COTA TAS
Level 12, 39 Murray St,
Hobart TAS 7000
PO Box 4679, Hobart TAS 7000
www.cotatas.org.au
ABN 71 718 804 307
P: (03) 6231 3265
admin@cotatas.org.au

Submission: Draft Burial and Cremation Regulations 2026

1. Overview

COTA Tasmania welcomes the opportunity to comment on the draft Burial and Cremation Regulations 2026.

As the peak body representing the interests of older Tasmanians, COTA's particular interest is in ensuring that arrangements for burial, cremation and the management of human remains are respectful, accessible, and responsive to the needs of older people and their families.

We acknowledge that the proposed amendments are largely technical and support the objectives of improving regulatory clarity, consistency, and accountability.

Our comments focus on a small number of provisions with particular implications for older Tasmanians, including those making arrangements for their own deaths, surviving partners and family members, and people who may experience difficulty navigating administrative requirements.

2. About COTA Tasmania

COTA Tasmania is the peak body representing the interests of older Tasmanians. We work to ensure that the rights, interests, and perspectives of older people are recognised and respected in public policy, services, and community decision-making.

Our vision is a Tasmania where older people are valued, respected and able to live with dignity, independence, and choice.

COTA Tasmania undertakes policy development, research, advocacy, community engagement, and information-sharing to improve the lives of older Tasmanians. Our work is informed by the experiences of older people, our members and supporters, community organisations, service providers, and other stakeholders.

We advocate for systems and services that enable people to age well, remain connected to their communities, exercise choice and receive appropriate support when and where they need it.

Our policy interests extend beyond aged care to the broader social, economic, health and community circumstances affecting older people. These include access to essential services, financial security, consumer protections, digital inclusion, social connection, and the right to make informed decisions about matters affecting their lives.

COTA Tasmania also recognises the importance of planning ahead, including ensuring that older people can express their preferences and have confidence that their wishes will be respected as circumstances change and towards the end of life.

3. Why this matters for older Tasmanians

Burial and cremation arrangements are matters of significance to older Tasmanians, both in planning for their own deaths and in managing arrangements following the death of a partner, family member, or friend.

Older people may have strong personal, cultural, or religious preferences about burial, cremation, and the handling of remains. Many make arrangements in advance, including documenting their wishes and making financial provision for their funerals. They should have confidence that these arrangements will be respected and that clear information is available to support informed decisions.

Older people are also frequently responsible for making arrangements following the death of a partner or other family member. These responsibilities can arise during a period of significant grief and may be complicated by declining health, disability, cognitive impairment, financial pressures, social isolation, or limited access to digital services.

For some, particularly those living alone or in rural and regional areas, navigating legal and administrative requirements can present additional challenges.

COTA Tasmania recognises that funeral directors, crematorium managers and cemetery operators have important professional responsibilities and face legitimate practical and administrative challenges. The regulatory framework must balance these operational requirements with the dignity of deceased people and the rights and reasonable expectations of their families.

The proposed provisions concerning uncollected cremated remains illustrate this challenge. While the indefinite storage of remains may place a burden on operators, the failure of a family member to collect or provide instructions about remains does not necessarily mean that those remains have been abandoned.

A regulatory framework that is clear, accessible, and sensitive to individual circumstances can help prevent unintended consequences, reduce distress for families and support public confidence in burial and cremation services.

4. Recommendations

4.1 Establish the evidence base

Seek data from the funeral and cremation industry on the number and proportion of cremated remains currently held uncollected in Tasmania, the length of time they have been held, and the circumstances contributing to non-collection, to inform an assessment of the proposed regulatory changes.

4.2 Strengthen safeguards for uncollected cremated remains

Amend regulation 55 to require reasonable and documented efforts to contact the senior next of kin through multiple available communication channels, together with clear advance notification of any intended disposal and a reasonable final opportunity to make alternative arrangements.

4.3 Investigate alternative long-term storage arrangements

Examine the feasibility of a centralised, secure repository for long-term uncollected cremated remains, potentially using existing cemetery or crematorium facilities, to relieve individual operators of indefinite storage responsibilities while preserving opportunities for families to reclaim remains.

4.4 Ensure accessible cemetery and columbarium information

Ensure that information about interments, exclusive rights, cemetery closures and changes in ownership or management is readily accessible, including through non-digital channels and direct notification to affected rights holders wherever practicable.

4.5 Support respectful and efficient processes following a death

Ensure that implementation of the expanded provisions for declarations of life extinct includes clear professional responsibilities, appropriate safeguards, and accessible guidance for families, particularly those in rural and regional Tasmania.

4.6 Support advance planning and respect for individual wishes

Provide clear guidance about how previously documented burial and cremation preferences should be considered within the applicable legal framework, including the responsibilities of the senior next of kin and the processes available where disagreements arise.

5. Detailed comments

5.1 Collection and disposal of cremated remains - regulation 55

COTA Tasmania has particular concerns about the proposed changes to the management of uncollected cremated remains.

COTA Tasmania notes that the consultation material does not provide information about the current number or proportion of cremated remains held uncollected in Tasmania, the length of time they have been held, or the circumstances in which families have been unable or unwilling to collect them. While acknowledging the practical difficulties for crematorium managers, we consider that this information would assist in assessing whether the proposed regulatory changes are proportionate to the problem they seek to address.

