

Submission: Interment Industry Scheme

Council of the Ageing (COTA) NSW

COTA NSW is the peak body representing people over 50 in NSW. We're an independent, non-partisan, consumer-based, non-government organisation. We work with politicians, policy makers, service and product providers, as well as the media to ensure the views and voices of older people are heard and acted on.

Our work is to:

- inform
- educate
- engage
- advocate

We work with:

- the community
- service & product providers
- government
- the media

COTA NSW has launched some of the State's most important initiatives for older people, including NSW Meals on Wheels, Carers NSW, and the Retirement Village Residents Association.

Currently COTA NSW delivers a range of services to older people in NSW, including an Aged Care Navigation service, the Legal Pathways program and Strength for Life.

Acknowledgement of Country

COTA NSW acknowledges the unique status of Australia's First Peoples as the original people of this land. We recognise their cultures, histories and ongoing relationship and obligations to the land, sky and waterways.

In the spirit of reconciliation, COTA NSW acknowledges all traditional custodians of the lands we today know as New South Wales.

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Introduction

Thank you for the opportunity to provide feedback on the Interment Industry Scheme. COTA NSW commonly receives feedback from stakeholders on issues around interment and the funeral industry more broadly. As is acknowledged in the proposed Scheme, *The 11th Hour* statutory review has revealed the unsustainable nature of Sydney's burial system. Without regulatory change, the long-term viability of cemeteries in Sydney and NSW more broadly cannot be guaranteed.

In this context, COTA NSW welcomes the changes that the proposed scheme will introduce. The improved clarity around the responsibilities of providers will allow consumers to engage with the industry and plan for death with more confidence.

Licensing and categorisation

COTA NSW largely welcomes the proposed licensing and categorisation system. Delineating between operators based on scale of interment will ensure consistency across Crown operators and privately-run operators. Streamlined requirements for smaller operators is also suitable, as it will allow them to meet compliance requirements with less resources than larger operators.

However, the reason for the separation of large and medium operators into Category 1 and Category 2 is unclear. Given they share almost all regulatory standards, bar higher compliance reporting requirements for large operators, it may provide more clarity and security to consumers who engage with medium operators for them to be classed under Category 1 (leaving Category 2 as crematoria only). Alternatively, modifying the volume of Category 1 operators to include those with less than 40,000 total interments but more than a certain number of annual interments (e.g. 150 interments annually) may help ensure that all operators who manage a large volume of consumers are captured by suitable regulations.

Licence conditions

Broadly, COTA NSW welcomes all of the proposed licence conditions. Increased certainty for consumers around pricing, contracts, and customer service will all be of significant benefit for consumers and the industry more broadly. The delineation of licence conditions based on licence categories is also reasonable.

COTA NSW also welcomes the inclusion of respecting religious, cultural, and spiritual principles as a licence condition. This is a vital aspect of the regulatory framework, and we endorse the proposed conditions.

However, these conditions would benefit from flexibility when applied to operators who may enjoy a monopoly – for instance, operators in regional or remote areas where they are the only interment service in a wide area, or the only interment service catered towards a

specific cultural or religious group in that area. If a Category 3 operator enjoys such a monopoly, it is important for consumer protection that that operator has a higher standard of regulation, to ensure that consumers do not receive a substandard service. Obviously, some flexibility is necessary for smaller or volunteer-run operators, but this should be balanced with consumer protection as a priority.

Finally, the proposed licencing system may benefit from some publicly accessible register of compliance breaches. In the instance that an operator breaches compliance in a manner that does not result in the loss of their licence, it may be suitable for this breach to be publicly disclosed on a register to allow consumers to engage with operators with greater confidence.

Conclusion

Thank you for the opportunity to provide feedback on the proposed Interment Industry Scheme. The scheme addresses a number of issues that COTA NSW has perceived to exist in the industry for some time, and is a positive step towards a clearer, simpler system for consumers and operators. While there are some ways that COTA believes the proposed scheme could be improved, they are relatively minor.

COTA NSW looks forward to continuing to work with the Department to improve outcomes for consumers in this field.