

Interment Industry Scheme FAQs

This document answers frequently asked questions about the draft Interment Industry Scheme, in addition to the questions contained in the Fact Sheets.

Scheme costs and benefits

Was the Scheme subject to a cost benefit analysis, and if so, what was the outcome?

The Regulatory Impact Statement (RIS) provides a cost benefit analysis of the regulatory changes relating to the Interment Industry Scheme. Some factors were not able to be modelled due to a lack of available data, such as the impact of minimum maintenance standards.

However, the RIS found a net benefit over 40 years, driven by benefits to consumers. The majority of benefits are assumed to come from pricing transparency which will improve competition and drive a price reduction over time.

Council operators

How will the Scheme avoid duplicating councils' existing regulatory requirements?

CCNSW has been collaborating with councils to understand the existing regulatory environment. CCNSW will take into account councils' existing policies and procedures when assessing compliance. For example, an existing customer service charter or set of maintenance plans that meet all of the Scheme's requirements can be assessed rather than councils needing to create new ones.

Impact on other legislation

How do the new requirements affect existing WHS liabilities and requirements?

The new requirements do not affect existing WHS requirements, which will continue to apply.

How do the new requirements affect the care of heritage listed cemeteries?

Heritage cemeteries are included in the proposed scheme. While the heritage status may be taken into account during licensing assessment, the licence category and conditions assigned will not impact on any pre-existing requirements already imposed on a cemetery by heritage legislation.

Implementation and transition

What are the timeframes for implementing the licencing scheme?

Implementation of the licencing scheme is proposed to begin later this year with commencement of the *Cemeteries and Crematoria Amendment Regulation 2022*.

CCNSW will request licence applications from all operators in stages, based on the number of annual interments in the previous financial year. We anticipate requesting applications from larger operators first.

Once the Scheme is implemented, operators will have 12 months to transition into the Scheme and then conditions of the licence will be introduced in a staged way. The intention is to introduce the customer service and contract requirements first followed by the pricing and religious cultural and spiritual requirements, and finally by the maintenance requirements.

What support will be provided to help operators know how to comply? (e.g. templates/policies)

CCNSW welcomes feedback from operators on what templates and policies would be useful or what other supports might be helpful. The following supports are already in development:

- a template for a standard consumer contract
- a customer service charter and a complaints register
- an Operator Price Breakdown template, to support the pricing transparency requirements
- explanatory material for operators to assist in understanding and becoming compliant with each set of licence conditions
- guidelines provided by religions and cultures on their burial and cremation requirements, based on a CCNSW template
- guidelines developed by CCNSW on the types of Aboriginal cultural and spiritual requirements around burial and cremation
- ongoing personalised support for category 3 operators.

Perpetual maintenance

What is perpetual maintenance?

We currently define perpetual maintenance as the maintenance of a cemetery after it has reached full capacity i.e., interment sites have been exhausted, or is deemed 'closed' to new burials, in perpetuity (the perpetual phase).

Maintenance is defined as preserving the condition or state of a cemetery to an agreed minimum standard, and in perpetuity is defined as an indefinite period of time or 'forever more'.

Why isn't perpetual maintenance included in the Scheme?

CCNSW recognises the complexity of the perpetual maintenance issue and has removed these requirements from the first stage of the Interment Industry Scheme. Further consultation with the community and with operators will be undertaken in order to develop a workable and meaningful model to introduce into the Scheme at a later date.