

Increase in rates of certain annuities.

**2**—(1) Subject to this Act, the rate of each annuity to which this section applies is, from and after the commencement of this Act, increased in accordance with the following provisions, namely:—

- (a) In the case of an annuity payable to a subscriber, the rate thereof is increased by fifty-two pounds a year; and
- (b) In the case of an annuity payable to the widow of a subscriber, the rate thereof is increased by thirty-four pounds thirteen shillings and fourpence a year.

(2) This section applies to every annuity under the Principal Act that is payable to—

- (a) a subscriber who retired before the first day of January 1961; or
- (b) the widow of a subscriber who retired or died before that date.

(3) Every annuity to which this section applies that is in force and payable on the twenty-fifth day of November 1964 shall, on and after the commencement of this Act, be paid at a rate increased in accordance with such of the provisions of subsection (1) of this section as may be appropriate.

(4) The Treasurer shall pay to the Fund out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly) all such amounts as may be necessary to give effect to the increases in the rates of annuities prescribed by this section.

Exclusion of certain annuities from the provisions of this Act.

**3** Section two does not apply to any annuity that is payable to a person who is in receipt of a pension under Division I or Division II of Part V of the *Superannuation Act 1938* (being a pension to which section four of the *Superannuation Act 1964* applies).

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## ANATOMY.

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### No. 59 of 1964.

AN ACT to consolidate and amend the law relating to the practice of anatomy.

[17 December 1964.]

**B**E 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** This Act may be cited as the *Anatomy Act 1964*.

Short title.  
 Cf. 33 Vict.  
 No. 23 (Tas.),  
 s. 14.  
 2 & 3 Wm. 4,  
 c. 75 (Imp.).  
 No. 9 of 1901  
 (N.S.W.),  
 s. 1.  
 No. 6309  
 (Vic.), s. 1.  
 3 Geo. VI  
 No. 14 (Q'ld),  
 s. 1.  
 No. 317 of  
 1884 (S.A.),  
 s. 1.  
 No. 28 of 1930  
 (W.A.), s. 1.  
 No. 116 of  
 1908 (N.Z.),  
 s. 1.

**2** The *Anatomy Act 1869* is repealed.

Repeal.

**3**—(1) In this Act, unless the contrary intention appears—

“anatomical examination” means the anatomical examination of a body for the purposes of the study and practice of anatomy;

“authorized school of anatomy” means a school of anatomy in respect of which an authority under section five is for the time being in force;

“body” means a dead human body;

“chief executive officer”, used in relation to an authorized school of anatomy or a public institution, means such officer of the school or institution as is declared, by the governing authority (if any) of the school or institution or by the Minister, by notice in the *Gazette*, to be the chief executive officer of the school or institution for the purposes of this Act;

“examine anatomically”, used in relation to a body, means to make an anatomical examination of the body;

“inspector” means a person who is for the time being holding office as an inspector for any school or schools of anatomy pursuant to section seven;

“medical certificate of death” means a certificate, signed by a legally-qualified medical practitioner who attended a deceased person during his last illness, in the form for the time being provided by the Registrar-General pursuant to section thirty-four of the *Registration of Births and Deaths Act 1895*, for use for the purposes of that section;

“mental hospital” means an institution that is declared under section six of the *Mental Health Act 1963* to be a hospital for the purposes of that Act;

“public hospital” means a public hospital within the meaning of the *Hospitals Act 1918*;

Interpre-  
 tation.

N.S.W., s. 8.  
 Q'ld, s. 4.  
 S.A., s. 2.  
 W.A., s. 2.  
 N.Z., s. 24

“ public institution ” means an institution ( not being a public hospital or a mental hospital ) that is established and maintained by the State ;

“ repealed Act ” means the *Anatomy Act 1869*.

(2) The provisions of—

- (a) paragraph (b) of section eight;
- (b) subsection (3) of section thirteen; and
- (c) sections fourteen, fifteen, and seventeen,

so far as those provisions are applicable and with the necessary adaptations, apply to and in relation to the dealing with a body, or with a part of a body, in any manner or for any purpose that is referred to in section ten or section eleven, and accordingly a reference in any of those provisions to the anatomical examination of a body or to the examination of a body anatomically shall be construed as including a reference to such a dealing with a body or part of a body.

