

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 227.

Anatomy.

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), the administration of this Chapter was vested in the Minister for Health.

Accordingly, unless some other intention is clearly indicated, by note or in the text, as at that date references in or in relation to this Chapter to—

“the Minister”—should be read as references to the Minister for Health;

“the Departmental Head”—should be read as references to the Secretary for Health¹;

“the Department”—should be read as references to the Department of Health².

TABLE OF CONTENTS.

	<i>Page.</i>
<i>Anatomy Act</i>	3
<i>Anatomy Regulation</i>	11
Subsidiary Legislation	19
Appendixes—	
1. Source of Act.	
2. Source of Regulation.	

¹ Previously the Director of Public Health.

² Previously the Department of Public Health.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 227

Anatomy Act.

ARRANGEMENT OF SECTIONS.

1. Interpretation—

“anatomy”
“body”
“death certificate”
“inspector”
“licence”
“licensee”
“the Medical Board”
“Principal”
“public institution”
“the regulations”
“school of anatomy”
“student”
“this Act”.

2. Application.

3. Establishment of schools of anatomy.

4. Appointment of inspectors.

5. Licences to practise anatomy.

6. Minister may authorize anatomical examination in certain cases.

7. Certain persons may authorize anatomical examination in certain cases.

8. Anatomical examination prohibited in certain cases.

9. Directions for anatomical examination after death.

10. Conditions under which a body may be removed from place of death.

11. Receipt of bodies by schools of anatomy.

12. Burial after anatomical examination.

13. Direction for use of eyes, etc., after death for therapeutic purposes.

14. Anatomy may be practised only by licensees and students.

15. Anatomy may be practised only at schools of anatomy.

16. Conditions under which anatomy may be practised.

17. Saving from liability.

18. Regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 227.

Anatomy Act.

Being an Act relating to the establishment of schools of anatomy and to regulate the practice of anatomy.

1. Interpretation.

In this Act, unless the contrary intention appears—

“anatomy” means anatomy of the human body;

“body” means a dead human body;

“death certificate” means an official copy of a death register entry issued under the *Civil Registration Act*;

“inspector” means an inspector appointed under Section 4;

“licence” means a licence under Section 5;

“licensee” means the holder of a licence;

“the Medical Board” means the Medical Board appointed under the *Medical Services Act*;

“Principal” means the principal of a school of anatomy appointed under Section 3;

“public institution” includes a corrective institution and a hospital or asylum for the sick, destitute or mentally disordered;

“the regulations” means any regulations made under this Act;

“school of anatomy” means a school established under Section 3;

“student” means a person attending a school of anatomy, with the approval of the Principal, for the purpose of receiving instruction in the practice of anatomy or in the anatomical examination of bodies;

“this Act” includes the regulations.

2. Application.

This Act does not apply to or in relation to a post-mortem examination of a body required or permitted by or under any other law.

3. Establishment of schools of anatomy.

(1) The Minister may, by notice in the National Gazette—

(a) establish a school for the study and practice of anatomy; and

(b) appoint a medical practitioner who is an officer of the Public Service to be the Principal of a school of anatomy; and

(c) empower a Principal to make by-laws, not inconsistent with any law, in relation to the conduct of the school of anatomy of which he is the Principal and the control of persons in or on the school premises, and for prescribing penalties of fines not exceeding K20.00 for breaches of or failures to comply with the by-laws.

- (2) Subject to this Act and to any directions of the Minister, a Principal—
 - (a) is charged with the management and conduct of the school of anatomy of which he is the Principal; and
 - (b) has such other powers, functions, duties and responsibilities as are prescribed.
- (3) By-laws made under Subsection (1)(c) have no force or effect until—
 - (a) approved by the Minister; and
 - (b) published in the National Gazette.

4. Appointment of inspectors.

- (1) The Minister may, by notice in the National Gazette, appoint an officer to be an inspector of a school of anatomy.
- (2) An inspector has such powers, duties and functions as are conferred or imposed on him by this Act and as the Minister, in any particular case, directs.

5. Licences to practise anatomy.

- (1) The Medical Board, in its discretion and subject to such conditions and restrictions as it thinks fit, may grant a licence to practise anatomy in the prescribed form to—
 - (a) a medical practitioner; or
 - (b) a person, not being a medical practitioner, possessing such qualifications as it thinks sufficient for the purpose.
- (2) An application for a licence shall—
 - (a) be in the prescribed form; and
 - (b) contain the prescribed particulars; and
 - (c) be made in the prescribed manner.
- (3) The Medical Board, in its discretion, may at any time cancel a licence by serving by post on the licensee a notice of cancellation of the licence.
- (4) Within 48 days after he has received notice of the cancellation of the licence, a licensee whose licence is cancelled under Subsection (3) may apply to the National Court by summons to have the cancellation revoked.

