



Guidelines for Medical Referees

What is a medical referee?

Under the Cremations Act 1929, and the Cremations Regulations 1954, Medical Referees are appointed to provide independent medical advice about the need to further examine the remains of a deceased person prior to cremation.

What does a medical referee do?

The role of a medical referee is to scrutinise specific information on the circumstances leading to death. The principal task of the Medical Referee is to approve (or decline) an Application for a Permit to Cremate.

The referee must:

- Be certain that the deceased has died from natural circumstances;
- Establish that there is no indication of any non-natural process; and
- Determine that cremation can safely proceed.

The Medical referee must ensure that the relevant sections on Form 7 are completed. If there are any grounds to believe that the deceased:

- Is infectious; or
- Has received radioactive treatments; or
- Is fitted with a cardiac pacemaker, or any other subcutaneous battery operated or electronic device;

then this information must be provided to the Applicant, in writing and attached to the "Permit to Cremate" (Form 9). This information is necessary to minimise the risk of infection, or physical harm, to crematorium staff or the crematorium.

The Medical Referee must check that forms 6, 7, 8, 9 and 10 are completed correctly (in accordance with the Act and Regulations). These forms are described in the table below. Forms 8 and 10 are used infrequently.

Table 1: Cremation Forms

Form	Title	Description
6	“Application for Permit to Cremate”	Always required. Provides the Medical Referee with information about the deceased. It is usually completed by the deceased’s administrator as defined under Section 8 (3A) of the Act, (often the executor of the estate) with assistance from the funeral director. If the application is not made by the administrator (in this case, the executor of the deceased’s estate), the applicant must provide a statutory declaration setting out the grounds upon which he claims authority to make the application. In all cases, the statutory declaration section on the form must also be completed by the applicant, confirming that the information provided is correct.
7	“Certificate of Medical Practitioner”	Provides the Medical Referee with medical information about the deceased. It is completed by the doctor who attended the deceased prior to death. However, it cannot be completed by the Medical Practitioner who is the Medical Referee for the same case.
8	“Coroner’s Certificate”	Advises the Medical Referee that the Coroner’s office is satisfied that there are no grounds for refusing approval to cremate.
9	“Permit to Cremate”	Permits the cremation of the deceased’s remains. This Form is completed by the Medical Referee. The name of the deceased should be written in full and the address of the deceased should be a residential address.
10	“Notice of Refusal of Application to Cremate”	Withholds permission for the cremation of the deceased’s remains on the grounds of information supplied by Forms 6, 7 or 8. This Form is completed by the Medical Referee.

Other responsibilities of the Medical Referee:

Cremation of a still-born child:

If an “Application for Permit to Cremate” has been received in respect of the remains of a still-born child, the Medical Referee must, under Section 8B of the Act:



- Seek independent medical certification, or make other relevant enquiries, to confirm that the child was still-born, and
- Be satisfied that there are no reasons for further examination of the remains, and that a post-mortem examination is not required.

When should an “Application for permit to cremate” be rejected?

There are a number of reasons for initially rejecting the “Application for permit to cremate”.

Table 2: Rejection of application for permit to cremate

Reason for Rejection	Remedy
Incorrect or incomplete completion of Forms 6 or 7	Ensure that the forms are correctly completed.
A “Medical Certificate of Cause of Death” has not been provided.	Ensure the Certificate is provided.
The deceased has left a written note that their body is not to be cremated.	The Cremation may not proceed unless the Executive Director Public Health (EDPH) orders the body to be cremated in the public interest.
A body has not been provided	Ensure the body is provided.
The body (or body parts) has not been correctly identified.	Ensure the body (or body parts) has been correctly identified.
Death was due to violent or unnatural causes	Refer the case to the Coroner
There are suspicious circumstances surrounding the death.	Refer the case to the Coroner
A Coroner’s Certificate has not been received for a case that has been referred to the Coroner.	Obtain the Coroner’s Certificate
The doctor completing the “Certificate of Medical Practitioner” (Form 7): <ul style="list-style-type: none"> ▪ Is a close relative of the deceased person, ▪ Is in partnership with the Medical Referee, ▪ Has a pecuniary interest in the death of the deceased, 	Ensure that none of the points described apply to the Medical Practitioner.



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| <ul style="list-style-type: none">▪ Is the Medical Referee to whom the application for the permit is made. | |
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When an “Application for Permit to Cremate” is refused, a “Notice of Refusal of Application to Cremate” (Form 10) must be completed by the Medical Referee and given to the Applicant, with the advice that they have right of appeal to the EDPH or delegate. The Medical Referee does not have to advise the Applicant of the reasons for refusal, but must advise the EDPH as soon as possible.

Who can be medical referees?

Registered medical practitioners who have practised medicine for at least five years (not necessarily continuously) can apply to the Director General of Health for appointment as a Medical Referee. The application should include a letter explaining the reason for the application, a Curriculum Vitae and a copy of the current registration as a medical practitioner in Australia.

Successful applicants are notified in writing and are provided with a copy of the *Cremations Act 1929*, and the *Cremations Regulations 1954*. Referees are appointed for an indefinite period, limited only by the applicants’ willingness to continue to exercise the role, and their ongoing eligibility under the Act. A Medical Referee who ceases to provide this service should inform this office of his decision.

A Medical Referee should be available during working hours to process applications. For long periods of absence (e.g. on holidays), alternative cover should be arranged with another Medical Referee. If this is not possible, then the usual funeral directors should be advised.

Fees:

Medical Referees are paid a set fee by the Applicant (usually through the funeral director) for completing Form 9. The fees are reviewed periodically.

Where to obtain the forms:

Forms 6, 7, and 10 can be downloaded from the Department of Health website at the following link: <http://www.health.wa.gov.au/cremations/home/>

Form 9 is available only to Medical Referees in sequentially numbered books from the Regulatory Support and Training Unit – see below for details.



Sending in the forms:

The Medical Referee should regularly send in all completed Forms 6, 7, 8, and the yellow copy of Form 9, to the Office of the Principal Medical Advisor at the address below.

Relevant parts of the legislation:

Cremation Act 1929:

- Section 8: Appointment of medical referees
- Section 8 A: Permits
- Section 8 B: Permit to cremate still-born child
- Section 9: Permit to be sufficient authority to cremate body.
- Section 10: Medical referee not to issue permit improperly: and no person to cremate body without permit.
- Section 12: Interested persons not to give certificates.
- Section 13: Objections to cremation etc.
- Section 14: Attorney General or coroner may forbid cremation.

Cremation Regulations 1954:

- Reg. 11, 12: Forms 6, 7, and 8.
- Reg. 13, 14: The Medical Referee, and Form 9.

For further information please contact:

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