



Queensland

Transplantation and Anatomy Regulation 2004

Subordinate Legislation 2004 No. 162

made under the

Transplantation and Anatomy Act 1979

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
3	Definitions	3
Part 2	Schools of anatomy	
Division 1	Receiving bodies	
4	Receiving a body at a school of anatomy	3
Division 2	Disposing of bodies	
5	Definition for div 2	4
6	Disposal of a body by an accepting school	4
7	Returning a body or part to a lending school for disposal	5
Division 3	Records	
8	Register of bodies—accepting schools	5
9	Register of bodies—borrowing schools	7
10	Tracking records	8
11	Production of documents for inspection	9
Part 3	Miscellaneous	
12	Prescribed tissue banks	9
13	Prescribed qualifications for medical practitioners certifying death	10

Part 4	Repeal and transitional provisions	
Division 1	Repeal	
14	Repeal of regulation	10
Division 2	Transitional provisions	
15	Schools accepting bodies before commencement	11
16	Schools borrowing bodies before commencement	11
Schedule	Dictionary	12

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transplantation and Anatomy Regulation 2004*.

2 Commencement

This regulation commences on 30 August 2004.

3 Definitions

The dictionary in the schedule defines particular words used in this regulation.

Part 2 Schools of anatomy

Division 1 Receiving bodies

4 Receiving a body at a school of anatomy

- (1) The person in charge of a school of anatomy must, before accepting a body—
 - (a) obtain the following documents (the *authorising documents*) for the body—
 - (i) a copy of the cause of death certificate for the deceased person;
 - (ii) the authority for retention of the body;
 - (iii) if a coroner has given a consent under section 34(2) or (3)¹ of the Act for retention of the body—the consent;

¹ Section 34 (Consent by coroner) of the Act

- (iv) if a coroner has given a direction under section 34(4) of the Act about retention of the body—the direction; and
- (b) if a consent or direction under paragraph (a)(iii) or (iv) is subject to a condition—satisfy himself or herself that the condition has been complied with.

Maximum penalty—10 penalty units.

- (2) This section does not apply to the person in charge of a school of anatomy if the school borrows the body from a lending school.

Division 2 Disposing of bodies

5 Definition for div 2

In this division—

body includes a part of a body.

6 Disposal of a body by an accepting school

- (1) The person in charge of an accepting school for a body must dispose of the body—
 - (a) if the body is authorised to be retained only for a certain period—as soon as possible after the period; or
 - (b) otherwise—as soon as possible after the body has been used for the purpose for which retention of the body was authorised.

Maximum penalty—10 penalty units.

- (2) For subsection (1), the disposal of the body must include making arrangements for cremation or burial of the body.
- (3) Subsection (4) applies if, during the deceased person's lifetime, the person gave written instructions about the disposal of the person's body.
- (4) Subject to subsection (2), the person in charge of the school must, to the extent it is reasonably practicable to do so,

dispose of the deceased person's body in accordance with the deceased person's instructions.

Maximum penalty—10 penalty units.

7 Returning a body or part to a lending school for disposal

The person in charge of a borrowing school for a body must return the body to the lending school for the body for disposal when required to do so by the lending school.

Maximum penalty—10 penalty units.

Division 3 Records

8 Register of bodies—accepting schools

- (1) The person in charge of an accepting school for bodies must keep a register for the bodies in accordance with subsections (2) and (3).

Maximum penalty—10 penalty units.

