

Avant Risk IQ factsheet

Death certificates – New South Wales

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 New South Wales, you do not need to sight the deceased to provide a death certificate (although it is strongly recommended).



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 New South Wales:

- ▶ where the deceased was not attended by a medical practitioner within six months immediately preceding death
- ▶ death following a medical procedure where the death was not the reasonably expected outcome of the procedure.

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.

New South Wales – Specific information

Forms required	1. Medical Certificate of Cause of Death And for cremations: 2. Attending Practitioner’s Cremation Certificate 3. Medical Referee’s Cremation Permit	
Legislation	<i>Coroners Act 2009</i> <i>Public Health Regulation 2012</i> NSW Health Policy Directive – <i>Cremation Certificates and related requirements PD2006_081</i> <i>Births, Deaths and Marriages Registration Act 1995</i>	
Requirements	<p>A cause of death certificate must first be issued for the deceased.</p> <p>There are two cremation certificates required.</p> <p>The first certificate is completed by the attending practitioner and is an Attending Practitioner’s Cremation Certificate. This cannot be issued if a cause of death certificate has not been issued.</p> <p>The second cremation certificate, signed by a different medical practitioner, is a Medical Referee’s Cremation Permit.</p> <p>Who can complete the documents?</p> <ul style="list-style-type: none"> ▶ The attending practitioner can complete both the cause of death certificate and the Attending Practitioner’s Cremation Certificate. ▶ The Medical Referee’s Cremation Permit must be completed by a medical referee who is not the attending practitioner. ▶ The medical referee is a medical practitioner who is one of the following – a public health officer, the medical superintendent of a public hospital or a medical practitioner appointed by the director general as a medical referee (there is a published list on the NSW Health website). The medical referee cannot have signed the first cremation certificate and must view the body. The medical referee is provided with the Attending Practitioner’s Cremation Certificate and the application for cremation. <p>The doctor signing the Attending Practitioner’s Cremation Certificate must have attended the person immediately before or during the illness terminating in their death and have seen the body after death and been satisfied as to their identity.</p> <p>The attending practitioner must attest to the following:</p> <ul style="list-style-type: none"> ▶ that a cause of death certificate has been issued ▶ the cause of death ▶ if the death is reportable under the Coroners Act 2009 ▶ whether they are a relative of the deceased ▶ whether they have pecuniary interest in, or arising from, the death of the deceased ▶ whether there was any battery-powered device in the body ▶ whether the deceased had undergone any radioactive treatment. 	
Contact information	State Coroner’s Court of NSW 02 8584 7777 coroners.justice.nsw.gov.au	NSW Registry of Births, Deaths and Marriages 13 77 88 bdm.nsw.gov.au

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

Visit avant.org.au/risk/iq for Avant Risk IQ resources including webinars, eLearning courses, case studies and checklists.

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