# Operator and Funeral Director Checklist

This checklist is intended to guide cemetery and crematorium operators in the ways they can support and inform funeral directors acting as their authorised agents

## Using this checklist

This checklist is designed to guide conversations between operators and the funeral directors acting as their authorised agents on how to work together to sell interments, interment rights and cremations, in line with the Cemeteries and Crematoria Act 2013 and the requirements of the Interment Industry Scheme.

This checklist complements the below guidance available [on our website](https://www.cemeteries.nsw.gov.au/industry-regulation/interment-industry-scheme):

* the Guide to Licence Conditions A: Consumer Contracts
* the Guide to Using the Model Contract.
* the Guide to the Interment Industry Scheme for Funeral Directors

Operators can complete this checklist to ensure they give the funeral directors they work with all the required documentation and information. Funeral directors can use the checklist to ensure that they have everything that they need from the operator. If these conversations are occurring before an operator has their documentation finalised (noting that commencement of the contract licence conditions has now been deferred from 1 July 2024 to 1 October 2024), the conversation should still cover the areas on the checklist and the likely format of and timeframes for finalisation of those key documents.

In addition to the items on this checklist, you should clarify any particular arrangements for working together effectively – for example, how the contract discussion and signing process works between you and the process for payments and invoices.

Operators are responsible for ensuring the funeral directors that sell interment rights and interments on their behalf are compliant with the licence conditions relevant to that operator. If a funeral director is working with multiple operators, they should complete a checklist with each operator as operators may have different licence conditions, and/or different processes in their cemeteries.

# Operator information - [insert operator name]

**This checklist relates to [insert cemetery/ies] and was completed on [insert date]** – *note details can vary between cemeteries operated by the same operator: if so, these differences should be flagged or a separate checklist should be done for each cemetery. ­*

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| **Name and role of key cemetery contact:** |  |
| **Phone number (office and mobile):** |  |
| **Email:** | *Include any different direct email addresses for bookings, invoicing etc.* |
| **Working days (if relevant):** |  |
| **Opening hours of the office:** |  |
| **Out of hours contact information if applicable** |  |
| **ABN / bank account details (if required for invoicing):** |  |
| **Other relevant information** | *This could include available sections in a cemetery, key restrictions or relevant information about a cemetery or a part of a cemetery that the agent should be aware of. Also, any key policies such as Memento or Monumentation Policies.* |

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| Section 1 - Required documents/information to be provided and explained | | |
| Provided | **Step/document** | **Additional information** |
|  | A copy of the **operator contract for sale of an interment right** (perpetual and/or renewable as relevant) | If this is the model contract (as published by CCNSW), refer to the Guide to Using the Model Contract for information on how the model contract works and the important elements of each section. If you have made any modifications such as specific terms and conditions, explain what these are.  If this is not the model contract, explain the key elements of your contract to ensure that the funeral director understands it and can explain it to customers.  The contract may be provided electronically or as a paper form (to be printed). Electronic signatures are permitted. |
|  | A copy of the **application for interment right form** | If operators are not using the model contract provided by CCNSW, a separate **application for an interment right** (perpetual or renewable) will need to be provided along with the contract.  If the operator contract is the model contract, it can also be used as the application for interment right form required under Section 57(2) of the Act. See the Guide for details on how this streamlining can work. |
|  | The **basic price formats for each cemetery** (Burial, Ash Interment and/or Cremation as relevant) | Operators need to have their basic prices (the price for their least expensive option) broken down in a mandatory format, published by CCNSW. These price format must be on the operator website, and shown to customers as part of each conversation about an individual contract.  Operators must make sure funeral directors as agents have these price formats to show customers. |
|  | The information needed to complete an **order for interment** | Operators should clarify what information they need the funeral director to give them to complete the mandatory order for interment form. This may be in the form of an application for an interment or information shared in an email – this is up to the operator. |

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| Section 2 – Important things to for an operator and their authorised agent to discuss | | |
| Provided | **Step/document** | **Additional information** |
|  | An **explanation of the operator’s licence requirements** around the use of the **contract** with the customer | Operator licence conditions require certain things to happen when discussing the contract with the customer:   * they must be given reasonable time and privacy to consider the contract, * they must be shown the relevant basic price alongside the price in the contract, * terms and conditions need to be explained to the customer (NB: CCNSW recommends you focus on explaining an interment right; maintenance responsibilities; and complaint/dispute resolution mechanisms at a minimum).   The declaration in the contract confirms that these things have occurred and must be signed by operator or agent and by the customer/interment right holder. |
|  | An **explanation of the operator’s licence requirements** around the **basic price format** information | When discussing interment options with a customer, they must be shown the relevant basic price breakdown alongside the actual price in their contract. The basic price is the cheapest price for the services provided by the operator. More information can be found in the [Guide to Licence Conditions C: Pricing Transparency](https://www.cemeteries.nsw.gov.au/sites/default/files/2023-12/guide-to-licence-conditions-c-pricing-transparency.pdf).  For Category 1 and 2 operators the basic price format must be in the mandatory format published by CCNSW. Category 3 do not need to provide price format in the mandatory format but must provide a basic price and an actual price. |
|  | **Levy collection arrangements** | Our expectation is that the levy will form part of the normal pricing arrangements an operator has with a funeral director. Nevertheless, it may be worth checking that the funeral director understands what to do. You may also want to provide your funeral directors with the link to the [CCNSW pamphlet on the levy](https://www.cemeteries.nsw.gov.au/sites/default/files/2024-06/why-have-an-interment-services-levy-with-images.pdf) . |