- (2) The register must include the following particulars in relation to each person's body—
- (a) the name, age, sex and last address of the person;
 - (b) the day and place of death of the person;
 - (c) the day and time the body was received at the accepting school;
 - (d) the name of person from whom the body was received;
 - (e) the name of the individual who delivered the body to the accepting school for the person mentioned in paragraph (d);
 - (f) the type of authority for the donation of the body to the accepting school;
 - (g) the name of the person who obtained the authorising documents for the body;
 - (h) the name of the person at the accepting school who received the body;

- (i) the school's unique identification of the body, including, for example, a number or code;
 - (j) if the body is authorised to be retained only for a certain period—the period;
 - (k) if the person has given written instructions about the disposal of the person's body—a summary of the instructions;
 - (l) the day and time the body was removed from the accepting school for disposal;
 - (m) the name of the person at the accepting school who allowed the removal of the body for disposal;
 - (n) the name of the person who removed the body for disposal;
 - (o) the name of the individual who removed the body for the person mentioned in paragraph (n);
 - (p) the day, place and method of disposal of the body.
- (3) If the accepting school lends the body to a borrowing school, the register must also include the following particulars—
- (a) the name of the borrowing school;
 - (b) the day and time the body was removed from the accepting school for the loan;
 - (c) the name of the person from the accepting school who allowed the removal of the body from the school;
 - (d) the day and time the body was received by the borrowing school;
 - (e) the name of the person from the borrowing school who received the body;
 - (f) the day and time the body was returned to the accepting school;
 - (g) the name of the person from the borrowing school who allowed the return of the body to the accepting school;
 - (h) the name of the person from the accepting school who received the body.

- (4) The person in charge of the accepting school must record in the register—
- (a) the particulars mentioned in subsection (2)(a) to (k)—as soon as possible after the body is received at the school; and
 - (b) the particulars mentioned in subsection (2)(l) to (o)—as soon as possible after the body is removed from the accepting school for disposal; and
 - (c) the particulars mentioned in subsection (2)(p)—as soon as possible after the disposal of the body; and
 - (d) if the body is lent to a borrowing school—
 - (i) the particulars mentioned in subsection (3)(a) to (e)—as soon as possible after the body is received at the borrowing school; and
 - (ii) the particulars mentioned in subsection (3)(f) to (h)—as soon as possible after the body is received at the accepting school.

Maximum penalty—10 penalty units.

9 Register of bodies—borrowing schools

- (1) The person in charge of a borrowing school for bodies must keep a register for the bodies that includes the following particulars for each body—
- (a) the name of the lending school for the body;
 - (b) the lending school's unique identification of the body;
 - (c) the name of the person from the lending school who allowed the removal of the body;
 - (d) the name of the person from the borrowing school who received the body;
 - (e) the day and time the body was received by the borrowing school;
 - (f) the day and time the body was returned to the lending school;

- (g) the name of the person from the borrowing school who allowed the return of the body to the lending school;
- (h) the name of the person from the lending school who received the body.

Maximum penalty—10 penalty units.

- (2) The person in charge of the borrowing school must record in the register—
 - (a) the particulars mentioned in subsection (1)(a) to (e)—as soon as possible after the body is received at the borrowing school; and
 - (b) the particulars mentioned in subsection (1)(f) to (h)—as soon as possible after the body is returned to the lending school.

Maximum penalty—10 penalty units.

10 Tracking records

- (1) The person in charge of an accepting school for a body must keep a record for the body, stating each of the following—
 - (a) the school's unique identification of the body;
 - (b) the current location of the body;
 - (c) if, while the body is being retained at the school, a part of the body is removed for a purpose for which retention of the body is authorised—
 - (i) the school's unique identification of the part; and
 - (ii) the current location of the part.

Maximum penalty—10 penalty units.

- (2) The person in charge of a borrowing school that has received a body or a part of a body from the lending school for the body must keep a record for the body or part, stating each of the following—
 - (a) the lending school's unique identification of the body or part;
 - (b) the current location of the body or part.

Maximum penalty—10 penalty units.

11 Production of documents for inspection

- (1) An inspector may require the person in charge of a school of anatomy that the inspector superintends under section 38(3) of the Act to produce to the inspector for inspection a relevant document obtained or kept by the person.
- (2) The person must produce the relevant document unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (3) In this section—

relevant document means the following—

- (a) an authorising document;
- (b) a register under section 8 or 9;
- (c) a record under section 10.

