

SUBMISSION RELATING TO DEATH AND CREMATION CERTIFICATION

This submission is from Allan Brian Prestidge, 90 Alfred Street, Hamilton, and Dean Philip Hoyle, 62 Swayne Road, Cambridge, on behalf of persons known as Exclusive Brethren

1. Who are we?

We are believers in the Lord Jesus Christ commonly known as Exclusive Brethren. The Brethren fellowship has approximately 8,000 members in New Zealand from Kaitia to Invercargill and is linked with others who have similar beliefs and practices in many other countries.

2. Our Beliefs Regarding Burial

We believe that the body of a believer is “the temple of the Holy Spirit” 1 Corinthians 6: 19 and that the body of a believer, whether alive or dead, is to be treated with utmost respect and dignity.

Scriptures such as Genesis 23 – a whole chapter devoted to the matter of burial – stating that “*Abraham buried Sarah his wife*”; and, in the New Testament, Acts 8: 2 “*pious men buried Stephen*”, along with the detail given in the four gospels of how Joseph of Arimathæa and Nicodemus prepared the body of the Lord Jesus for burial and buried him, indicate to us that we should take responsibility to prepare and bury our dead.

Where we can, we care for older and incapacitated persons in our homes and we regard burial as an extension of this care. After death has occurred we endeavour to remain with and accompany the body and where possible, we prepare, transport and bury our dead ourselves, normally within a day or two after death. We do not cremate. We respect and honour Government and co-operate with hospital, cemetery, police, coroners and other authorities.

We are particularly appreciative of the special provisions in the Coroners Act 2006 for “*the cultural and spiritual needs of family of, and of others who were in a close relationship to, a person who has died*” Pt.1 s.(2)(b)(i); especially the provisions to:

- recognise a family representative Pt. 2 s.(22) & (23)
- remain with or near the body Pt 2 s.(26)
- decide whether to direct a post-mortem Pt. 2 s.(32)(f)
- object to a post-mortem Pt. 2 s.(33),(34) & (35)
- require a lesser examination Pt. 2 s.(36)(1)
- perform an early post-mortem Pt. 2 s.(37)(2)(c)
- release bodies Pt. 2 s.(42)

At the same time we do understand the importance of post-mortems to determine the cause of death and we respect the coroners and abide by their decisions.

3. Our Practice

We have professionally trained and equipped persons throughout the country who:

1. Comply with legal and procedural requirements relating to death and burial.
2. Prepare, transport and bury the bodies of deceased persons in a safe and competent manner and to a uniform standard throughout the country.

We operate within the limitations of our training, equipment and facilities and respect and cooperate with licensed Funeral Directors. We do not offer burial services to the general public.

4. Our Submission

(1) Time Delay before the Release of the Body

Given that our practice is to prepare bodies for viewing in a careful and reverential manner and bury within a day or two after death, our main concern is that any changes to death certification and notification do not unduly delay the issue of certification and the release of bodies of deceased persons. Families and friends do need time to grieve and undue delays tend to cause additional distress and frustration.

Typical situations we encounter are:

(a) An older person with a life threatening condition living at home has a fall or their health suddenly deteriorates. Paramedics are called and are unable to revive the person. They call the police who call their contracted funeral director to uplift the body. It usually takes several hours to obtain a MCCD and release of the body. Alternatively, the police may agree to wait until the person's GP can be contacted which requires a member of the police force to remain with the body until this is done and the GP agrees to certify the death.

(b) A person dies in a hospital and there are delays in obtaining certification because the ward doctor or specialist attending the patient is not on duty or unavailable, perhaps because they are involved in an operation. After certification the body has to be sent to the hospital mortuary for collection. Whilst hospital staff are usually sympathetic and endeavour to accelerate the process they are obliged to follow standard procedures.

(c) A person dies in a rest home and the doctor may not be available to issue a MCCD until the next day. In such circumstances the body may be released and preparation work commenced on the basis of a verbal understanding that the MCCD will be issued in due course. (This is currently permissible - refer to Note 25 on Page 12 of *Final Words: Death and Cremation certification in New Zealand*). Otherwise we have to wait until the MCCD is issued.

