

Interment Industry Scheme – implementation and transition

The Interment Industry Scheme (Scheme) is a licensing framework for cemetery and crematorium operators. There are 4 categories of licence and 5 key sets of licence conditions (the Licence Conditions for Operators of Cemeteries and Crematoria (Conditions)). The Scheme commenced on 14 October 2022 and will be implemented progressively to give operators time to transition into the Scheme. By October 2024, all operators will be required to have a licence and be compliant with all Conditions applicable to their category of licence.

When will operators need to apply for a licence?

The timeframe for applying for a licence will be based on the number of interments an operator conducted in the 2021/22 financial year, dividing operators into 5 groups.

The table below shows operator groups and the date by which operators in each group must apply for a licence.

Operators may apply for a licence at any time prior to the due date for their operator group. However, to deal with the volume of applications that CCNSW will be required to assess, CCNSW will only assess and determine an application within the 3 month period prior to the application deadline for that group. CCNSW will not require or accept any licence applications prior to 1 July 2023.

Group	Number of interments in the 2021-22 financial year	Regulatory deadline for licences	CCNSW licence assessment window
1	≥200 interments Cremation only operators	30 September 2023	1 July 2023 to 30 September 2023
2	50-199	31 December 2023	1 October 2023 to 31 December 2023
3	5-49	31 March 2024	1 January 2024 to 31 March 2024
4	1-4	30 June 2024	1 April 2024 to 30 June 2024

Group	Number of interments in the 2021-22 financial year	Regulatory deadline for licences	CCNSW licence assessment window
5	0	30 September 2024	1 July 2024 to 30 September 2024

The number of interments per year which determine licence application periods is different to the number used in determining licence categories (see Fact sheet on licensing and categorisation available [on our website](#)). An operator will apply for either a Cemetery Operator Licence, or a Cemetery Operator (Caretaker) licence, known as Category 4. If they apply for an operator licence, they will be assigned to one of 3 categories (Categories 1 to 3 below).

Please note that both Category 3 and Category 4 operators who have had 0 interments in the 2021-22 financial year will fall in Group 5 (above).

Number of interments (average over last 3 years)	Indicative licence category
>100	Category 1
50-99 interments and crematoria operators	Category 2
<50 interments including 0 interments if there is an intention to continue to inter	Category 3
0 interments and no future interments	Category 4 (Caretaker licence)

When will operators need to become compliant with the new licence conditions?

The licence conditions will also commence in stages to allow operators time to become compliant with them.

The licence conditions are:

- A. Consumer contracts
- B. Cemetery maintenance
- C. Pricing transparency
- D. Customer service
- E. Religious, cultural and spiritual principles
- F. Reporting obligations
- G. Prohibition of interment services (for caretaker operators only)

For more details on each licence condition [visit our website](#).

The stages will be:

Stage	Commencement Date	Conditions
1	<i>When a licence is issued</i>	F – Information disclosure
2	1 October 2023	D – Customer Service
3	1 February 2024	E – Religious, Cultural and Spiritual Principles
4	1 July 2024	A – Contracts B – Maintenance C – Pricing Transparency

(Note: Condition G will be applied to caretaker licences only and will commence from the date of grant of the licence)

Due to the staggered licence application periods, some operators may be expected to be compliant with a licence condition as soon as they are licensed. Others may receive a licence with conditions that commence on a particular future date.

All licence conditions will have commenced by 1 July 2024. Only those operators with 0-4 interments that are not required to apply for a licence until July-September 2024 will not need to comply until their application is processed and a licence issued.

Below is a table outlining when each Group of operators is expected to be compliant with each licence condition.

To determine when you will be required to apply for a licence, look at the first column and find the number of interments your organisation performed in the financial year prior to applying for a licence. You can then move across the columns to see when you will need to comply with each set of licence conditions.

Alternatively, for a visual representation of this by licence application group, please visit [the implementation page of our website](#).

Number of interments in the 2021-22 financial year.	Licence application assessment period	Compliant with licence conditions D (Customer Service) and F (Information disclosure)	Compliant with licence condition E (Religious, Cultural and Spiritual Principles)	Compliant with licence conditions A (Contracts) B (Maintenance) and C (Pricing Transparency)	Full compliance
≥200 Cremation only operators (Group 1)	1 July 2023 to 30 September 2023 (deadline for applications)	1 October 2023	1 February 2024	1 July 2024	1 October 2024
50-199 (Group 2)	1 October 2023 to 31 December 2023 (deadline for applications)	When licence is granted	1 February 2024	1 July 2024	1 October 2024
5-49 (Group 3)	1 January 2024 to 31 March 2024 (deadline for applications)	When licence is granted	When licence is granted or 1 February 2024, whichever is sooner	1 July 2024	1 October 2024
1-4 (Group 4)	1 April 2024 to 30 June 2024 (deadline for applications)	When licence is granted	When licence is granted	When licence is granted	1 October 2024
0 – Category 3 (Group 5)	1 July 2024 to 30 September 2024 (deadline for applications)	When licence is granted	When licence is granted	When licence is granted for B (cemetery maintenance) N/A for C (pricing transparency)	1 October 2024

