

# Avant Risk IQ factsheet

## Death certificates – South Australia

The Medical Certificate of Cause of Death (MCCD), or 'death certificate', is an important legal document required to notify deaths to the registrar of births, deaths and marriages in each state or territory.

The form of the MCCD may be slightly different in each jurisdiction. The death certificate will be provided directly to the registrar of births, deaths and marriages and in some cases, such as in Western Australia, to the person responsible for organising the disposal of the body.

To complete a death certificate, you must be 'comfortably satisfied' about the cause of death and that the circumstances of the death do not constitute a 'reportable death' to the coroner.

### Who can sign?

If you were responsible for a patient's care immediately prior to death, or you saw the deceased after death and you are satisfied about the cause of death, you can sign the death certificate.

At times, you may be required to sign a death certificate for a patient you don't know or have not seen for a while. There is no legal requirement for you to have had recent contact with the patient, but you do need to have enough information based on the history (e.g. review of the medical records or discussion with the treating doctor) or an examination to provide a cause of death.

Sometimes a doctor will be asked to provide a death certificate and a cremation certificate. The requirements for cremation certificates are outlined below.

### Requirements to sight the body for a death certificate (in some states, there are also requirements for cremation)

In South Australia, if you were the practitioner responsible for the deceased's care immediately prior to their death, you do not need to sight the body before signing an MCCD. However, if you were not, then you must sight the body before signing the death certificate.



### When not to issue a death certificate

Reportable deaths must be notified to the coroner or police and no death certificate issued. The circumstances vary slightly between the states and territories, however generally they include:

- ▶ any violent or unnatural death
- ▶ sudden death of unknown cause
- ▶ death under suspicious or unusual circumstances
- ▶ if the deceased person was a child or person in care or custody
- ▶ where a doctor has been unable to sign a death certificate giving the cause of death
- ▶ where the identity of the person who has died is not known.

And in addition in South Australia:

- ▶ death while under, or as a result of, or within 24 hours of administration of anaesthetic
- ▶ death during a medical procedure
- ▶ death following a medical procedure where the death was not the reasonably expected outcome of the procedure (24 hours).

If you report a person's death to the coroner, you should not complete a death certificate.

## Completing the death certificate

The MCCD is recommended by the World Health Organisation for international use. All Australian states and territories have similar but not identical versions of this. The death certificate also includes demographic information, which is used in collating statistics.

The MCCD has two parts:

Part I is about the disease or condition directly leading to death. Part I also includes any antecedent (precursor) causes giving rise to the disease or condition leading to death.

Part II is for any other significant conditions contributing to the death, but not related to the disease or condition causing it.

Each of these two parts includes an approximate interval between the onset of these conditions and the death.

Once the MCCD is completed it should be forwarded to the Registry of Birth, Deaths and Marriages (except in Western Australia, where this job is done by the funeral home or the person organising disposal of the body).

If, for any reason, you are uncomfortable about providing a death certificate, you should seek expert legal advice from Avant.

## What is different about perinatal deaths?

Perinatal deaths require a separate Medical Certificate of Cause of Perinatal Death or perinatal death certificate. This certificate should be used for a stillborn child of at least 20 weeks' gestation (or if the period of gestation cannot be reliably established, a child with a body mass of at least 400 grams at birth). A perinatal death certificate is also required for a live born child who dies within 28 days of birth.

The perinatal death certificate should be completed by or under the supervision of the consultant responsible for care.

## Cremation certificates

The body of a deceased person cannot lawfully be cremated until the necessary certificates and permits have been obtained.

In all jurisdictions, there are strict limitations on when cremation can take place. Generally, a practitioner who attended the deceased patient ('attending practitioner') and a second, independent practitioner (sometimes described as an 'authorising practitioner', 'medical referee' or 'licensed medical practitioner') must first certify the cause of death and secondly the fact that it is appropriate for the body to be cremated. Sometimes more than one document is required; for further details refer to your state-specific information.

The coroner can also provide permission for the body to be cremated.

The form of the certification varies depending on the jurisdiction, as do the regulations regarding who qualifies as an attending practitioner or independent practitioner.

An attending practitioner will usually be the deceased's treating doctor, or the doctor who has examined the body and provided a death certificate.

You should only sign the attending practitioner's cremation certificate if you are satisfied that the cause of death has been identified and there are no circumstances requiring the coroner to investigate. If you are acting as the independent practitioner, you may provide a certificate if you are appropriately licensed or qualified (if required) and if you have carried out the investigations set out in the forms required for your state or territory.

Generally, this will include an examination of the body, reviewing the relevant medical records and being satisfied that the cause of death recorded by the attending practitioner is correct and that there is no call for further investigation. You may also need to be sure that the cremation does not pose a risk to any person by certifying that there is no pacemaker or other battery-powered device present in the body.

A cremation certificate must never be signed if:

- ▶ there is the possibility that further investigations into the cause of death are required
- ▶ you are aware that the deceased did not wish to be cremated
- ▶ you are aware that someone such as a personal representative or close family member of the deceased has objected to the cremation.

You cannot provide an independent practitioner's certificate, even if you are qualified to do so, if you have already provided the attending practitioner's certificate.

## Patient medical records

Document all aspects of the death certificate and cremation certificate process in the patient record, particularly if you decide not to complete a certificate because you are uncertain about the cause of death.

