures but should not have been a mandatory requirement. In addition, there are already strict requirements around what is included or not within Council resourcing strategies and assets are already included.
<b>B.5.5.a</b>	Add 'sites' to the requirement – a. For Sites, memorials or structures which are listed on the State Heritage Register, establish, and update as required, a conservation management plan for those Sites, memorials or structures or adopt nationally accepted guidelines (e.g., Burra Charter) as applicable.	Missed out including sites - A whole site may be heritage listed e.g., Waverley Cemetery.
<b>B.6.1.a</b>	Add reference to alternative tree safety assessments, and to alternative qualified professionals.  Clarify how often report must be repeated (as recommended in each report, but not less than once every 5 years),	Add to guidance: The outcome sought here is safety, so whatever the test, it should ensure that trees in poor health that drop branches are appropriately addressed.  Reworded for clarity.
<b>B.6.4</b>	Remove this section.  Move B.6.4.a (where reasonable, ensure religious or cultural requirements for maintenance are adhered to) up to become part of B.5.2 – required of all cemetery operators not just Category 1.  Delete B.6.4.b	B.6.4.a should apply in all cemeteries, where reasonable  B.6.4.b duplicates requirements under B.3
<b>C.1</b>	Separate this requirement in C1.1 into a standalone Condition C.2: <i>In addition to publishing the breakdown prices for Basic Adult Burial, Basic Ash Interment; or Basic Cremation as set out above, an Operator must publish prices for all of their available services on their website (or at their place of business if they do not maintain a website).</i>  Renumber the former C.2 as C.3.	Because the requirement to publish prices is broader than the requirement to breakdown basic services, the two have been separated out for clarity.
<b>D.1</b>	Removal of 'A copy of these Customer Service Principles must be made available to all Customers, including those who approach as a prospective Customer.'  Replacement with 'Operators must promote the importance of Customer Service to their organisation, including by making any customer service related charters or policies (incorporating these Customer Service Principles) available to all Customers and prospective Customers.'	The 4 Customer Service Principles alone are not sufficient to demonstrate that an organisation values customer service.  The Principles should be incorporated into other charters or policies which should be made available.
<b>D.4</b>	Delete D4 – Operator to promote high standards for customer service	This condition was for Category 1 operators and intended to give them a higher standard in terms of promoting customer service. This

	<i>Note consequential numbering changes which will need to be made in multiple locations – D.5 now becomes D.4, and D.6 now becomes D.5.</i>	is no longer considered a high priority, and D.4.2 has been moved into D.2 to require training there.
<b>D.5 (becomes D.4)</b>	<p>Amend D.4.1 to include ‘disputes and any resulting complaints’</p> <p>Add where practicable to the 7 day (D.4.2) and 30 day (D.4.3) timeframes</p> <p>Delete the phrase at the end of D.4.4 and replace with Publish information (in the Operator’s place of business and on the Operator’s website if they maintain a website) about the following: Delete the final sentence of D.4 and replace with ‘If requested, evidence of the Operator’s systems and processes that are in place to support the dispute resolution process must be provided to the Cemeteries Agency.</p>	<p>D.5 (now D.4) referred to dispute resolution but the specific conditions related to complaints. These changes are intended to clarify the relationship between the two.</p> <p>The timeframes are changed to ‘where practicable’ to recognise that these things may take longer for smaller operators. Larger operators would be expected to meet the timeframes.</p> <p>Gives an operator more flexibility, rather than need to provide a ‘dispute resolution process document’. Aligns with wording in D.1.</p>
<b>Licence Certificate (not conditions themselves)</b>	<p>Amending approach to listing facilities on the licence certificate so that the certificate itself specifies which facilities are active or inactive. Certificate to read:</p> <p><b>Licence L0001 – Licence Conditions</b> The licenced operator has been determined by CCNSW to be a Category (1,2,3,4) operator and therefore must abide by the conditions set out below on in relation to each of their active facilities listed in the table on the front page: and from the respective commencement dates: A1 A2 A3 etc</p> <p>In relation to any inactive facilities specified in this licence, only the conditions relevant to inactive cemeteries apply which are: B1</p>	This will allow licence conditions to be applied specifically to active cemeteries, with the exception of B1 which will apply to all cemeteries.

# Summary of changes to licence conditions – June 2023

Condition	Amendment made	Rationale
-	Clarification of commencement dates for each set of conditions	To clarify that the Board has approved each set of conditions commencing on a different date.
<b>General/ Introduction</b>	Add requirement to comply with all relevant laws	For clarity and completeness
<b>Glossary</b>	Change to definition of Basic Cremation	Definition needed to be corrected to align with the pricing template - updated following ICG feedback
<b>Glossary</b>	Clarify in definition of 'site' that this is also referred to as a 'facility' by CCNSW.	To avoid confusion where operators are more familiar with the term 'facility'.
-	Clarification that the category will be determined as per the licensing and categorisation fact sheet	Licence conditions were previously silent as to how the category was determined.
<b>A</b>	Delaying commencement of Licence Conditions A (Consumer Contracts) from 1 October 2023 to 1 February 2024	Allowing additional time between release of model contract and commencement of conditions
<b>A.1</b>	Addition of compliance requirement – unlike the other conditions, Conditions A don't say <i>'if requested, you must provide X to the Cemeteries Agency'</i>	Gap in previous version
<b>A.1</b>	<p>Movement of a clause from A.2 to A.1</p> <ul style="list-style-type: none"> <li>- That a contract needs to specify which Site it is for</li> </ul> <p>Addition of (in the circumstances) to the reasonable time and privacy requirement</p>	<p>This clause is about contracts in general, rather than specific terms and conditions, so aligns better with A.1.</p> <p>Many operators have flagged that it is not always feasible to give a long period of time</p>

