

Health Report

COVID-19: Extension of authorisation of medical referees to permit cremations for the duration of the Epidemic Preparedness (COVID-19) Notice 2020

Date due to MO: 21 April 2020 **Action required by:** 22 April 2020

Security level: IN CONFIDENCE **Health Report number:** 20200613

To: Hon Dr David Clark, Minister of Health

Contact for telephone discussion

Name	Position	Telephone
Dr Ashley Bloomfield	Director-General of Health	s 9(2)(a)
Maree Roberts	Deputy Director-General COVID-19 Strategy and Policy	s 9(2)(a)

Action for Private Secretaries

Return the signed report to the Ministry of Health.

Date dispatched to MO:

COVID-19: Extension of authorisation for medical referees to permit cremations for the duration of the Epidemic Preparedness (COVID-19) Notice 2020

Purpose of report

This report requests your approval to authorise medical referees to permit cremations to be carried out without complying with regulation 7 of the Cremation Regulations 1973 for the duration of the COVID-19 epidemic notice.

Key points

- Under regulation 7 of the Cremation Regulations 1973 (the Regulations), a medical referee cannot permit a body to be cremated unless a Cremation Certificate is issued by a certifying practitioner, which requires seeing and identifying the body.
- Seeing and identifying the body of a deceased person presents difficulties for certifying practitioners to maintain the self-isolation and physical distancing requirements necessary to limit the spread of COVID-19, particularly in residential facilities.
- On 1 April 2020 you agreed to authorise medical referees to permit cremations to be carried out without complying with regulation 7 under certain circumstances during COVID-19 Alert Level 4. [HR20200560 refers – attached as **Appendix one**]. This is permitted under Section 12 (b) of the Regulations in the event of an epidemic.
- The Epidemic Preparedness (COVID-19) Notice 2020 was issued under section 5 of the Epidemic Preparedness Act 2006 by the Prime Minister and came into force on 25 March 2020. The notice declared that the effects of the outbreak of COVID-19 were likely to disrupt or continue to disrupt essential governmental and business activity in New Zealand significantly. The notice expires 3 months after its commencement, unless revoked earlier or renewed.
- Shifts to other Alert Levels will reflect that the risks of COVID-19 have diminished but have not gone away. **Ministry of Health (Ministry) officials recommend that you extend this authorisation to apply for the duration of the Epidemic Preparedness (COVID-19) Notice 2020, in recognition of the ongoing risk of COVID-19 transmission.**
- Following advice from the sector on implementation considerations, officials also recommend you agree to updating the conditions for the exemption outlined in paragraphs 10 to 12 of HR20200560 [see **Appendix one**] to clarify the operational expectations of the authorisation.
- If approved, Ministry officials will:

- communicate the decision to extend the permission for cremations to be carried out without complying with regulation 7 and the updated conditions that will apply to the permit to the sector
- continue to work with the sector to provide any guidance needed on implementation
- The recommendations in this report are not expected to have a significant impact on equity.

Recommendations

The Ministry recommends that you:

- a) **Note** that on 1 April 2020 you agreed to authorise medical referees to permit cremations to be carried out without complying with regulation 7 of the Cremation Regulations 1973 during COVID-19 Alert Level 4 [HR20200560 refers]
- b) **Agree** to authorise medical referees to permit cremations to be carried out without complying with regulation 7, as provided for under Section 12 (b) of the Cremation Regulations 1973 for the duration of the Epidemic Preparedness (COVID-19) Notice 2020 **Yes**
- c) **Agree** to update the conditions outlined in HR202000560 for this authorisation with the following additions: **Yes**
 - i. this exemption applies to rest homes, residential care facilities, and other long-term in-patient facilities but not to hospitals or hospices
 - ii. certifying practitioners should make reasonable efforts to view the deceased's body outside of the residential facility (for example at a funeral home)
 - iii. where this is not possible, the funeral director must confirm whether there is a biomechanical aid present in the body
 - iv. certifying practitioners must provide the details of the trusted source who confirmed the identity of the deceased in writing to the medical referee
 - v. the medical referee is not required to validate the credentials of a trusted source but must check that the details have been recorded.



Maree Roberts
Deputy Director-General
System Strategy and Policy

Hon Dr David Clark
Minister of Health
Date: 25/4/2020

ENDS.

Appendix one: HR20200560 COVID-19: Authorisation of Medical Referees to permit cremations during Alert Level Four

Proactively released