The patient's records remain confidential following death and access to a third party can generally only be granted with permission of the executor or administrator of the estate of the deceased or by an order of the court.

## Remember, when asked to complete a death certificate:

- ▶ write clearly in block letters
- ▶ contact the coroner if you cannot sign the certificate or have doubts
- ▶ seek advice from Avant if you are unsure about the process.

# South Australia – Specific information

<b>Forms required</b>	<p>1. Medical Certificate of Cause of Death And for cremations:</p> <p>2. Death from Natural Causes – Certificate of Treating or Examining Doctor</p> <p>3. Death from Natural Causes – Certificate from Second Doctor</p>
<b>Legislation</b>	<p><i>Burial and Cremation Act 2013</i> <i>Burial and Cremation Regulations 2014</i> <i>Births, Deaths and Marriages Act 1996</i> <i>Coroners Act 2003</i></p>
<b>Requirements</b>	<p>Prior to a cremation, there must be a cremation permit issued by the Births, Deaths and Marriages Registration Office. The application for a cremation permit must be accompanied by certificates as to the cause of death from two doctors or a certificate from a doctor who completed the post mortem examination of vital organs of the deceased, certifying that the deceased died from natural causes.</p> <p><b>Death from Natural Causes – Certificate of Treating or Examining Doctor</b></p> <p>When – where the deceased died of natural causes</p> <p>Completed by – the doctor who:</p> <ol style="list-style-type: none"> <li>was responsible for the deceased’s medical care immediately before death</li> <li>examined the body of the deceased after death.</li> </ol> <p><b>Death from Natural Causes – Certificate of Second Doctor</b></p> <p>When – where the deceased died of natural causes</p> <p>Completed by – the doctor who reviewed both the:</p> <ol style="list-style-type: none"> <li>circumstances of death</li> <li>Death from Natural Causes Certificate issued by the treating or examining doctor.</li> </ol> <p>Cremation forms completed by doctors should be forwarded to the funeral director or person making arrangements for disposal of the deceased’s remains.</p> <p>Circumstances where a medical practitioner must not give a certificate of cause of death:</p> <ul style="list-style-type: none"> <li>▶ If the death is reportable under the <i>Coroners Act 2003</i>.</li> <li>▶ <b>Knowing that:</b> <ul style="list-style-type: none"> <li>• he or she, or his or her spouse or domestic partner, has a pecuniary or proprietary interest in the hospital, nursing home or aged care facility where the person has died</li> <li>• he or she or his or her spouse or domestic partner, has a pecuniary interest in the death of the person under a policy of life insurance or superannuation</li> <li>• he or she, or his or her spouse or domestic partner is entitled to a benefit in the form of property under a will or intestate distribution.</li> </ul> </li> </ul> <p>In defence to (2) above, if the doctor proves all the below:</p> <ul style="list-style-type: none"> <li>▶ The death occurred outside metropolitan Adelaide.</li> <li>▶ No other medical practitioner was reasonably available, within 24 hours after death, to give the certificate.</li> <li>▶ The doctor complied with any requirements prescribed by the regulations in relation to the certification (set out below).</li> <li>▶ The requirements prescribed by the regulations are as follows:</li> <li>▶ Attached to the cause of death certificate, a statutory declaration setting out details of: <ul style="list-style-type: none"> <li>• the issues raised in (2) above regarding pecuniary/proprietary interests</li> <li>• no other medical practitioner being reasonably available within 24 hours</li> <li>• why the doctor considered it appropriate or necessary to give the certificate.</li> </ul> </li> <li>▶ A copy of the statutory declaration is to be sent to the registrar or coroner within 24 hours after making it.</li> </ul>

Continued overleaf



# South Australia –Specific information continued

<b>Requirements continued</b>	<p>The issues in relation to the second certificate requirements are that the doctor must certify that:</p> <ul style="list-style-type: none"><li>▶ they have read and considered the certificate of the doctor giving the first medical certificate</li><li>▶ they are satisfied the deceased has died from natural causes</li><li>▶ to the best of their knowledge and belief, there is no reason why the body of the deceased should not be cremated.</li></ul> <p>The medical practitioner giving the second certificate is verifying the information on the first certificate and confirming the deceased has died from natural causes.</p>	
<b>Contact information</b>	<b>South Australia State Coroner's Office</b> 08 8204 0600 courts.sa.gov.au/ourcourts	<b>Births, Deaths and Marriages Registration Office</b> 131 882 cbs.sa.gov.au

For more advice, call Avant's Medico-legal Advisory Service on **1800 128 268**.

Visit [avant.org.au/risk/iq](http://avant.org.au/risk/iq) for Avant Risk IQ resources including webinars, eLearning courses, case studies and checklists.

This publication is not comprehensive and does not constitute legal or medical advice. You should seek legal or other professional advice before relying on any content, and practice proper clinical decision making with regard to the individual circumstances. Persons implementing any recommendations contained in this publication must exercise their own independent skill or judgment or seek appropriate professional advice relevant to their own particular practice. Compliance with any recommendations will not in any way guarantee discharge of the duty of care owed to patients and others coming into contact with the health professional or practice. Avant is not responsible to you or anyone else for any loss suffered in connection with the use of this information. Information is only current at the date initially published. © Avant Mutual Group Limited 2015. 3732e 02/16 (0503)