

Approved for Reprint 29th November, 1976.

WESTERN AUSTRALIA.

TISSUE GRAFTING AND PROCESSING.

5° Elizabeth II. No. XIX.

No. 19 of 1956.

[As amended by Act:

No. 36 of 1966, ¹ assented to 31st October, 1966,
and reprinted pursuant to the Amendments Incorporation Act,
1938.]

**AN ACT to make provision with respect to the Use
of Eyes and other Tissues of the Bodies of
Deceased Persons for Therapeutic Purposes;
and to provide for the Processing of certain
Therapeutic Substances and for purposes
connected therewith.**

Long title
amended by
No. 36 of
1966, S. 3
Cf. 15 & 16
Geo. 6 & 1
Eliz. 2, c.
28, U.K.

[Assented to 9th November, 1956.]

BE it enacted—

1. This Act may be cited as the *Tissue Grafting
and Processing Act, 1956-1966.*

Short title.
Amended by
No. 36 of
1966, S. 1.

¹ Came into operation on 16/12/66; see *Gazette* 16/12/66, p. 3316.

Interpre-
tation.
Added by
No. 36 of
1966, S. 4.

1A. (1) In this Act, unless the contrary intention appears—

“therapeutic substance” means substance that is extracted from the eye or other part of the body of a deceased person, and that with or without further processing, is capable of being used for therapeutic purposes by administering it to a living person.

(2) A reference in this Act to therapeutic purposes includes a reference to processing so as to extract a therapeutic substance.

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in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal of the eyes or other tissues from the body for use for those purposes.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, 1894-1955,¹ who must have satisfied himself by a personal examination of the body that life is extinct.

(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.

¹ Now Medical Act, 1894-1976.

Grafting
of eyes and
other parts
of the body.
Repealed and
re-enacted by
No. 36 of
1966, S. 5.

3. (1) Where authority for the removal of any eyes or other part of the body of a deceased person has been given under this Act, those eyes or other part—

- (a) may be used for immediate grafting into the body of a living person or may be retained and used for that purpose at some later time; or
- (b) may be retained and used for the purpose of producing therapeutic substances which may at any time be used by administering them to living persons.

(2) No person other than a legally qualified medical practitioner shall undertake the carrying out of such grafting as is referred to in subsection (1) of this section.

(3) No person, other than a legally qualified medical practitioner or a person acting under the direction of a legally qualified medical practitioner, shall administer a therapeutic substance to a living person.

Retention for
further use
to be by
approved
persons.
Repealed and
re-enacted by
No. 36 of
1966, S. 6.

4. Any eyes or other part of the body of a deceased person removed in accordance with this Act and which are to be retained and used for the purpose of—

- (a) 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 in writing by the Minister for the purposes of this paragraph; or
- (b) producing therapeutic substances, shall be retained and so used only by such persons, institutions or organisations as may be approved by the Minister for the purposes of this paragraph.

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
 - (ba) not being a legally qualified medical practitioner or a person acting under the direction of a legally qualified medical practitioner, administers a therapeutic substance to 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, or any therapeutic substance produced, 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—
- (a) pursuant to paragraph (a) of section four of this Act, that retains any eyes or other

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part of the body of a deceased person for grafting into the body of a living person;
or

- (b) pursuant to paragraph (b) of section four of this Act, that retains or uses any eyes or other part of the body of a deceased person for the purposes of producing therapeutic substances,

is 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 two hundred dollars.