Part 3 Miscellaneous**12 Prescribed tissue banks**

For section 42A(1)² of the Act, the following are prescribed tissue banks—

- (a) Queensland Bone Bank;
- (b) Queensland Eye Bank;
- (c) Queensland Heart Valve Bank;
- (d) Queensland Skin Bank;
- (e) Australian Red Cross Blood Service—for blood and blood products derived from blood, for medical or scientific purposes.

2 Section 42A (Person who owns a prescribed tissue bank may charge amount to recover certain costs) of the Act

13 Prescribed qualifications for medical practitioners certifying death

- (1) For section 45(2)³ of the Act, the prescribed qualifications are registration as a specialist registrant in any of the following specialties—
- (a) anaesthetics;
 - (b) cardiology;
 - (c) emergency medicine;
 - (d) general surgery;
 - (e) intensive care;
 - (f) internal medicine;
 - (g) paediatrics;
 - (h) paediatric surgery;
 - (i) thoracic medicine.
- (2) In this section—
- specialist registrant* see the *Medical Practitioners Registration Act 2001*, schedule 3.⁴

Part 4 Repeal and transitional provisions

Division 1 Repeal

14 Repeal of regulation

The Transplantation and Anatomy Regulation 1994 SL No. 85 is repealed.

3 Section 45 (When death occurs) of the Act

4 *Medical Practitioners Registration Act 2001*, schedule 3 (Dictionary)

Division 2 Transitional provisions

15 Schools accepting bodies before commencement

- (1) This section applies if, before the commencement of this section, a person in charge of a school of anatomy—
 - (a) accepted a body under section 6 of the repealed *Transplantation and Anatomy Regulation 1994*; and
 - (b) had not disposed of the body under section 7 of that regulation.
- (2) The register kept under section 8 of this regulation by the person in charge of the school of anatomy is not required to include the particulars mentioned in section 8(2)(a) to (h) in relation to the body.

16 Schools borrowing bodies before commencement

- (1) This section applies if, before the commencement of this section, a school of anatomy (a *continuing borrowing school*)—
 - (a) borrowed a body from a lending school; and
 - (b) had not returned the body to the lending school.
- (2) The register kept under section 9 by the person in charge of the continuing borrowing school is not required to include the particulars mentioned in section 9(1)(a) to (e) in relation to the body.

Schedule Dictionary

section 3

accepting school, for a body, means a school of anatomy that—

- (a) accepts the body under an authority; and
- (b) has not borrowed the body from a lending school.

authorised means authorised under an authority.

authorising documents see section 4(1)(a).

authority means an authority under section 31(2) or 32(1)⁵ of the Act or a consent under section 33⁶ of the Act.

body means the body of a deceased person.

borrowing school, for a body or a part of a body, means a school of anatomy that borrows the body or part from—

- (a) the accepting school for the body for a purpose for which retention of the body is authorised; or
- (b) an interstate lending school for the body or the part.

cause of death certificate has the meaning given by the *Births, Deaths and Marriages Registration Act 2003*, section 30.⁷

inspector means a person appointed under section 38(1) of the Act as an inspector of schools of anatomy.

interstate lending school, for a body or a part of a body, means a school or other entity that—

- (a) is equivalent to a school of anatomy; and

5 Section 31 (Authority for anatomy where body of deceased in a hospital) or 32 (Authority for anatomy where body of deceased not in a hospital) of the Act

6 Section 33 (Provisions applicable where deceased consents to retention of his or her body for anatomy) of the Act

7 *Births, Deaths and Marriages Registration Act 2003*, section 30 (Cause of death certificate)

Schedule (continued)

- (b) is established or operated under a law applying in another State that provides for the same matter as the Act or a provision of the Act; and
- (c) lends the body or the part to a borrowing school.

lending school, for a body, means—

- (a) an accepting school for the body; or
 - (b) an interstate lending school for the body or a part of the body.
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ENDNOTES

- 1 Made by the Governor in Council on 19 August 2004.
- 2 Notified in the gazette on 20 August 2004.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.