

ANATOMY.

No. 26 of 1954.

AN ACT to amend the *Anatomy Act 1869*.
 [21 September, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1**—(1) This Act may be cited as the *Anatomy Act 1954*. Short title and citation.
 (2) The *Anatomy Act 1869*, as subsequently amended, is in this Act referred to as the Principal Act.

2 After section eleven of the Principal Act the following section is inserted:—

“12—(1) If a person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, expresses a request that his eyes be used for therapeutic purposes after his death, the person who is lawfully in possession of his body after his death may, if he has satisfied himself that the request was not subsequently withdrawn, authorize the removal of the eyes from the body for those purposes. Removal of the eyes of deceased persons. Cf. 15 & 16 Geo. 6 & 1 Eliz. II, c. 28 (Imp.), s. 1.

(2) Without prejudice to subsection (1) of this section, the person who is lawfully in possession of the body of a deceased person may authorize the removal of the eyes from the body for use for therapeutic purposes if that person has satisfied himself—

- I That the deceased person had not expressed an objection to his eyes being so dealt with after his death, or, if he had expressed such an objection, he had subsequently withdrawn it: and
- II That the surviving spouse of the deceased person does not object to the deceased person's eyes being so dealt with.

(3) An authority given under this section in respect of a body is sufficient authority for the removal of the eyes from that body and their use for therapeutic purposes.

(4) If a person who is empowered under this section to give authority for the removal of the eyes from a body has reason to believe that an inquest may be required to be held on the body, he shall not give that authority without the consent of a coroner, who may give his consent upon and subject to such conditions, if any, as he thinks proper.

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

(6) In the case of a body that is lying in a hospital, an 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 that would have been lawful if this section had not been enacted.

(8) Notwithstanding the foregoing provisions of this section, the removal of the eyes from the body of a deceased person shall not be effected—

I Except by—

(a) An ophthalmic surgeon on the staff of a public hospital (within the meaning of the *Hospitals Act 1918*):

(b) A legally qualified medical practitioner who is a member of the body known as the Ophthalmological Society of Australia: or

(c) An approved medical practitioner: and

II Unless that ophthalmic surgeon or medical practitioner is satisfied, either by personal examination of the body or upon the certificate of another legally qualified medical practitioner who has personally examined the body, that life is extinct.

(9) In this section 'approved medical practitioner' means a legally qualified medical practitioner who satisfies the Minister that he has practised ophthalmology as a specialty for at least five years and is declared by the Minister, by writing under his hand, to be an approved medical practitioner for the purposes of this section."

HOMES.

No. 27 of 1954.

AN ACT to amend the *Homes Act 1935*.

[21 September, 1954.]