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WESTERN AUSTRALIA.

## ANATOMY.

21° Geo. V., No. XXIII.

No. 23 of 1930.

[As amended by Act:

No. 20 of 1946, assented to 14th January, 1947;  
and reprinted pursuant to the Amendments Incorporation Act,  
1938.]

**AN ACT to provide for the establishment and regulation of Schools of Anatomy and to authorise the Practice of Anatomy thereat.**

[Assented to 19th December, 1930.]

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

1. This Act may be cited as the *Anatomy Act*, 1930-1946.

Short title.  
Amended  
by No.  
20 of 1946,  
s. 4.

2. In this Act, subject to the context—

“Commissioner” means the Commissioner of Public Health for the time being under the Health Act, 1911-1919,<sup>1</sup> and includes any officer temporarily acting as Commissioner;

Interpreta-  
tion.  
Amended  
by No. 20  
of 1946,  
s. 2.

“inspector” means an inspector from time to time expressly nominated by the Commissioner for the purposes of this Act;

<sup>1</sup> Now Health Act, 1911-1962.

"medical practitioner" means a medical practitioner duly qualified under the Medical Act, 1894;

"Minister" means the Minister for Health;

Vic. 19,  
Geo. V.,  
No. 3730,  
s. 19.

"person" includes any society howsoever established.

Adminis-  
tration of  
Act.

3. The provisions of this Act shall, subject to the control of the Minister, be administered by the Commissioner and such inspectors as he may deem necessary.

Establish-  
ment of  
schools of  
anatomy.

4. (1) The Governor, by license, may authorise the establishment of schools of anatomy at such places as he may determine, and may impose such conditions relating thereto as may be necessary for the proper and efficient conduct thereof.

(2) Any license under this section shall be subject to revocation by the Governor at any time.

Governor  
may grant  
licenses to  
practise  
anatomy.  
*Ibid.* s. 20.

5. The Governor may grant a license to practise anatomy on such conditions, for such period, and subject to revocation in such manner as is therein expressed, to any medical practitioner or to any graduate or licentiate in medicine or any professor or teacher of anatomy, medicine, or surgery approved by the Medical Board of Western Australia, or to any student attending any school of anatomy, on application in the prescribed form from any such person for such purpose, countersigned by a police or resident magistrate or by the principal medical officer of the State, certifying that to his knowledge or belief the applicant is about to carry on the practice of anatomy at an authorised school of anatomy.

Commis-  
sioner to  
make  
returns.  
*Ibid.* s. 22.

6. The Commissioner shall make a quarterly return to the Government statistician of every deceased person's body which has been removed for anatomical examination to any place in his district where the practice of anatomy is carried on,

distinguishing the sex and, as far as is known at the time, the name and age of each person whose body was so removed as aforesaid.

7. It shall be lawful for the Commissioner and every inspector to visit and inspect at any time any place where the practice of anatomy is carried on and, from time to time, as prescribed by Regulation, he shall report to the Minister in respect of every such inspection.

Commissioner and Inspectors to inspect places where anatomy is practised.  
*Ibid.* s. 23.

8. Subject to this Act the Minister may, by a license under his hand, authorise the principal medical officer of the State, the comptroller general of prisons, the inspector general of the insane, or any resident or honorary medical officer connected with any public institution supported wholly or in part from the general revenue, to permit the body of any person who dies in any penal establishment, hospital, or other public institution aforesaid controlled by him or with which he is connected as aforesaid, to be removed therefrom for the purpose of anatomical examination at some authorised school of anatomy, unless to the knowledge of such licensee the deceased person has expressed his desire, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, that his body after death might not undergo such examination, or unless the surviving husband or wife or any known relative of the deceased person requires the body to be interred or cremated without such examination. A printed copy of this section shall be posted in the entrance hall or other conspicuous place of every such penal establishment, hospital, or public institution, except hospitals for the insane.

Minister may authorise bodies to undergo anatomical examination.  
*Ibid.* s. 24.

9. Subject to this Act it shall be lawful for any executor or other person having lawful possession of the body of any deceased person, and not being an undertaker or other person entrusted with the body for the purpose only of interment or cremation, to permit the body of such deceased person to undergo anatomical examination at some authorised school of anatomy, unless to the knowledge of such

Persons having lawful custody of bodies may permit them to undergo anatomical examination in certain cases.  
*Ibid.* s. 25.

executor or other person the deceased person has expressed his desire, either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he died, that his body after death might not undergo such examination, or unless the surviving husband or wife or any known relative of the deceased person requires the body to be interred or cremated without such examination.

Provision  
in case of  
persons  
directing  
anatomical  
examina-  
tion after  
their death.  
*Ibid.*, s. 26.

