



Transplantation and Anatomy Act 1979

Transplantation and Anatomy Regulation 2004

Current as at 1 September 2015

Reprint note

This is the last reprint before expiry. Expired on 31 August 2017. See SIA s 56A(2) and SIR s 3 sch 2 pt 2.



Queensland

Transplantation and Anatomy Regulation 2004

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	10
12A	Exempt entity—Act, s 42AB	10
13	Prescribed qualifications for medical practitioners certifying death	10
Part 4	Repeal and transitional provisions	
Division 1	Repeal	
14	Repeal of regulation	11
Division 2	Transitional provisions	
15	Schools accepting bodies before commencement	11
16	Schools borrowing bodies before commencement	12

Contents

Schedule	Dictionary	13
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Transplantation and Anatomy Regulation 2004

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;

[s 5]

- (iii) if a coroner has given a consent under section 34(2) or (3) of the Act for retention of the body—the consent;
 - (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);

[s 8]

- (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;

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- (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;

[s 10]

- (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) 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.

12A Exempt entity—Act, s 42AB

For section 2AB(2) of the Act, definition *exempt entity*, paragraph (b)(ii), the Australian Bone Marrow Donor Registry ABN 38 096 625 231 is prescribed.

13 Prescribed qualifications for medical practitioners certifying death

For section 45(2) of the Act, the prescribed qualifications are 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 Repeal and transitional provisions

Division 1 Repeal

14 Repeal of regulation

The Transplantation and Anatomy Regulation 1994 SL No. 85 is repealed.

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) of the Act or a consent under section 33 of the Act.

Notes—

- 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
- 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 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.

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—

Schedule

- (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 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.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised edition
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	30 August 2004	
1A	2010 SL No. 108	1 July 2010	

Current as at	Amendments included	Notes
1 September 2015	2015 SL No. 96	

4 List of legislation

Transplantation and Anatomy Regulation 2004 SL No. 162

made by the Governor in Council on 19 August 2004
 notfd gaz 20 August 2004 pp 1238–9
 ss 1–2 commenced on date of notification
 remaining provisions commenced 30 August 2004 (see s 2)
 exp 31 August 2017 (see SIA s 56A(2) and SIR s 3 sch 2 pt 2)
 amending legislation—

Health and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 108 pts 1, 16

notfd gaz 11 June 2010 pp 459–61
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2010 (see s 2)

Health Legislation Amendment Regulation (No. 2) 2015 SL No. 96 pts 1, 3

notfd <www.legislation.qld.gov.au> 21 August 2015
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 September 2015 (see s 2)

5 List of annotations

Exempt entity—Act, s 42AB

s 12A ins 2015 SL No. 96 s 6

Prescribed qualifications for medical practitioners certifying death

s 13 sub 2010 SL No. 108 s 66

SCHEDULE—DICTIONARY

def *authority* amd 2010 SL No. 108 s 67