(3) Without limiting the rights, powers, or duties of any person who is entitled under any rule of law to the possession of a body, the following persons shall, for the purposes of this Act, be deemed to be the persons lawfully in possession of bodies in the cases specified in the succeeding provisions of this subsection, namely:—

- (a) The medical superintendent or other officer for the time being in charge of a public hospital, in the case of a body lying in the hospital (being the body of a person who was a patient in the hospital);
- (b) The Director of Psychiatric Services, in the case of a body lying in a mental hospital (being the body of a person who was an inmate thereof); and
- (c) The chief executive officer of a public institution, in respect of a body lying in the institution (being the body of a person who was an inmate thereof or a patient or boarder therein).

**Savings.**

Tas., ss. 11, 12  
(7).  
Imp., s. 15.  
N.S.W., s. 4.  
Vic., s. 43.  
Qld., s. 54.  
S.A., s. 13.  
W.A., s. 20.  
N.Z., s. 37.

**4—(1)** Nothing in this Act shall be construed—

- (a) as prohibiting a post-mortem examination of a body that is required or directed to be made by any competent legal authority; or
- (b) as rendering unlawful any dealing with a body, or with any part of a body, that would have been lawful if this Act had not been passed.

(2) Nothing in this Act affects the operation of the *Cremation Act 1934* or the *Coroners Act 1957* and the provisions of this Act shall be construed accordingly as being in addition to, and not in derogation of, the provisions of those Acts.

**5**—(1) The Governor may, by order-in-council, authorize the establishment of schools of anatomy where the study and practice of anatomy may be carried on in connection with any university or school of medicine, in such places and upon and subject to such conditions as he thinks fit and as may be specified in the order-in-council.

Schools of anatomy.  
N.S.W., s. 5.  
Vic., s. 28.  
Q'ld, s. 55.  
S.A., s. 3.  
W.A., s. 4.  
N.Z., s. 25.

(2) The Governor if he thinks fit may, by order-in-council, at any time revoke an authority under subsection (1) of this section.

**6**—(1) Upon application in that behalf made by—

- (a) a certified dentist (within the meaning of the *Dentists Act 1919*);
- (b) a person (not being an unqualified person) who is registered under the *Physiotherapists' Registration Act 1951* and is engaged in the teaching of physiotherapy; or
- (c) a student attending an authorized school of anatomy,

Licences to examine bodies anatomically.  
Tas., ss. 1, 10.  
Imp., ss. 1, 14.  
N.S.W., ss. 6, 19.  
Vic., ss. 27, 42.  
Q'ld, ss. 56, 67.  
S.A., ss. 4, 17.  
W.A., ss. 5, 19.  
N.Z., s. 26.

the Governor may grant to the applicant a licence to examine bodies anatomically—

- (d) in such authorized school or schools of anatomy as is or are specified in the licence;
- (e) for such period, if any, as is so specified;
- (f) subject to the condition that the licence may be revoked in such manner, and upon such grounds (if any), as is or are so specified; and
- (g) upon and subject to compliance by the holder of the licence with such other conditions, if any, as are so specified.

(2) A person who has been registered under the *Physiotherapists' Registration Act 1951* solely by reason of the operation of paragraph (e) of subsection (1) of section ten of that Act is an unqualified person for the purposes of subsection (1) of this section.

(3) A licence under this section may contain a condition that the holder thereof may make any specified kind or kinds of anatomical examinations only or anatomical examinations for any specified purpose or purposes only.

(4) Except in a case to which subsection (5) of this section relates, an application under this section shall be countersigned by two justices certifying that, to the best of their knowledge and belief, the applicant is a fit and proper person to be granted a licence to examine bodies anatomically.

(5) A licence under this section may be granted to a person—

- (a) who has commenced the medical course at the University of Tasmania;

- (b) whose name is included in a joint application made, by the dean or other head of the relevant faculty in that University, on behalf of any two or more students who have commenced that course; and
- (c) who is certified by the dean or other head of that faculty to be a fit and proper person to be granted such a licence,

as if the application for the licence had been made by that person himself.

Inspectors of schools of anatomy.

