

CORNEAL AND TISSUE GRAFTING.

5° Elizabeth II. No. XIX.

No. 19 of 1956.

Cf. 15 & 16
Geo. 6 & 1
Eliz. 2, c.
28, U.K.

**AN ACT to make provision with respect to the Use
of Eyes and other Tissues of the Bodies of
Deceased Persons for Therapeutic Purposes.**

[Assented to 9th November, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Corneal and Tissue Grafting Act, 1956.*

Authorisation
for use of eyes
and other
tissues.

2. (1) If any person, either in writing at any time, or orally in the presence of two or more witnesses, has expressed a request that his eyes or other tissues of his body be used for therapeutic purposes

after his death, the party lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal of the eyes or other tissues from the body for use for those purposes. All requests made by a person in writing under this section shall be forwarded to the Minister or to an approved institution. All verbal requests made by a person under this section shall be forwarded, confirmed in writing by and signed by the two witnesses to the Minister or to an approved institution.

(2) Without prejudice to the foregoing subsection, the party lawfully in possession of the body of a deceased person may authorise the removal of the eyes or other tissues from the body for those purposes unless that party has reason to believe—

- (a) that the deceased had expressed an objection to his eyes or other tissues being so dealt with after his death, and had not withdrawn it; or
- (b) that the surviving spouse or if there is no surviving spouse the nearest surviving relative of the deceased objects to the deceased's eyes or other tissues being so dealt with.

(3) An authority given under this section in respect of any deceased person shall be sufficient warrant for the removal of the eyes or other tissues from the body and their use for those purposes; but no such removal shall be effected except by a person who is a medical practitioner according to the interpretation given to the expression, medical practitioner, by section three of the Medical Act, 1894-1955, who must have satisfied himself by a personal examination of the body that life is extinct.

Cf. No. 36 of 1894 reprinted with amendments, as approved for reprint, 12/2/54 in Vol. 6 of the Reprinted Acts, and further amended by Acts Nos. 10 and 18 of 1955.

(4) Authority for the removal of eyes or other tissues shall not be given under this section if the party empowered to give the authority has reason to believe that an inquest may be required to be held on the body unless the Coroner consents to the authority being given by that party.

(5) No authority shall be given under this section in respect of the body of a deceased person by a person entrusted by another person with the body for the purpose only of its interment or cremation.

(6) In the case of a body lying in a hospital, any authority under this section may be given on behalf of the person having the control and management of the hospital by any officer or person designated in that behalf by the first-mentioned person.

(7) Nothing in this section shall be construed as rendering unlawful any dealing with, or with any part of, the body of a deceased person which would have been lawful if this Act had not passed.

3. (1) Where authority for the removal of any eyes or other parts of the body of a deceased person has been given under this Act, such eyes or other parts may be used for immediate grafting into the body of a living person or may be retained and used for such purpose at some later time.

(2) No person other than a legally qualified medical practitioner shall undertake the carrying out of any such grafting.

4. Any eyes or other parts of the bodies of deceased persons removed in accordance with the provisions of this Act and which are to be retained and used for grafting into the body of a living person at some later time, shall be retained only by such persons, institutions or organisations as may be approved by the Minister.

5. (1) Any person who—

(a) otherwise than in accordance with the provisions of this Act authorises the removal from the body of a deceased person of any eye or other part of the body for therapeutic purposes; or

- (b) not being a legally qualified medical practitioner—
 - (i) removes from the body of any deceased person any eye or other part of the body the removal of which has been authorised under this Act, or
 - (ii) undertakes the carrying out of any grafting of any eye or other part of the body of a deceased person into the body of a living person; or
- (c) uses for purposes other than therapeutic purposes any eye or other part of the body removed from the body of any deceased person pursuant to the provisions of this Act,

shall be guilty of an offence against this Act.

(2) Any person, institution or organisation, not being a person, institution or organisation approved by the Minister pursuant to section four of this Act, retaining any eyes or other parts of the bodies of deceased persons for grafting into the bodies of living persons, shall be guilty of an offence against this Act.

(3) Any person, institution or organisation guilty of an offence against this Act shall be liable to a penalty not exceeding one hundred pounds.
