

# Family members consider legal action over UTAS pathology museum's collection of body parts without consent



By Loretta Lohberger

Stateline

Medical Ethics

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John Santi's brother Tony died in a motorcycle crash in 1976. (ABC News: Ebony ten Broeke)

## In short:

Several families are considering legal action after a University of Tasmania pathology museum retained and displayed body parts from loved ones collected without consent from coronial autopsies.

One man requested the specimen from his mother be returned after he was given 10 days to reply to a letter on the disposal of remains, but the Coroner's Office then denied his request.

## What's next?

The coroner is expected to publish a formal finding over the situation this year. Families are waiting for the finding before making decisions about their next steps, including the option of legal action.

Family members who found out specimens from their loved ones' bodies had been retained by a pathology museum without consent say they want to know who was

responsible, and some are considering taking legal action.

Jack's\* mother was killed in the early 1980s, and John Santi's brother died in a motorcycle crash in 1976.

Until early this year, neither man knew a pathology museum at the University of Tasmania held specimens from their family members' bodies, and from more than 100 other people who died in Tasmania between 1953 and 1985.

**"I could have just collapsed [when I found out], I just burst into tears," Jack said.**

"I've been trying to live with [my mother's death] for 45 years ... it's like a bloody living nightmare and it just doesn't end."



The R.A. Rodda Pathology Museum held some specimens that were retained without consent from autopsies. (Supplied: UTAS)

In April last year, the Coroner's Office announced it was investigating whether [body parts from coronial autopsies had been collected and held in the R. A. Rodda Museum of Pathology at the University of](#)

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## [Tasmania without the knowledge or consent of families.](#)

It said initial records indicated it related to 147 people.

In January, the office published the names of 126 adults and children whose body parts may have been retained and asked for family members to contact the office, which is what Jack and Mr Santi both did.

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A specimen from Tony Santi's body was kept by the pathology museum without the knowledge of his family. (ABC News: *Ebony ten Broeke*)

## Nine years for Coroner's Office to make info public

The University of Tasmania told the Coroner's Office in 2016 about the retention of specimens. It took nine years for the coroner's office to make this public.

### **"They knew and never said anything," Jack said.**

In an email from a representative from the Coroner's Office, Jack was told "extremely minimal information" was given to the coroner's office in 2016.

"Records provided to the coroner are not clear whether [the collection of specimens] was done with the knowledge, or consent, of the family members of the deceased

individuals," the email reads.

"The coronial division has spent the years since retrieving paper files from the archives to reconcile the information provided by the Rodda museum with our records.

"No additional staffing resources were provided to the coronial division to assist in this very time-consuming process, until a temporary contract for project officer was funded.

"This staff member worked for a period of time in 2023-2024 solely on this project."



The R. A. Rodda Museum is housed within the University of Tasmania's Clinical School in Hobart. (ABC News: Luke Bowden)

Jack and Mr Santi are both considering legal action. They are not alone.

Independent MLC Meg Webb has been contacted by several affected family members of people who had specimens retained and stored in the Rodda museum's collection.

"There are at least half a dozen bereaved families I am aware of who have identified legal action as one potential course of action amongst a range of options," Ms Webb said.



Meg Webb says at least half a dozen bereaved families are considering the option of legal action. (ABC News: Maren Preuss)

"However, identifying it as an option should not be interpreted as an intention or decision to undertake that course of action at this stage."

Ms Webb said affected family members had contacted her office since the names were published in January and "a common thread is the re-traumatisation caused by this horrifying situation".

### **Families given 10 days to decide on remains**



UTAS told the Coroner's Office about the issue in 2016. (Supplied: UTAS)

The coroner's office wrote to family members in June, advising them that the specimens retained from their loved ones would be "disposed of in a respectful and sensitive manner".

"That process will commence after 10 days of the date of this letter, unless you advise otherwise," the letter reads.

Jack said he responded "the very next day", requesting the specimen from his mother be returned.

"I said I'd like them returned in a timely manner," he said.

"I got another email back stating that the coroner had looked at my request and denied it. So they had no intentions of returning them.

**"What do you do ... I can't describe it. It's just a bloody nightmare, it's just mental torture.**

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"Why did they ask me to respond when they had no intention of listening to what I wanted?"

## 'I think it was the full brain'



John Santi says the specimen from his brother's body has now been buried. (ABC News: Ebony ten Broeke)

John Santi said he had to "fight hard" to have the specimen from his brother's body returned.

Mr Santi said he was told his brother's specimen would be cremated, but being Roman Catholic, that would have been against his religion.