Tas., s. 2 (part).  
 Imp., s. 2 (part).  
 N.S.W., s. 7.  
 Vic., s. 28.  
 Q'ld., s. 57 (1).  
 S.A., s. 5.  
 N.Z., s. 27.

**7—**(1) The Minister may—

- (a) appoint such and so many persons as he thinks fit as inspectors of schools of anatomy for the purposes of this Act;
- (b) appoint any such person as the inspector for any particular school of anatomy or for any two or more schools of anatomy; and
- (c) direct in what manner each inspector shall perform the duties of his office.

(2) An inspector appointed pursuant to this section—

- (a) holds office during the Minister's pleasure; and
- (b) shall be paid, out of moneys provided by Parliament for the purpose, such remuneration as the Minister may determine.

(3) A person who was appointed as an inspector under the repealed Act and is holding office as such at the commencement of this Act shall be deemed to have been appointed as an inspector under this section.

Powers and duties of inspectors.

Tas., s. 2 (part).  
 Imp., s. 2 (part).  
 N.S.W., ss. 8, 9.  
 Vic., ss. 29, 30.  
 Q'ld., s. 57 (2), (3).  
 S.A., ss. 6, 7.  
 W.A., ss. 6, 7.  
 N.Z., ss. 28, 29.

**8** An inspector—

- (a) may, at any time, visit and inspect any school of anatomy for which he is appointed as the inspector, pursuant to paragraph (b) of subsection (1) of section seven; and
- (b) shall, on or before the thirty-first day of December in each year, furnish to the Registrar-General a return of all bodies that, during the immediately preceding twelve months, have been received for anatomical examination at that school of anatomy and shall, in that return, specify—
  - (i) the sex; and
  - (ii) so far as they are known, the name and age,
 of each person whose body was so received.

Anatomical examinations of bodies.

Tas., s. 4.  
 Imp., s. 8.  
 N.S.W., s. 4.  
 Vic., s. 33.  
 Q'ld., s. 59.  
 S.A., s. 9.  
 W.A., s. 10.  
 N.Z., ss. 31, 32.

**9—**(1) If a person, either in writing at any time or orally in the presence of two or more witnesses during his last illness—

- (a) expresses a request that after his death an anatomical examination of his body be made; or
- (b) nominates a person (being a person who is a legally-qualified medical practitioner or the holder of a subsisting licence under section six) to make an anatomical examination of his body after his death,

and that request is, before the burial or cremation of the body, made known to the person who is lawfully in possession of the body, the last-mentioned person may, unless he has reason to believe that the request was subsequently withdrawn—

- (c) in a case to which paragraph (a) of this subsection relates, direct that an anatomical examination of the body be made; or
- (d) in a case to which paragraph (b) of this subsection relates, request and authorize the person so nominated to make an anatomical examination of the body.

(2) Without prejudice to subsection (1) of this section but subject to section twelve, the person who is lawfully in possession of a body may, if he thinks fit, authorize a person who is a legally-qualified medical practitioner or the holder of a subsisting licence under section six to make an anatomical examination of the body.

(3) Notwithstanding anything in the foregoing provisions of this section, no person shall make an anatomical examination of a body in pursuance of those provisions unless he is satisfied, either by personal examination or upon the certificate of another person (being a legally-qualified medical practitioner) who has personally examined the body, that life is extinct.

**10**—(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 body or any specified part of his body be used after his death for therapeutic purposes or for the purposes of medical education or medical research, the person who is lawfully in possession of the first-mentioned person's body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorize the use of the body, or, as the case may be, of the specified part of the body, in accordance with the request.

Removal of parts of bodies for therapeutic purposes, &c.  
Cf. Tas., s. 12.  
9 & 10 Eliz. 2, c. 54 (Imp.), s. 2.  
Vic., s. 40.  
S.A., ss. 18a, 18b.  
N.Z., s. 24A.

(2) Without prejudice to subsection (1) of this section but subject to section twelve, the person who is lawfully in possession of the body of a deceased person may, if he thinks fit, authorize the use of the body, or, as the case may be, the removal of any part of the body for use, for any purposes referred to in that subsection.

