

In Confidence

Office of the Associate Minister of Health

Chair, Cabinet Legislation Committee

Cremation Amendment Regulations 2026

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Cremation Amendment Regulations 2026.

Policy

- 2 On 30 July 2025, the Cabinet Social Outcomes Committee agreed to make permanent an authorisation which is currently in force under Regulation 12(b) of the Cremation Regulations 1973 (the Regulations), that allows cremation to be carried out where a death has occurred in a lower risk setting without a medical or nurse practitioner identifying the body, or being responsible for the identification or removal of a battery-powered device (such as a pacemaker) from the body, before cremation [SOU-25-MIN-0091]. The attached amendment regulations give effect to this decision.
- 3 Along with age-related long term residential care facilities, one of the settings that Cabinet agreed would constitute a lower risk was hospice care. Following further consideration, I propose narrowing this to settings which provide specialised palliative care. The term “hospice care” can be interpreted broadly and could include settings where a lighter touch process to authorise cremation should not apply.
- 4 I also seek approval to a minor change that clarifies a health practitioner’s role for deaths occurring in lower risk settings. Cabinet previously agreed that health practitioners, such as registered nurses, should confirm a deceased died of natural causes. However, I now consider that it is only appropriate for a medical or nurse practitioner to make this determination. A health practitioner’s role should instead be to confirm that the circumstances of the death are consistent with natural causes. This keeps professional boundaries clear without changing the approved process.
- 5 I am also seeking agreement to two related changes to how the Regulations address battery-powered devices, such as pacemakers, which can cause harm if cremated.
- 6 First, I propose allowing medical or nurse practitioners to certify that a battery-powered device is present in the body, but that it is not of a type requiring removal prior to cremation. The Regulations currently only anticipate the removal of such devices and do not account for newer devices that are safe to cremate.
- 7 Secondly, I propose amending the prescribed form to clarify the respective roles of medical and nurse practitioners when authorising cremation where a battery powered device may be present. The Regulations currently require the practitioner to certify

that they have removed any such device. In practice, however, removal is undertaken by an embalmer, who has the appropriate tools and training. This amendment would align the certification requirement with current practice by confirming that the role of the medical or nurse practitioner is to identify whether a battery-powered device is present that requires removal, rather than to remove the device themselves. This will minimise the risk that a body may be cremated with a battery-powered device still present.

Timing and 28-day rule

8 I propose the attached amendment regulations be submitted to the Executive Council on 6 April 2026. The Amendment Regulations will come into force on 7 May 2026.

9 No waiver of the 28-day rule is sought.

Compliance

10 The Cremation Amendment Regulations 2026 comply with:

- 10.1 the principles of the Treaty of Waitangi;
- 10.2 advice from the Treaty Provisions Officials Group on any Treaty of Waitangi provisions;
- 10.3 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
- 10.4 the principles and guidelines set out in the Privacy Act 2020;
- 10.5 relevant international standards and obligations;
- 10.6 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

11 There are no grounds for the Regulations Review Committee to draw the amendment regulations to the attention of the House of Representatives.

Certification by Parliamentary Counsel

12 The draft amendment regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

13 The Ministry for Regulation has determined that these proposals are exempt from Regulatory Impact Requirements.

Publicity

14 The Ministry of Health and Health New Zealand will communicate these changes to relevant stakeholders. No wider publicity is planned.

Proactive release

- 15 I intend to proactively release this Cabinet paper subject to any appropriate redactions under the Official Information Act 1982 once the Amendment Regulations have been authorised by the Executive Council.

Consultation

- 16 The following departments and agencies were consulted on this paper: the Ministries of Business, Innovation and Employment, Regulation and Justice, the Department of Internal Affairs, the Department of the Prime Minister and Cabinet, Health New Zealand and New Zealand Police.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that on 30 July 2025 Cabinet Social Outcomes Committee agreed to amend the Cremation Regulations 1973 to make permanent a more streamlined process for authorising cremation in lower risk settings [SOU-25-MIN-0091];
- 2 **agree** that the more streamlined process for authorising cremation should be applied in settings which provide specialised palliative care rather than hospice care more broadly;
- 3 **agree** that the role of a health practitioner advising a medical or nurse practitioner should be to confirm that the circumstances of the death are consistent with natural causes, rather than confirming that a deceased died of natural causes;
- 4 **agree** to amend the Cremation Regulations 1973 to allow modern battery powered devices, such as newer types of pacemakers that do not require removal prior to cremation, to remain present in a body being cremated;
- 5 **agree** to amend the Cremations Regulations 1973 to align with the role of a medical or nurse practitioner authorising cremation, which is to identify whether a battery-powered device is present that requires removal, rather than certifying that they have removed the device;
- 6 **note** that the Cremation Amendment Regulations 2026 give effect to the decisions in recommendations 1 - 5 above;
- 7 **authorise** the submission to the Executive Council of the Cremations Amendment Regulations 2026 so they may come into force on 7 May 2026;
- 8 **note** that the Cremations Amendment Regulations 2026 will come into force on 7 May 2026;
- 9 **Note** that I intend to proactively release this paper once the Cremation Amendment Regulations 2026 have been publicly notified.

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Authorised for lodgement

Hon Matt Doocey

Associate Minister of Health

PROACTIVELY RELEASED

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