10. Subject to this Act if any person, either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he dies, directs that his body after death be examined anatomically, or nominates any person under this Act authorised to practise anatomy to make such examination at some authorised school of anatomy, and if before the interment or cremation of the body of such person such direction or nomination is made known to the person having lawful possession of the dead body, then such last-mentioned person shall direct such examination to be made, and in case of any such nomination as aforesaid shall request and permit any person so authorised and nominated as aforesaid to make such examination, unless the deceased person's surviving husband or wife or nearest known relative, or any one or more of such person's nearest known relatives being of kin in the same degree, requires the body to be interred or cremated without such examination.

Commis-  
sioner may  
make  
agreements  
for  
despatch  
of bodies  
to approved  
schools of  
anatomy  
outside  
Western  
Australia.  
Added by  
No. 20 of  
1946, s. 3.

10A. (1) The Commissioner may, from time to time, with the approval of the Minister, make any agreement, and from time to time revoke or vary the same, with any person in charge of any school of anatomy established under the laws of any other State of Australia for the despatch to such school of anatomy for anatomical examination of bodies of deceased persons from the State of Western Australia and for the regulation of the conditions and manner under and in which any such bodies should be despatched or transported: Provided that every

such agreement shall, as well as including any other conditions required by the Commissioner to be included therein, include a provision by which the person in charge of any such school of anatomy shall agree that he, the person in charge of any such school of anatomy, shall make provision that such body, after undergoing anatomical examination, be decently interred in consecrated ground if so desired by any surviving husband or wife or any known relative or in some public burying ground in use for persons of that religious persuasion to which the deceased person whose body was so received belonged, or be cremated, and that a certificate of the interment or cremation of such body shall be transmitted to the Commissioner within twelve weeks after the day on which such body was received for examination as aforesaid.

(2) It shall be lawful for the Commissioner or any person authorised by him in that behalf to receive bodies for despatch and to despatch such bodies in pursuance of any agreement made under subsection (1) hereof to any such school of anatomy: Provided that a certificate such as is mentioned in section twelve is delivered together with the body to the Commissioner or to the person receiving the body.

Commis-  
sioner may  
receive and  
despatch  
bodies in  
pursuance  
of such  
agree-  
ments.

(3) It shall be lawful for any person who has power under this Act to permit, cause or direct the body of any deceased person to undergo anatomical examination at some authorised school of anatomy, to permit, cause or direct such body to be delivered to the Commissioner or to any person authorised by the Commissioner to receive such bodies for despatch to any school of anatomy pursuant to any agreement made under subsection (1) hereof: Provided that any such body shall be delivered in such manner and under such conditions as the Commissioner shall direct.

Bodies  
may be  
delivered  
to Commis-  
sioner for  
despatch to  
a school of  
anatomy  
outside  
Western  
Australia.

11. Before the body of any deceased person referred to in sections eight, nine, and ten of this Act, is removed for the purposes of anatomical

Relatives to  
be notified.

examination, the attention of any surviving husband or wife, or any relative known to the authority, or person having the body in his or her possession, control or power shall be directed to the provisions of the said sections and consent thereto obtained in writing.

The term "authority" in this section includes any medical officer, nurse or other person who has attended such deceased person during his illness or stay in any such institution.

Body not  
to be  
removed  
from place  
of death  
without a  
certificate.  
*Ibid.*, s. 27.

12. In no case shall the body of a deceased person be removed for anatomical examination from any place where such person has died until after the expiration of twelve hours from the time of such person's decease, nor until after the expiration of six hours' notice to the Commissioner of the intended removal of the body, nor unless a certificate stating in what manner such person came by his death has, previously to the removal of the body, been signed by the medical practitioner who attended such person during the illness whereof he died, or, if no such practitioner attended such person during such illness, then by some medical practitioner or some police or resident magistrate who is called in after the death of such person to view his body and who states the manner or cause of death, according to the best of his knowledge and belief, but who shall not be concerned in examining the body after removal; and in case of such removal such certificate shall be delivered together with the body to the person receiving the same for anatomical examination.

Authority  
to receive  
bodies for  
anatomical  
examina-  
tion.  
*Ibid.*, s. 28.

13. It shall be lawful for any authorised school of anatomy to receive or possess for anatomical examination the body of any deceased person, if permitted or directed so to do by a person who had at the time of giving such permission or direction lawful possession of the body, and who had power under this Act to permit or cause the body to be so examined, and provided such certificate as aforesaid was delivered by such person together with the body.

14. Every person in charge of an authorised school of anatomy so receiving a body for anatomical examination after the removal shall demand and receive together with the body a certificate as aforesaid, and shall within twenty-four hours next after the receipt of the body by him transmit to the Commissioner such certificate and also a return stating at what day and hour and from whom the body was received, the date and place of death, the sex and, as far as is known at the time, the proper full name and the age and last place of abode of the deceased person, and shall enter or cause to be entered the aforesaid particulars relating thereto, and a copy of the certificate he received with the body, in a book to be kept by him for that purpose, and shall produce such book whenever required so to do by the Commissioner or any inspector.