(3) Subject to this section, an authority given under this section by the person who is lawfully in possession of a body is sufficient authority for the use of the body, or, as the case may be, for the removal and use of the part of the body to which the authority relates, for therapeutic purposes or for the purposes of medical education or medical research.

(4) Notwithstanding anything in the foregoing provisions of this section, no person shall, in pursuance of any of those provisions—

- (a) remove from a body any part thereof (not being an eye) unless he is a legally-qualified medical practitioner;

- (b) remove an eye from a body unless he is a legally-qualified medical practitioner and is—
- (i) an ophthalmic surgeon on the staff of a public hospital;
  - (ii) a member of the body known as the Ophthalmological Society of Australia; or
  - (iii) an approved medical practitioner; or
- (c) remove from a body any part thereof, unless he is satisfied, either by personal examination or upon the certificate of another person (being a legally-qualified medical practitioner) who has personally examined the body, that life is extinct.

(5) The Minister may, either generally or in particular cases, impose such conditions as he may consider desirable in relation to the removal of eyes from the bodies of deceased persons pursuant to this section, and in relation to the storage, use, and disposal of eyes that are so removed, and may make, give, or issue such orders, notices, and directions as he may consider necessary for the execution of the powers conferred on him by this subsection.

(6) Notwithstanding any other provision of this section, no person shall remove the eyes from the body of a deceased person, or store, use, or dispose of any eyes so removed, except upon and subject to such conditions (if any) as may be imposed by the Minister pursuant to subsection (5) of this section.

(7) In sub-paragraph (iii) of paragraph (b) of subsection (4) of 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 two years and is declared by the Minister, in writing under his hand, to be an approved medical practitioner for the purposes of this section.

Post-mortem examinations for purposes of medical research or the teaching of pathology.  
N.Z., s. 24a.

**11**—(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 after his death a post-mortem examination of his body be performed for the purposes of medical research or the teaching of pathology, the person who is lawfully in possession of the body after the death of the first-mentioned person may, unless he has reason to believe that the request was subsequently withdrawn, authorize a post-mortem examination of the body for any of those purposes.

(2) Without prejudice to subsection (1) of this section but subject to section twelve, the person who is lawfully in possession of the body of a deceased person may, if he thinks fit, authorize a post-mortem examination of the body for the purposes of medical research or the teaching of pathology.

(3) Subject to this section, an authority given under this section by the person who is lawfully in possession of a body is sufficient authority for the post-mortem examination of

the body and for the removal therefrom of diseased tissue for the purposes of medical research or the teaching of pathology.

(4) No person shall perform a post-mortem examination of the body of a deceased person pursuant to this section until at least six hours after the time of the deceased person's death.

(5) Notwithstanding anything in the foregoing provisions of this section, no person shall perform a post-mortem examination of a body pursuant to this section unless—

- (a) he is a legally-qualified medical practitioner and is—
- (i) the medical superintendent of a public hospital;
  - (ii) a pathologist on the staff of such a hospital (whether he is employed in an honorary capacity or otherwise);
  - (iii) a pathologist on the staff of an authorized school of anatomy or of a school of medicine or surgery established within a university; or
  - (iv) authorized by the Minister, by writing under his hand, to make post-mortem examinations for the purposes of this section; and
- (b) he is satisfied, either by personal examination or upon the certificate of another person (being a legally-qualified medical practitioner) who has personally examined the body, that life is extinct.

**12—(1) No person—**

- (a) being the person who is lawfully in possession of the body of a deceased person, shall—
- (i) in pursuance of subsection (2) of section nine, authorize a person to make an anatomical examination of the body;
  - (ii) in pursuance of subsection (2) of section ten, authorize the use of the body or the removal and use of any part thereof for any purpose mentioned in that subsection; or
  - (iii) in pursuance of subsection (2) of section eleven, authorize the post-mortem examination of the body,
- if the first-mentioned person has reason to believe that—
- (iv) the deceased person had expressed an objection to his body being so dealt with after his death; or
  - (v) within six hours after the time of the deceased person's death, the surviving spouse of the deceased person, or his nearest relative, or any one or more of

General restrictions on granting authority for bodies to be dealt with as provided in sections 9, 10, and 11. Cf. Tas., s. 12 (4), (5). 15 & 16 Geo. 5 and 1 Eliz. 2, c. 28 (Imp.), s. 1 (4), (5).



