

Guidelines for Medical Practitioners Applying for Appointment as a Medical Referee

NSW Medical Referee Factsheet

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What is a medical referee?

The principal task of the medical referee is to issue (or decline to issue) a cremation permit.

A medical referee provides independent advice as to whether a cremation can proceed, whether an application requires review or whether there is a need to further examine the body of a deceased person prior to cremation.

Under Schedule 7 of the *Public Health Regulation 2022* a medical referee is —

- (a) a public health officer who is a registered medical practitioner, or
- (b) the medical superintendent of a public hospital, within the meaning of the *Health Services Act 1977*, or
- (c) a registered medical practitioner who has been appointed by the Secretary of the NSW Ministry of Health as a medical referee for the purpose of this Regulation.

What are a medical referee's obligations to examine the body of the deceased?

Under the 2022 change to the Regulation, the medical referee does **not** need to conduct an external examination of the body to issue a cremation permit; however, if they consider it necessary, for example because the cause of death or identity of the deceased is not clear, or the medical referee has concerns about the circumstances surrounding the death, they **should** conduct an examination.

This means that a medical referee must have ready access to the deceased in the event they consider it necessary to view the body to determine whether or not to issue a cremation permit. If there is a need to view the body, this **cannot** be undertaken by another person on behalf of the medical referee.

Cremation risk advice to be assessed by crematorium.

The cremation risk advice is a document provided to the crematorium about the [risk](#), if any, that the cremation may pose because of the presence in the body of a pacemaker, other battery-operated device or radioactive implant or material. Batteries may explode inside the cremator, whilst certain radioactive substances may be released during cremation leading to a potential health risk to workers or to members of the public.

Cremation risk advice is provided by a medical practitioner who attended the person immediately before, or during their illness terminating in death, or who has relevant knowledge of the person's medical history (e.g. usual GP). The medical referee is **not** required to provide or review the cremation risk advice.

Documentation required by the medical referee in order to sign a cremation permit

A medical referee must sight and be satisfied with the following documents before issuing a permit

- An application for permission for cremation (usually completed by the next of kin)
- A medical certificate of cause of death.

If the medical referee finds the documentation unsatisfactory they should inform the funeral director.

Cremation permit forms

These are the NSW Health approved forms:

- Medical referee's cremation [permit](#) (other than a still-born child)
- Medical referee's [permit](#) for cremation of body of still-born child

Before the medical referee signs a cremation permit they must:

- Be certain of the identity of the deceased
- Be satisfied that the deceased died of natural causes
- Be satisfied that the deceased left no written objection to cremation
- In the case of an application with respect to a stillborn child, ensure that the child was stillborn

When should a medical referee's cremation permit be declined?

Reason for declining	Remedy
Incorrect or incomplete application to cremate forms	Ensure forms are correctly completed (return to funeral director)
A medical certificate as to cause of death has not been provided or is incomplete or incorrect	Ensure the certificate is provided and completed correctly (return to funeral director)
The deceased has left a written note that their body is not to be cremated	Decline. The cremation must not take place
The identity of the body is unclear or incorrect	Decline until the identity has been verified and documents corrected (return to funeral director)
Death was due to violent or unnatural causes	Decline. Refer the matter to the coroner*
There are suspicious circumstances surrounding the death	Decline. Refer the matter to the coroner*
The Medical Referee: <ul style="list-style-type: none"> • completed the death certificate • completed the cremation risk advice • is close relative of the deceased person • provided medical treatment or care to the deceased in the previous 6 months • has a pecuniary interest in the death of the deceased 	Decline and ask the funeral director to allocate to another medical referee

* If the deceased is referred to the coroner, the coroner will generally issue the cremation permit

Who can become a medical referee?

Registered medical practitioners who have practised medicine recently, that is for at least three of the last five years, can apply for appointment as a NSW medical referee.

Applications to become a medical referee

To apply to be appointed as a medical referee, medical practitioners are required to complete the application form located on the [Medical Referees webpage](#) and to return it via email to the Medical Referee Team (the email address on the application form). Any application received on an out-of-

date application form will be returned to the practitioner and they will be requested to resubmit on the correct application form.

Upon receipt, the application form will be reviewed, the applicant's AHPRA registration status will be verified, and the application processed for appointment to the NSW Medical Referee Register. NSW crematoriums are then notified of any new appointments or withdrawals on a regular basis with the SESLHD Public Health Unit website updated to reflect any changes to the Register.

Successful applicants are notified in writing and are provided with a copy of clauses 106 and 107 of the *Public Health Regulation 2022* which outline their duties and responsibilities. Once the application has been approved, it is the responsibility of the medical practitioner to advise the Public Health Unit of any changes in address or contact details.

A funeral director can assist the medical practitioner in applying but cannot apply on their behalf.

Appointment of medical referees for anatomy laboratories

A medical practitioner associated with an anatomy laboratory licensed in NSW under the *Anatomy Act 1977* may apply to become a medical referee for the purpose of permitting cremation of the remains of donors to the anatomy laboratory.

Appointment of salaried medical officers

A salaried medical officer employed within a NSW public health organisation (other than a person employed as a medical superintendent or equivalent, who is *ex officio* a medical referee) may apply to become a medical referee; however, as a form of secondary employment this should be approved by the medical officer's line manager beforehand, and a determination of appointment will be made by the delegate on a case by case basis.

Any applicant who is deemed not suitable to be appointed will be notified in writing with a reason provided.

*Note: if possible, please submit your application by email. Because we sometimes need to check confidential and sensitive details with you, please use an email address **specific to the applicant** (i.e. not a generic email address for your practice).*

All written applications will be acknowledged in writing; those received by email will be acknowledged by the Medical Referee Team within two working days.

Note: The application for appointment as a medical referee has conditions that the applying practitioner must agree to, which will allow the Public Health Unit to contact AHPRA to obtain your contact information if required.

Overseas and interstate applicants

Applications will not be approved for a medical practitioner who resides overseas.

Interstate applicants from the Australian Capital Territory, Queensland, Victoria and South Australia are considered if they live or work in proximity to the New South Wales border, and have

the capacity to examine a body, **should** it be necessary. Interstate applicants are to provide additional information to explain why they are seeking appointment in NSW.

Monitoring of medical registration status

The Health Professional Council of NSW sends a weekly report to the Public Health Unit listing registered health practitioners whose registration status has changed. On a case-by-case basis, consideration of conditions on medical registration may lead to the appointment as a medical referee being temporarily or permanently revoked by the delegate. Examples of reasons for withdrawal of the appointment include:

- Practitioner suspended, deregistered or directed 'Not to practise medicine'
- Assessment indicates poor record keeping
- Condition includes a requirement for close supervision.

If you are concerned that you may NOT be able to perform the duties of a medical referee, please do not hesitate to contact the Public Health Unit to discuss.

If at any point you relocate, you are to notify the Public Health Unit of your new practice locations to ensure the register is maintained and up to date.

The Public Health Unit Medical Referee Team are contactable during business hours:

- By email: SESLHD-PHU-MedicalRefereeTeam@health.nsw.gov.au
- By phone: (02) 9382 8333 (option 5)

Helpful Links

- [NSW Health guidelines: Final arrangements of the deceased](#)
- [Public Health Regulation 2022](#)
- [Application for appointment as a NSW Medical Referee](#)
- [SESLHD Public Health Unit Medical Referees Website](#)