Condition	Amendment made	Rationale
A.2.1	<p>Removal of A.2.1.b requiring any specific conditions to be listed in the Agreement Statement</p> <p>Amendment of A.2.1.a to read ‘A summary of the agreement between the Customer and Operator including any special conditions’</p>	Simplifies the existing terms which created complexity in the model contract, focus of ICG feedback.
A.2.3.a	<p>Amendment of A.2.3.a re fees and charges to defer commencement of full breakdown of fees and charges to 1 July 2024</p> <p>Suggested wording:</p> <p><i>The Consumer Contract must provide all relevant details regarding fees and charges. From 1 July 2024, when Conditions C commence, these fees and charges must be broken down in an itemised list:</i></p> <p><i>(existing list)</i></p> <p>Addition of second list of fees and charges required to be itemised for Basic Cremation.</p>	<p>Pricing transparency conditions commence in 1 July 2024 to give operators time to understand and break down their prices – the fees and charges element of the contract requires the same breakdown, which operators may not be able to do until they have adopted the pricing transparency approach.</p> <p>Basic Cremation requires a different itemised list in line with the different approved template.</p>
A.3.	Correction of numbering	Error
B.1	Add reference to heritage requirements and that they exist independently of Conditions B – particularly for inactive cemeteries	<p>Responding to complaint that conditions ignore heritage law</p> <p>Previous wording of conditions was potentially confusing because B.5.5 re heritage values doesn’t apply to Cat 3 or 4 – but they could still have heritage responsibilities.</p>
B.1	Amendment of first sentence – the Operator must ensure that Site maintenance <i>is carried out</i> and public access to the Site is maintained	Correction of first line to match heading

Condition	Amendment made	Rationale
<b>B.5.3.b</b>	Additional phrase to be added: Memorials must be regularly assessed to determine the need for safety maintenance <i>'and proportionate action taken to rectify any risks identified'</i>	Currently the clause says you need to assess but not take any action.
<b>C1</b>	Add requirement to publish <u>all</u> prices not just basic prices	This was envisaged as the case but it was not a listed condition. Will increase pricing transparency. All prices to be listed, only basic prices to be broken down as per the templates.
<b>D.1</b>	Removal of principle 2 regarding discrimination as a principle, and adding it as a separate note  Addition of 'or any applicable Commonwealth discrimination legislation' to former principle 2	Including reasonable steps contradicts the absolute requirement to comply with anti-discrimination legislation.  Future proofing
<b>D.2</b>	Addition of 'as far as reasonably practicable' regarding training  Deletion of D.2.1.a (the requirement to exercise honesty and integrity)  Deletion of D.2.1.e (the requirement to apply best practice)	Recognises that training is not always widely available for cemetery services  This duplicates Customer Service Principle 4  Best practice was not defined
<b>D.2.1.c</b>	Amend from 'respectful of cultural and faith' to 'respectful of culture and faith'	Typographical error
<b>D.2.1.c</b>	Move final sentence – 'if requested a copy of the Operators systems and processes in place to support the customer service principles must be provided to the Cemeteries Agency' to D.1.  Change 'a copy of' to 'evidence of' to allow for verbal evidence.	Should apply to all categories not just Category 1 – moving it amends application to all categories.  The condition does not require a written document only 'systems and processes', so changing to 'evidence' rather than 'a copy' is more accurate.
<b>D.3.3</b>	Amendment to remove reference to 'a responsible approach'	Plain English

Condition	Amendment made	Rationale
D.3.5	Insertion of 'made' – Customers are 'made aware'	Operators cannot control whether customers are aware, can only take actions which may make them aware
D.3.6	Deletion of D.3.6 requiring operators to educate the public about the industry	Not appropriate to require all operators to do this – some may not have the capacity – also could be interpreted as operators needing to tell their customers about options provided by their competitors.
D.5.4.c	Replace word 'licence holder' with word 'Operator'	Consistency of language
D.5.4	Amendment of e. to say they can 'make complaints directly' rather than 'refer' complaints  Inclusion of f. to require operators to display information about the role of CCNSW.	Plain English  Important to raise awareness of the role of CCNSW. Will only be required if CCNSW makes material available eg a poster or leaflet.
D.6	Removal of word 'written' regarding complaints  Removal of word 'written' from written complaints register requirement.	Complaints may not always be received in written format, some may be made face to face or on the phone.
E.1.4	Add cultural requirements to Principle 4	Was excluded in an earlier version of the principles – now appears inconsistent