

Cremation and the medical practitioner

TO THE EDITOR: A recent survey found that 65% of Australians choose cremation over burial, and that, in the context of the coronavirus disease 2019 (COVID-19) pandemic, cremations could be increased fourfold.¹ It seems appropriate to look at the various roles of the medical practitioner in approving cremations.

The first crematorium was built in England in 1878.² Medical practitioners were at the forefront of the movement in Australia, and argued that cemeteries were already overcrowded and in disrepair, that a fear of being buried alive was common, and that cremation was a hygienic way to dispose of the dead when it was still believed that cemeteries were a source of disease in the living.² The first Australian crematorium was established in Adelaide in 1903, after which progress halted due to ongoing

debate,³ however, objections were overcome and many were constructed in the interwar years (Box 1).

The most cogent reason for rejecting cremation was that it could be employed to hide homicides. The contrary argument was that having a medical practitioner verify the cause of death would both prevent undetected crime and advance medical knowledge.⁴

To provide for this verification step, each Australian state and territory introduced legislation setting out a process for the approval of cremations. Where the cause of death is suspicious or unclear, permission is withheld and referral made to a coroner.

In Queensland, Tasmania and Victoria, any medical practitioner who did not complete the death certificate may issue a cremation permit (Box 2). In the Australian Capital Territory, New South Wales and Western Australia, only government-appointed medical

referees may issue a permit. Some states and territories also require assessment of cremation safety, verifying that there is no implanted battery-operated device, which may explode and damage the cremator, and that the deceased has not received radioisotopes, which may create a public health risk during cremation.

At the Public Health Unit, we manage the appointment of medical referees for the NSW Ministry of Health. As part of the review of the effectiveness of our procedures, in 2020 we developed a short questionnaire to identify reasons why medical referees may refuse permission to cremate and to seek suggestions for improvement to this administrative process. We emailed it to a 10% random sample of NSW medical referees ($n = 77$) and received 46 responses (60%). Of these, 29 respondents (63%) had served in the role for more than 15 years, nine (20%) for five to 15 years, and five (11%) for less than five years. The number of permits issued in the previous 12 months ranged widely: 25 had signed zero to ten, and at the other extreme, two provided estimates of 780 and 1200 permits. This large variation is most likely related to varying demands on medical referees by local funeral directors. The reasons for rejecting applications included inconsistencies in the forms (ten), incorrect or unclear cause of death (seven), a reportable death (four), uncertain identity of the deceased (one), and a retained battery-powered device (one). No suggestions for improvement were made, but three respondents suggested we provide some medical referee training — we have undertaken to develop an online education module.

Although roles differ between Australian jurisdictions, medical practitioners have an important responsibility for verifying that a body is suitable for cremation, a decision that they must make independently of the practitioner who certifies the cause of death.

1 Woronora Crematorium, Sydney, constructed in 1934*



* Courtesy of Woronora Memorial Park.

2 Roles of medical practitioners in approval of cremation under current legislation for each Australian state and territory

State or territory	Legislation	Final approver of cremation	Name of permit	Comments	Who assesses cremation risk
Australian Capital Territory	Cemeteries and Crematoria Regulation 2003	Medical referee, a medical practitioner appointed by the Director-General	Certificate of medical referee	The medical referee must view and be satisfied with the "Certificate of medical attendant"	The "Certificate of medical referee" must state that there is no medical reason why the remains should not be cremated
New South Wales	Public Health Regulation 2022	Medical referee, a medical practitioner appointed by the Secretary	Medical referee's cremation permit	The medical referee must be independent of the applicant and of the medical practitioner who attended the deceased	A medical practitioner must provide cremation risk advice concerning battery-operated implanted devices and radioactive treatment
Northern Territory	<i>Cemeteries Act 1952</i>	Crematorium manager	Cremation permit	A permit can only be issued by the cremation manager if the certificate provided is signed by two medical practitioners stating that death was due to natural causes	No reference to assessment of cremation risk
Queensland	<i>Crematorium Act 2003</i>	Independent doctor	Permission to cremate (independent doctor)	The independent doctor is a doctor who has not signed the cause of death certificate or the "Cremation risk certificate"	Any other medical practitioner may complete the "Cremation risk certificate"
South Australia	<i>Burial and Cremation Act 2013</i> ; Burial and Cremation Regulations 2014	Registrar of Births, Deaths and Marriages	Cremation permit	Registrar of Births, Deaths and Marriages must consider the "Death from natural causes certificate of second doctor"	Second doctor certifies that there is no reason why the body of the deceased should not be cremated
Tasmania	Burial and Cremation Regulations 2015; <i>Burial and Cremation Act 2019</i>	Medical practitioner	Cremation permit	The medical practitioner who issues the permit must not be a partner, employee or relative of the medical practitioner who issued the medical certificate in respect of the deceased person	The medical practitioner who signs the permit must be satisfied that any implanted medical device has been removed
Victoria	<i>Cemeteries and Crematoria Act 2003</i> ; Cemeteries and Crematoria Regulation 2015	Registered medical practitioner	Certificate of registered medical practitioner authorising cremation	The registered medical practitioner is someone who is not the medical practitioner who completed the notice in respect to the death of the deceased	The funeral director must take note of any battery-operated implanted device mentioned on the "Medical certificate of cause of death"
Western Australia	<i>Cremation Act 1929</i> ; Cremation Regulations 1954	Medical referee, appointed by the Governor	Permit to cremate	The medical referee must not issue the certificate of cause of death or be in partnership with the medical practitioner who does so	The "Certificate of medical practitioner" covers battery-operated implanted devices and radioactive treatments

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1 Australasian Cemeteries and Crematoria Association. National Cremation Capacity Survey 2020. Melbourne: ACCA, 2020. https://accaweb.com.au/images/easyblog_articles/45/CREMA

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