



*Transplantation and Anatomy Act 1979*

# **Transplantation and Anatomy Regulation 2017**

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Queensland

# Transplantation and Anatomy Regulation 2017

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# Transplantation and Anatomy Regulation 2017

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transplantation and Anatomy Regulation 2017*.

### 2 Commencement

This regulation commences on 1 September 2017.

### 3 Definitions

The dictionary in schedule 1 defines particular words used in this regulation.

## Part 2 Schools of anatomy

### Division 1 Receiving bodies

#### 4 Receiving body at school of anatomy

- (1) The person in charge of a school of anatomy must, before accepting the body of a deceased person—
  - (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 the retention of the body;

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- (iii) if a coroner has given a consent under section 34(2) or (3) of the Act for the retention of the body—the consent;
  - (iv) if a coroner has given a direction under section 34(4) of the Act about the retention of the body—the direction; and
- (b) if a consent or direction mentioned in paragraph (a)(iii) or (iv) is subject to a condition—be satisfied 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.
- (3) In this section—  
*cause of death certificate* has the meaning given by the *Births, Deaths and Marriages Registration Act 2003*, section 30.

## **Division 2                      Disposing of bodies**

### **5                      Definition for division**

In this division—

*body* includes a part of a body.

### **6                      Disposal of body by accepting school**

- (1) The person in charge of an accepting school for the body of a deceased person must dispose of the body—
  - (a) if the body is authorised to be retained only for a particular period—as soon as possible after the end of the period; or

- (b) otherwise—as soon as possible after the body has been used for the purpose for which the 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 accepting 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 body to lending school for disposal**

The person in charge of a borrowing school for the body of a deceased person 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 of deceased persons must keep a register for the bodies under subsections (2) and (3).

Maximum penalty—10 penalty units.

- (2) The register must include each of the following particulars in relation to each deceased person's body—

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- (a) the name, age, sex and last address of the deceased person;
- (b) the day and place of death of the deceased person;
- (c) the day and time the body was received at the accepting school;
- (d) the name of the 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 accepting 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 particular period—the period;
- (k) if, during the deceased person's lifetime, the person gave 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 of deceased persons 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.

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Maximum penalty—10 penalty units.

## **10 Tracking records**

- (1) The person in charge of an accepting school for the body of a deceased person 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 the 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 the body of a deceased person or a part of the body from the lending school for the body must keep a record for the body or part, stating—
  - (a) the lending school's unique identification of the body or part; and
  - (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, for inspection by the inspector, 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—

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

*relevant document* means—

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

## Part 3                                      Miscellaneous

### 12        **Tissue banks—Act, s 42A**

For section 42A(6) of the Act, definition *tissue bank*, the following facilities are prescribed—

- (a) the facilities controlled by Australian Red Cross Lifeblood for storing blood, and blood products derived from blood, for medical or scientific purposes;
- (b) the facilities controlled by the Metro South Hospital and Health Service under any of the following names—
  - (i) Queensland Bone Bank;
  - (ii) Queensland Eye Bank;
  - (iii) Queensland Heart Valve Bank;
  - (iv) Queensland Tissue Bank.

### 13        **Exempt entity—Act, s 42AB**

For section 42AB(2) of the Act, definition *exempt entity*, paragraph (b)(ii), the Australian Bone Marrow Donor Registry ACN 096 625 231 is prescribed.

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**14 Prescribed qualification for medical practitioners certifying death—Act, s 45**

The qualification prescribed for section 45(2) of the Act is registration as a specialist health practitioner under the Health Practitioner Regulation National Law in any of the following specialties or specialty fields—

- (a) anaesthesia;
- (b) emergency medicine;
- (c) intensive care medicine;
- (d) paediatrics and child health—general paediatrics;
- (e) paediatrics and child health—paediatric emergency medicine;
- (f) paediatrics and child health—paediatric intensive care medicine;
- (g) physician—cardiology;
- (h) physician—general medicine;
- (i) physician—respiratory and sleep medicine;
- (j) surgery—general surgery;
- (k) surgery—paediatric surgery.

## **Part 4 Transitional provisions**

**15 Definitions for part**

In this part—

*former regulation* means the expired *Transplantation and Anatomy Regulation 2004*.

*new*, in relation to a provision, means the provision of that number of this regulation.

## **16 Registers and records kept under former regulation**

- (1) A register kept under the former regulation, section 8 immediately before the commencement is taken to be a register kept under new section 8.
- (2) A register kept under the former regulation, section 9 immediately before the commencement is taken to be a register kept under new section 9.
- (3) A record kept for a body under the former regulation, section 10(1) immediately before the commencement is taken to be a record kept for the body under new section 10(1).
- (4) A record kept for a body or a part of a body under the former regulation, section 10(2) immediately before the commencement is taken to be a record kept for the body or part under new section 10(2).

## **17 Continued application of transitional provisions under former regulation**

- (1) Despite its expiry, the former regulation, section 15 continues to apply as if—
  - (a) a reference in the former regulation, section 15(2) to section 8 of that regulation were a reference to new section 8; and
  - (b) a reference in the former regulation, section 15(2) to section 8(2)(a) to (h) were a reference to new section 8(2)(a) to (h).
- (2) Despite its expiry, the former regulation, section 16 continues to apply as if—
  - (a) a reference in the former regulation, section 16(2) to section 9 were a reference to new section 9; and
  - (b) a reference in the former regulation, section 16(2) to section 9(1)(a) to (e) were a reference to new section 9(1)(a) to (e).

## **18 References to former regulation**

In a document, a reference to the former regulation may, if the context permits, be taken to be a reference to this regulation.

## Schedule 1      Dictionary

### section 3

***accepting school***, for the body of a deceased person, 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) of the Act or a consent under section 33 of the Act.

*Notes—*

- 1 Sections 31(2) and 32(1) of the Act provide for particular persons to authorise the retention and use, for particular purposes, of the body of a deceased person.
- 2 Section 33 of the Act provides for a person to consent to the retention and use, for particular purposes, of the person's body after the person's death.

***body***, for part 2, division 2, see section 5.

***borrowing school***, for the body of a deceased person or a part of the 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 the retention of the body is authorised; or
- (b) an interstate lending school for the body or the part.

***interstate lending school***, for the body of a deceased person or a part of the body, means a school or other entity that—

- (a) is equivalent to a school of anatomy; and
- (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 the body of a deceased person, means—

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