his nearest relatives (being kin in the same degree), objects or object to the body being so dealt with;

- (b) being an undertaker or a person who has been entrusted by another person with a body for the purpose only of its burial or cremation, shall give an authority for the body, or any part of the body, to be dealt with in any manner, or for any purpose, that is mentioned in section nine, or section ten, or section eleven; or
- (c) if he has reason to believe that an inquest may be required to be held on a body or that a post-mortem examination of a body may be required by a coroner, shall, without the consent of a coroner—
  - (i) give an authority for the body, or any part of the body, to be dealt with in any manner, or for any purpose, that is mentioned in section nine, or section ten, or section eleven; or
  - (ii) act on such an authority given by any other person.

(2) A consent by a coroner under paragraph (c) of subsection (1) of this section may be given upon and subject to such conditions, if any, as the coroner thinks proper.

**13**—(1) No person shall cause or permit the body of a deceased person to be removed for anatomical examination to an authorized school of anatomy from the place where the deceased person died—

- (a) until after the expiration of twenty-four hours from the time at which the deceased person died; or
- (b) unless—
  - (i) not less than twelve hours' notice of intention so to remove the body is given to an inspector; and
  - (ii) a medical certificate of death is delivered (in duplicate), together with the body, to the person who receives the body for anatomical examination.

(2) A person who, pursuant to any provision of this Act, directs or authorizes the removal of a body from any place for the purpose of it being examined anatomically shall ensure that, before it is so removed, the body is placed in a decent coffin or shell and that it is so removed therein.

(3) A person who, pursuant to this Act, receives a body for the purpose of it being examined anatomically shall ensure—

- (a) that, after the body has been so examined, all human remains resulting from, or remaining after, that examination are—

Removal of bodies for anatomical examination and subsequent burial or cremation.

Cf. Tas., ss. 5, 9.  
 2 & 3 Wm. 4, c. 75 (Imp.), ss. 9, 13.  
 N.S.W., ss. 12, 15.  
 Vic., ss. 34, 38.  
 Q'ld, ss. 60, 63.  
 S.A., ss. 11, 16.  
 W.A., ss. 12, 14, 16.  
 No. 40 of 1946 (N.Z.), s. 53.

- (i) decently buried in consecrated ground or in some public cemetery or part thereof in use for persons of the religious persuasion to which the deceased person belonged or, if the religious persuasion to which the deceased person belonged is not known, in such part of a public cemetery as the Minister thinks appropriate; or
- (ii) cremated in accordance with the provisions of the *Cremation Act 1934* in a crematory established and maintained in pursuance of that Act; and

(b) that—

- (i) all such human remains are buried or cremated; and
- (ii) a certificate of burial or cremation is given to an inspector,

within a period of thirty months (or such further period as the Minister may, in a particular case, by writing under his hand approve) after the date on which the body was received at the place at which the anatomical examination of the body was made.

**14—(1)** Subject to this section, a person may receive or possess a body for anatomical examination if—

(a) he—

- (i) is a legally-qualified medical practitioner or the holder of a subsisting licence under section six; and
- (ii) is directed or authorized to make an anatomical examination of the body by the person who, at the time of the giving of the direction or authority—

- (A) was lawfully in possession of the body; and
- (B) had power pursuant to any provision of this Act to give that direction or authority; and

(b) the person by whom that direction or authority is given delivers with the body a medical certificate of death (in duplicate).

(2) Sub-paragraph (i) of paragraph (a) of subsection (1) of this section does not authorize a person to receive or to possess a body—

- (a) for the purpose of the removal of an eye therefrom and its use for any purpose mentioned in subsection (1) of section ten, unless that person possesses a qualification referred to in paragraph (b) of subsection (4) of that section; or

Who may receive bodies for anatomical examination, &c.

Tas., s. 6.  
Imp., s. 10.  
N.S.W., s. 13.  
Vic., s. 85.  
Q'ld., s. 61.  
S.A., s. 12.  
W.A., s. 13.