6. Minister may authorize anatomical examination in certain cases.

- (1) Subject to this Act, the Minister may authorize in writing—
 - (a) the removal of the body of a person or of a still-born child from a public institution to a school of anatomy; and
 - (b) the anatomical examination of the body at the school of anatomy.
- (2) An authorization under Subsection (1) shall not be given unless—
 - (a) the Minister has—
 - (i) notified or caused to be notified the spouse, or if there is no spouse the next of kin of the deceased person, of the death of that person; and
 - (ii) obtained or caused to be obtained the consent of the spouse, or if there is no spouse the next of kin, to the removal and examination; and
 - (iii) certified in writing that he has complied with the provisions of Subparagraphs (i) and (ii); or

- (b) where due and proper inquiry has been made or caused to be made by him and the spouse or next of kin of the deceased cannot be found, the Minister has certified in writing to that effect and that in all the circumstances he is satisfied that there is no objection to the removal and anatomical examination.

7. Certain persons may authorize anatomical examination in certain cases.

Subject to this Act, an executor or other person having lawful possession of the body of a deceased person or of a still-born child, other than an undertaker or other person entrusted with the body for the purpose only of burial or cremation, may authorize in writing—

- (a) the removal of the body to a school of anatomy; and
- (b) the anatomical examination of the body at the school of anatomy.

8. Anatomical examination prohibited in certain cases.

(1) A person who, under Section 6 or 7, authorizes or permits the body of a deceased person to be removed to a school of anatomy or to undergo anatomical examination is guilty of an offence, if—

- (a) the deceased person has expressed his wish that his body after death should not undergo anatomical examination and has not subsequently given a direction under Section 9(1); or
- (b) a spouse of the deceased person or, if there is no spouse, the next of kin of the deceased person requires the body to be buried or cremated without anatomical examination.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months, or both.

(2) It is a defence to a charge of an offence against Subsection (1) if the person charged proves that he did not know and could not, after due inquiry made by him, reasonably be expected to have known that the provisions of Paragraph (a) or (b), as the case may be, of that subsection applied in respect of the deceased person in relation to whom the charge is laid.

(3) A printed copy of this section and Sections 6 and 7, together with a translation in a vernacular, shall be displayed in the entrance of all public institutions, other than mental hospitals.

9. Directions for anatomical examination after death.

(1) A person may—

- (a) verbally in the presence of two or more witnesses, or in writing, direct that his body after death be examined anatomically at a school of anatomy, or by a licensee or the students of a licensee, nominated in the direction; or
- (b) revoke a direction made under Paragraph (a).

(2) Where a direction under Subsection (1) has not been revoked and is brought to the attention of the person who has legal possession of the body of the person who gave the direction, the person having legal possession of the body, must, before burial or cremation of the body—

- (a) comply with the terms of the direction; and
- (b) give to the licensee by whom, or to a representative of the school of anatomy at which, the anatomical examination is to be made a written authority to

remove the body, or where no licensee or school of anatomy has been nominated in the direction give an authorization under Section 7 in relation to the body,

unless a spouse or the next of kin of the deceased person requires the body to be buried or cremated without an anatomical examination.

Penalty: A fine not exceeding K100.00.

10. Conditions under which a body may be removed from place of death.

A person who removes the body of a deceased person or permits any such body to be removed from the place where the deceased person died to a school of anatomy is guilty of an offence, unless—

- (a) 12 hours have elapsed from the time of the death; and
- (b) notice in writing or by telegram of the intended removal has been given to the inspector of the school of anatomy to which it is intended to remove the body; and
- (c) where, by law, a Coroner's order for burial is required, such an order has been given before the removal of the body; and
- (d) a written authority has been given under Section 6, 7 or 9, as the case requires, previously to the removal of the body; and
- (e) the authority referred to in Paragraph (d), together with a death certificate or the Coroner's order for burial referred to in Paragraph (c), are delivered to the person seeking to remove the body before the body is removed; and
- (f) the body is placed in a decent coffin or shell.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months, or both.