The coroner agreed to return the specimen, and Mr Santi said it was buried earlier this month.

"To go through what I went through [on that] Thursday it's really hit hard now," Mr Santi said.

He said he had been expecting the specimen to be small in size, based on information he had been given.

"I was just expecting to see a 20-cent piece-sized thing, but when [the box was opened] I think it was the full brain that was there.

"I nearly fell over when I saw it, but at least it got buried with him.

"But since that day it's got even worse for me ... I didn't have to look at it, but I wanted to look at it to make sure ... I wanted the box open to see [that] it wasn't ashes," he

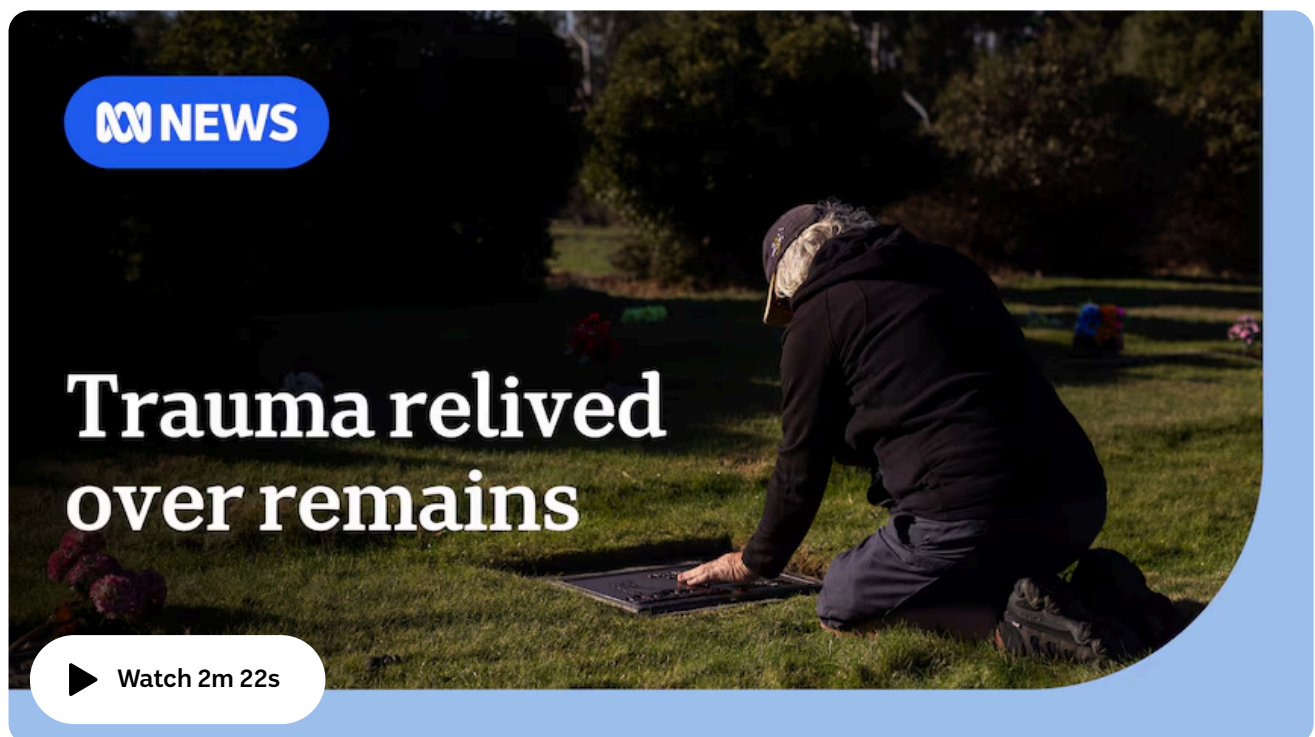
said.

**"I've been going to my brother's grave every week for the past 50 years and he's not there. But now he is there."**

### Waiting for coroner's formal finding

In a June update, Coroner Simon Cooper said he anticipated publishing a formal finding "within the next few months, when all investigations are complete".

A Justice Department spokesperson said there was no further update to that time frame.



A university pathology museum has in its collection specimens possibly retained from coronial autopsies without consent. (Loretta Lohberger)

The ABC also asked the Justice Department about whether families had a choice about whether specimens could be returned, and whether there were cases where this was not possible.

The spokesperson said as the matter remained before the court, the coronial division advised it was "unable to make comment".

Mr Cooper's report will be the end of the coronial investigation into the matter. Those considering legal action are waiting for its release before making decisions about the course they wish to take.

*\*Name has been changed for privacy.*