- (b) for the performance of a post-mortem examination for any purpose mentioned in subsection (1) of section eleven, unless that person possesses a qualification referred to in paragraph (a) of subsection (5) of that section.

(3) The—

- (a) receipt or possession by a person of a body for the purpose of its anatomical examination; or  
 (b) anatomical examination of a body by a person,

is lawful if that person receives or possesses the body, or, as the case may be, makes an anatomical examination of the body, in accordance with the provisions of this Act and (if he is the holder of a licence under section six) in conformity with the conditions specified in that licence.

Duties of persons receiving bodies for anatomical examination, &c.  
 N.S.W., s. 14.

**15** A person who receives a body for anatomical examination shall—

- (a) demand and receive, together with the body, a medical certificate of death (in duplicate);  
 (b) within twenty-four hours after receiving the body, deliver a copy of that certificate, or cause a copy of that certificate to be delivered, to a person who is required by law to register the death of the deceased person;  
 (c) enter, or cause to be entered, in a book to be kept for the purpose, a copy of that certificate; and  
 (d) produce that book for examination by an inspector whenever required by the inspector so to do.

Regulation of practice and teaching of anatomy.

Cf. N.S.W., s. 16.  
 Vic., s. 37.  
 Q'ld., s. 64.  
 S.A., s. 14.  
 W.A., s. 15.  
 No. 116 of 1908 (N.Z.), s. 34.

**16**—(1) No person shall—

- (a) practise or teach anatomy or examine a body anatomically—  
 (i) unless he is a legally-qualified medical practitioner or the holder of a subsisting licence under section six; or  
 (ii) except as provided in subsection (2) of this section, elsewhere than at an approved school of anatomy; or  
 (b) except as provided in subsection (2) of this section, receive or possess a body elsewhere than at an approved school of anatomy for the purpose of the anatomical examination of the body.

(2) Notwithstanding anything in subsection (1) of this section, a person who is authorized under this Act to practise or teach anatomy or to examine bodies anatomically—

- (a) with the prior approval in writing—  
 (i) of an inspector; and  
 (ii) in the case of a person who is the holder of a licence under section six, of the chief executive officer of the authorized

school of anatomy at which he is authorized by his licence to examine bodies anatomically; and

- (b) upon and subject to such terms and conditions as the inspector or, as the case requires, as the inspector and that governing authority may impose,

but not otherwise, may receive a body or have a body in his possession for the purpose of the anatomical examination of the body, or may make an anatomical examination of a body, at a place other than an authorized school of anatomy (being a place that is approved for the purpose by that inspector or, as the case requires, by that inspector and that governing authority, either generally or in a particular case).

(3) Where a licence under section six contains a condition that the holder thereof may make any specified kind or kinds of anatomical examinations only or may make anatomical examinations for any specified purpose or purposes only, the person who is the holder of the licence shall not examine any body anatomically otherwise than in conformity with that condition.

**17** A person who makes an anatomical examination of a body shall—

- (a) do so in such a way as to avoid unnecessary mutilation of the body; and  
 (b) conduct any such anatomical examination made by him in a manner that is orderly, quiet, and decent.

Anatomy, &c., to be practised in an orderly and decent manner.

N.S.W., s. 17.  
 N.Z., s. 35.

**18** No person is liable to any prosecution, penalty, forfeiture, or punishment for or in respect of the doing of any act, matter, or thing that is declared by any provision of this Act to be lawful.

Non-liability of certain persons.

**19** A person who contravenes or fails to comply with a provision of this Act that is applicable to him is guilty of an offence.

Penalty: Fifty pounds or imprisonment for three months.

Offences and penalty.

Tas., s. 13.  
 N.S.W., s. 18.  
 Vic., s. 40.  
 Q'ld., s. 66.  
 S.A., s. 20.  
 W.A., s. 22.  
 N.Z., s. 39.

**20** The Governor may make regulations for the purposes of this Act and, without prejudice to the generality of the provisions of this section, may make regulations—

- (a) for or with respect to the conduct, equipment, inspection, and control of authorized schools of anatomy;  
 (b) prescribing the fees to be paid in respect of the granting of licences under this Act; and  
 (c) imposing penalties, not exceeding fifty pounds, for offences against the regulations.

Regulations.  
 W.A., s. 23.