

September 2022

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

---

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

---

### What does Cemeteries & Crematoria NSW do?

Cemeteries and 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 roles of a funeral director and a cemetery or crematoria 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 crematoria 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 Crematoria operators

Cemetery and crematoria 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 persons death. Proposed amendments to the *Cemeteries and Crematoria Regulation* will impose new obligations on cemetery and crematoria operators, including disclosure of pricing for some basic services<sup>1</sup>.

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 2012

<https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2012-0311#pt.8> Funeral directors can assist by providing these services even if a funeral service is not going to be held.

This table explains some of the key roles that each part of the industry typically plays.

Funeral director*	Cemetery or crematoria 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
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 crematoria and
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

<sup>1</sup> It is anticipated that the amended regulation will commence by the end of 2022. This fact sheet will be updated following its commencement.

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

Please contact CCNSW and submit an enquiry or complaint

- Online at [www.industry.nsw.gov.au/cemeteries-crematoria/contact/complaints](http://www.industry.nsw.gov.au/cemeteries-crematoria/contact/complaints) and follow the instructions
- By emailing [ccnsw.info@cemeteries.nsw.gov.au](mailto:ccnsw.info@cemeteries.nsw.gov.au)
- Or by calling 02 9842 8473