Certificate  
to be trans-  
mitted to  
Commis-  
sioner.  
*Ibid.* s. 29.

15. It shall not be lawful for any person to carry on or teach anatomy at any place or at any place to receive or possess for anatomical examination, or examine anatomically, any deceased person's body, except at an authorised school of anatomy.

Anatomy  
unlawful  
except at a  
school of  
anatomy.

16. Every such body removed for the purpose of examination as aforesaid shall before such removal be placed in a decent coffin or shell and be removed therein; and the person receiving the same, or causing the same to be received, shall make provision that such body, after undergoing anatomical examination, be decently interred in consecrated ground, if so desired by any surviving husband or wife or any known relative, or in some public burying ground in use for persons of that religious persuasion to which the deceased person whose body was so received belonged, or be cremated, and that a certificate of the interment or cremation of such body shall be transmitted to the Commissioner within six weeks after the day on which such body was received for examination as aforesaid.

How bodies  
shall be  
received for  
examina-  
tion. Pro-  
vision for  
interment.  
*Ibid.* s. 31.

Governor  
may vary  
period for  
transmis-  
sion of  
certificate  
of inter-  
ment.  
*Ibid.* s. 32.

17. The Governor may by Order in Council vary the period limited by the last preceding section as the time within which certificates of interment or cremation are to be transmitted to the Commissioner.

Unlawful  
removal of  
body before  
being  
received in  
an auth-  
orised  
school of  
anatomy.

18. It shall be unlawful for any person to take or remove from a body of any deceased person any portion or specimen part thereof before such body is received into an authorised school of anatomy, or to take or remove, except for burial or cremation, any portion or specimen part of a body, from an authorised school of anatomy or to have in his possession, any portion or specimen part of a body which has been taken or removed in contravention of this section:

Provided that this section shall not apply to a licensed person approved by the Commissioner taking or removing a portion or specimen part of a body or having the same in his possession by and with the authority of an authorised school of anatomy for educational, scientific, or research purposes.

Persons  
authorised  
not to be  
liable to  
punish-  
ment for  
human  
bodies in  
their  
possession.  
*Ibid.* s. 33.

19. No medical practitioner, nor any graduate or licentiate, nor any professor or teacher or student of anatomy, medicine, or surgery, having a license from the Governor under this Act, shall be liable to any prosecution, penalty, forfeiture, or punishment for receiving or having in his possession for anatomical examination or for examining anatomically any dead human body according to the provisions of this Act.

Post  
mortem  
examina-  
tion not  
prohibited.  
*Ibid.* s. 34.

20. Nothing in this Act contained shall be construed to extend to or to prohibit any post mortem examination of any human body required or directed to be made by any competent legal authority.



21. If any action or suit is commenced or brought against any person for anything done in pursuance of this Act, the same shall be commenced within six months next after the cause of action arose.

Limitation  
of actions.  
*Ibid.* s. 35.

22. (1) Every person who without a license from the Governor, or, having such license, practises anatomy or receives or has in his possession for anatomical examination or examines anatomically any dead human body otherwise than in accordance with the provisions of this Act shall be guilty of a misdemeanour, and, on conviction, shall be liable to imprisonment with hard labour for two years.

Offences.  
*Ibid.* s. 36.

See W.A.  
Criminal  
Code, s. 214,  
s.s. (2).

(2) Every person or authority who contrary to the provisions of this Act permits or causes any dead human body to be removed out of his possession for the purposes of anatomical examination shall be guilty of a misdemeanour, and, on conviction, shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds.

(3) Every person shall be guilty of an offence against this Act—

- (a) who in any manner obstructs or impedes, or attempts to obstruct or impede, the Commissioner or any inspector in the execution of his powers and duties under this Act;
- (b) who fails in any respect to comply with the conditions mentioned in the license held by him under this Act;
- (c) who fails to transmit any certificate or return, which by this Act he is required to transmit, to the Commissioner; or who fails on demand to produce any book to the Commissioner or to an inspector as required by this Act;
- (d) who in any other respect not hereinbefore specifically mentioned fails to comply with the provisions of this Act.

Penalty for each offence: Fifty pounds.

Regula-  
tions.

23. The Governor may make regulations for the conduct, equipment, inspection and control of authorised schools of anatomy, for the discipline thereof, and for prescribing forms of applications, licenses, certificates, returns and notices under this Act, and fees to be paid on the grant of a license under this Act, and all such matters as by this Act are required or permitted to be prescribed.