Number of interments in the 2021-22 financial year.	Licence application assessment period	Compliant with licence conditions D (Customer Service) and F (Information disclosure)	Compliant with licence condition E (Religious, Cultural and Spiritual Principles)	Compliant with licence conditions A (Contracts) B (Maintenance) and C (Pricing Transparency)	Full compliance
0 – Category 4* (Group 5)	1 July 2024 to 30 September 2024 (deadline for applications)	N/A	N/A	When licence is granted for B (cemetery maintenance) N/A for C (pricing transparency)	1 October 2024

*Operators who have performed 0 burials in the last year may apply for either an operator licence or caretaker licence depending on the intended future interments to be conducted by the operator. Caretaker (category 4) operators only need to comply with licence conditions B.1 and G.

Relevant FAQs

Who will need to be licensed? Who does the Scheme apply to?

The Scheme applies to operators of cemeteries and crematoria, and all operators must be licensed to continue to operate. This includes operators of inactive cemeteries.

The Scheme does not apply to funeral directors or celebrants unless they are acting as agents of cemetery operators, or if they are funeral directors who also operate a cemetery and/or crematoria.

How will I know when to apply for a licence?

CCNSW will notify operators when they are required to apply for a licence, and which licence application group they are in. CCNSW will also contact each operator one month before each group starts, with a pre-populated application form and details of how to pay the licensing fee. For example, we will contact all operators who are likely to fall in Group 1, being those who conduct more than 200 interments per year, and all crematoria operators, on 1 June 2023 prior to the commencement of licensing in July 2023.

Licensing application forms and policies are available [on our website](#).

How much does it cost to apply for a licence?

The application fee for a Cemetery Operator Licence is \$800

Where an applicant for a Cemetery Operator Licence performed 49 or fewer interments on average over the last 3 financial years, the prescribed fee is reduced by 50%, to \$400.

Operators that are applying for a Category 4 Caretaker Licence do not need to pay any fee under the Regulation and there is an automatic waiver of the application fee for operators with fewer than 10 interments on average over the previous 3 financial years.

If you believe that, as an Operator, you are unable to afford the required licence fee, you may apply for a waiver or reduction based on financial hardship considerations.

How do I apply for a licence? Do I need to sign up to any online platforms?

To apply for an operator licence, the relevant person or entity will need to complete the licence application form that is sent to them prior to the commencement of their licence application period. Information will be requested about the operator, the cemeteries and/or crematoria that are operated, and the information required to make a category assessment. Licence applications must be returned to CCNSW via email, to ccnsw.licensing@cemeteries.nsw.gov.au.

How long will the licence application process take?

Once submitted to us, CCNSW will assess the application. Operators can continue to operate until we notify them of the outcome of the licence application. Applications must be assessed and determined within 60 business days. However, for initial licence applications this timeframe will be a guideline rather than a fixed requirement.

If information is missing from an application, CCNSW may refuse the application or go back to the operator to request that information. The 60 business day period stops when that further information is requested. A further 60 day period commences when the information is provided. If the Operator fails to provide the requested information within the time specified, the licence application may be refused.

We will notify operators of the outcome of their licence application once the assessment process is complete.

How will CCNSW be monitoring compliance with the new licence conditions?

CCNSW will use a risk-based approach to monitor compliance, as outlined in our Regulatory Framework.

To prepare for engaging with us when we are monitoring compliance make sure you:

- have documents and other records that provide evidence of actions you have taken to comply
- are ready to answer questions to help us better understand your circumstances.

To help you prepare you may find it helpful to:

- identify your strengths and areas for improvement to support compliance
- make a plan for any changes and improvements and track your progress
- establish ways to support staff to understand and apply the licence conditions in their day-to-day work.

We believe in working with Operators to understand their compliance obligations and to improve industry practices. What activities are reasonable for your organisation to undertake to be compliant will depend on the individual circumstances such as the size and nature of the Operator, and the characteristics of the local communities and customers.

If we identify non-compliance, we may take regulatory action to enforce compliance if that is appropriate in the circumstances.

What support is available to help operators transition to the new licensing scheme?

CCNSW will provide support through templates, model contracts and charters that can be adopted by operators, together with detailed guidance and explanatory materials on how to comply with the Conditions.

CCNSW will aim to have support materials available well in advance of the conditions first commencing. The following support materials will be made available progressively on our website in the first half of 2023:

- Explanatory material on contract conditions
- Model interment right contract
- Explanatory material on customer service conditions
- Templates for customer service charter, complaints register and dispute resolution policy
- Explanatory material on religious and cultural principles conditions
- Explanatory material on Aboriginal cultural and spiritual principles
- Guidelines on the burial and cremation requirements of Aboriginal people
- Explanatory material on the pricing conditions
- Explanatory material on the maintenance conditions
- Revised self-assessment checklist for maintenance

Throughout the transition period and beyond, CCNSW is available to support operators to understand their new obligations under the Scheme on 02 9842 8473 or by email at ccnsw.regulatoryreform@cemeteries.nsw.gov.au.