We recommend that the Department seek relevant industry data and consider whether additional procedural safeguards could achieve the desired administrative efficiencies without creating unintended consequences for bereaved families.

The accompanying fact sheet indicates that the amendments are intended to simplify the requirements for holding unclaimed remains and place greater responsibility on the senior next of kin.

We recognise that crematorium managers cannot reasonably be expected to retain uncollected remains indefinitely.

However, the proposed two-year period and the discretion to dispose of remains require appropriate safeguards.

Older surviving partners and family members may experience declining health, cognitive impairment, bereavement-related distress, relocation to residential aged care or other circumstances that affect their capacity to respond to correspondence or arrange collection.

Importantly, a failure to respond or collect remains should not automatically be interpreted as an informed decision to abandon them.

COTA Tasmania recommends that regulation fifty-five be strengthened to require:

- Reasonable efforts to contact the senior next of kin through more than one available communication method.
- Clear notification of the intention to dispose of remains, including a reasonable final opportunity to make alternative arrangements.
- Consideration of circumstances where the senior next of kin may be unable, rather than unwilling, to act.
- Appropriate records of contact attempts, notifications, and the eventual disposition of remains.

These safeguards should apply both where the senior next of kin cannot be contacted and where they have not provided directions or arranged collection.

COTA Tasmania also suggests that consideration be given to the feasibility of a centralised, secure repository for long-term uncollected cremated remains, potentially operated through an existing cemetery or crematorium. Such an arrangement could relieve individual operators of indefinite storage responsibilities while preserving the opportunity for families to reclaim remains in the future.

We recognise that any such proposal would require consideration of costs, management responsibilities, and appropriate record-keeping arrangements. However, it may offer a practical and proportionate alternative to irreversible disposal, particularly if the number of long-term uncollected remains is relatively small.

We consider that these measures would provide a reasonable balance between the operational needs of crematoria and the dignity and sensitivity expected in the handling of cremated remains.

5.2 Management of stand-alone columbaria

COTA Tasmania supports the proposed extension of record-keeping, interment, and ownership-transfer requirements to stand-alone columbaria.

The absence of equivalent safeguards for these facilities creates potential uncertainty for families about the location, security, and ongoing management of cremated remains.

The proposed requirements for accurate registers, location plans and oversight of ownership transfers are welcome.

COTA Tasmania particularly supports the intention to ensure continuity of records and management responsibilities when ownership changes.

We encourage the Government to ensure that families and holders of exclusive rights can access relevant information through straightforward and accessible processes, including non-digital means where appropriate.

5.3 Declaration of life extinct - regulations 8–12

COTA Tasmania supports the proposed flexibility allowing suitably qualified nurses, midwives, and paramedics to complete declarations of life extinct in specified circumstances.

This change has potential practical benefits for regional and rural Tasmania, where access to medical practitioners can be limited and delays following an expected death may cause additional distress to families.

We support arrangements that reduce unnecessary delays while maintaining appropriate professional safeguards, accurate documentation, and clear responsibilities.

Implementation guidance should ensure that families understand the procedures following a death and are not left with unnecessary administrative responsibilities at an already difficult time.

5.4 Respecting individual wishes and supporting advance planning

Many older Tasmanians make decisions about their preferred funeral and burial arrangements well in advance, sometimes including prepaid arrangements or written instructions.

COTA Tasmania considers that the regulatory framework should support the consideration of these documented wishes wherever legally appropriate.

We note that regulation 37 provides for decisions about interment to be made by the senior next of kin or a person acting under their written authority.

While recognising that the broader legal framework determines decision-making authority, we recommend that guidance accompanying the Regulations clearly explain how a deceased person's previously expressed wishes should be considered, and the options available where disagreements arise.

Clear guidance would assist older people planning ahead and reduce uncertainty for families following a death.

5.5 Cemetery notices and access to information

COTA Tasmania welcomes the clarification of newspaper publication requirements for cemetery notices.

Maintaining accessible public notification is particularly important for older people who may not routinely access information online, and for people who have family connections to cemeteries outside their immediate area.

We support the continuation of notices in newspapers circulating across Tasmania.

We also recommend that cemetery managers be encouraged to use additional communication methods, including direct notification to affected rights holders wherever practicable.

Written notifications, including those relating to cemetery closures, should be clear, accessible and provide sufficient information for recipients to understand their rights and any action required.

6. Conclusion

COTA Tasmania supports the overall objectives of the draft Burial and Cremation Regulations 2026 and acknowledges the importance of a clear and accountable regulatory framework.

We particularly welcome the improved protections for stand-alone columbaria and the proposed flexibility in declarations of life extinct.

Our principal recommendation is that the provisions concerning uncollected cremated remains be strengthened to ensure that administrative efficiency does not come at the expense of appropriate safeguards for bereaved families.

We also encourage consideration of alternative arrangements for the long-term storage of uncollected cremated remains, recognising both the practical needs of operators and the importance of preserving options for families.

More broadly, we encourage the Government to ensure that implementation of the Regulations recognises the circumstances of older people, promotes accessible information and administrative processes, and supports dignity and individual choice.

COTA Tasmania appreciates the opportunity to contribute to this consultation.