Quite often the body of a person who dies late afternoon or during the night in an institution cannot be obtained until late morning the next day. Time is then needed to prepare the body for viewing. Where relatives have been present, as they usually are when death occurs, these delays seem to be interminable and we are concerned that they are not extended by additional time consuming certification procedures and requirements.

Whilst it is recognised that caring for the living normally takes precedence over attending to the dead we submit that anyone involved in the certification process should be placed under a legal obligation to attend to the matter quickly and efficiently. It is to be noted that the Coroners Act 2006 states that "*Every coroner must, so far as it is consistent with justice and practicable to do so, perform or exercise his or her functions, powers, and duties without delay*" Pt. 1 s.(5) and it is recommended that a similar obligation be placed upon all other parties involved in the death certification process. A dead body should not be regarded merely as a chattel of the state to be attended to when time and circumstances permit. It is family property, and, unless there are exceptional circumstances, should be certified and returned to the family or their representative as quickly as possible.

In endeavouring to improve procedures we suggest that due regard be given to the finite human resources available to carry out the prescribed procedures (for example, in rural

areas) and that the certification process be kept relatively simple and understandable. When an elderly person dies of natural causes in the family home it should be possible to certify the death without undue delay within the home. It is recognised that death is inevitable and, if there are no suspicious circumstances, we suggest that little benefit is achieved in spending time and resources to establish a supposed cause of death, especially when there may be multiple chronic conditions. We have encountered cases where it is obviously difficult for a GP to establish the cause of death other than in very general terms.

We do, however, recognise the need for safeguards and consider that the recommendation *“that all deaths should be verified and the body be viewed by suitably qualified personnel (not necessarily doctors) in a process distinct from and prior to the certification of cause.”* (Final Words 4.29) has merit, but the question then arises as to whether verification of death is sufficient to allow a body to be released (say, from a rest home) to enable preparation work to be commenced or would it be necessary to wait for the cause of death to be established?

We also see merit in *“Improving the interface between the Coroners Act 2006 and the Burial and Cremation Act 1964”* (Final Words Ch. 4 page 46) and amending the Coroners Act *“to explicitly permit funeral directors, health care workers, relatives of the deceased or any other person with relevant information to report deaths directly to the coroner”* (Final Words 4.66 Q12). In this context, if a family or their representative consider that the certification process is not being attended to in an expeditious manner should they have the right to request the coroner to intervene and expedite the matter?

Whilst we respect authority in Government and support efforts to eliminate crime and improve procedures, we request that the interests of grieving families be adequately safeguarded and that any additional procedures do not prolong the period of time taken to release a body of a deceased person. We recommend that parties involved in the certification process be required to carry out the matter in an expeditious manner and release the body as quickly as possible.

(2) Post-mortem Requirements

We prefer to avoid, if possible, post-mortems involving invasive procedures. Firstly, because we believe that the body of a dead person should be treated with respect and should not normally be subjected to such procedures, and secondly, because it tends to delay proceedings and necessitates additional preparation work which may be outside the range of

our ability and equipment to perform. We do, however, understand the need for post mortems in certain circumstances and we respect the coroners and any decisions they make.

The special provisions in the Coroners Act 2006 (referred to above) do help to alleviate our concerns about this matter and we are concerned that any future legislation does not weaken or undermine these provisions. We are concerned about the possibility of additional post-mortems being performed to ascertain the cause of death and request that the religious beliefs (we prefer this expression rather than that of spiritual beliefs) and wishes of the family and their representative with respect to this matter be adequately considered for and safeguarded.

(3) Documentation

We specifically support any move to make it easier to *“decipher and accurately transcribe the cause of death information from the doctor’s MCCD in order to complete the online notification for death”* referred to in Clause 2.139 of the *Final Words* report and the suggested solution, Clause 4.89, to lodge both the MCCD and the *“notification of death”* online, is acceptable provided we retain the right to complete the latter ourselves.

Overall we request that we retain the right to continue to practice our religious beliefs as outlined above; to be able to continue to collect bodies and death certification from hospitals, rest homes and similar institutions and to complete and lodge the *“Notification of Death for Registration”* ourselves.

Allan Prestidge

Ph. 07 846 1235 (Bus) 07 855 3386 (Pte)

allan@handle.co.nz

Dean Hoyle

Ph. 07 827 5555 (Bus) 07 827 4330 (Pte)

d.hoyle@vodafone.co.nz

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