11. Receipt of bodies by schools of anatomy.

A person who receives a body into a school of anatomy is guilty of an offence unless he receives at the same time in relation to the body—

- (a) a written authority given under Section 6, 7 or 9, as the case requires; and
- (b) where the authority referred to in Paragraph (a) is given by the Minister under Section 6—a certificate by the Minister under Section 6(2) (a) or (b); and
- (c) a certificate from the inspector of the school of anatomy that, in his opinion, this Act has been complied with; and
- (d) a death certificate or a Coroner's order for the burial of the body, as the case requires.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months, or both.

12. Burial after anatomical examination.

On completion of an anatomical examination of a body at a school of anatomy, the Principal, subject to the *Cemeteries Act*, shall—

- (a) arrange for the body to be cremated or decently buried in a cemetery or private burial ground in use for persons of the same religious persuasion as the person whose body was so removed; and

- (b) cause a notice in the prescribed form of the cremation or burial to be sent to the inspector of the school of anatomy of which he is the Principal.

13. Direction for use of eyes, etc., after death for therapeutic purposes.

(1) Where a person dies, having in writing during his life directed that an eye or any other part of his body be used for therapeutic purposes after his death and not having revoked that direction, a medical practitioner, after first satisfying himself by personal examination of the body that life is extinct, may remove the eye or other part of the body of the person, and may use the eye or other part of the body for the therapeutic purposes so directed.

(2) A medical practitioner who has reason to believe that an inquest may be required to be held on a body from which he intends, under Subsection (1), to remove an eye or a part of the body must not remove the eye or part of the body except with the prior consent of a Coroner, which may be given subject to such conditions as the Coroner thinks proper.

14. Anatomy may be practised only by licensees and students.

(1) Subject to Subsection (2), a person, other than a licensee, who practises anatomy, or carries out or commences to carry out an anatomical examination of a body, is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months, or both.

(2) Subsection (1) does not apply to a student who practises anatomy or carries out or commences to carry out an anatomical examination of a body under the direct supervision and control of a licensee.

15. Anatomy may be practised only at schools of anatomy.

(1) A licensee or a student who practises anatomy or carries out or commences to carry out an anatomical examination of a body at a place other than a school of anatomy is guilty of an offence.

(2) A licensee who permits a student under his direct supervision and control to practise anatomy or carry out or commence to carry out an anatomical examination of a body at a place other than a school of anatomy is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months, or both.

16. Conditions under which anatomy may be practised.

A licensee who practises anatomy or carries out or commences to carry out an anatomical examination of a body otherwise than in accordance with the conditions and restrictions subject to which his licence was granted is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months, or both.

17. Saving from liability.

A person who—

- (a) practises anatomy; or
- (b) has a body in his possession or charge; or
- (c) carries out an anatomical examination of a body; or

(d) removes an eye or a part of the body from a body, in accordance with this Act is not liable in any civil or criminal proceedings in respect of the practice, possession, examination or removal, as the case may be.

18. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for—

- (a) regulating the admission of students to and the graduation of students from schools of anatomy; and
- (b) regulating the courses and standards of instruction and the qualifications of teachers at schools of anatomy; and
- (c) prescribing the records to be kept and the returns to be made under this Act; and
- (d) prescribing the forms to be used and the fees to be paid in connexion with any matter arising under this Act; and
- (e) penalties of fines not exceeding K100.00 or imprisonment for terms not exceeding three months for offences against the regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 227.

Anatomy Regulation.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
"examination"
"lecturer".
2. Application by intending students.
3. Admission of students.
4. Lecturers.
5. Application for licence.
6. Form of licence.
7. Examinations.
8. Conduct of anatomical examinations.
9. Reception Register.
10. Notice of receipt of body to inspector.
11. Safe custody of documents.
12. Quarterly return.
13. Notice of intention to dispose of body.
14. Notice of burial or cremation.
15. Powers of inspectors.
16. Obstruction, etc. of inspectors.
17. Reports by inspectors.

SCHEDULE.—

FORM 1.—Application for Admission as a Student to a School of Anatomy.

FORM 2.—Application for a Licence to Practise Anatomy.

FORM 3.—Licence to Practise Anatomy.

FORM 4.—Notice of Receipt of Body.

FORM 5.—Notice of Burial/Cremation.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 227.

Anatomy Regulation.

MADE under the *Anatomy Act.*

1. Interpretation.

In this Regulation, unless the contrary intention appears—

“examination” means an examination referred to in Section 7;

“lecturer” means a person appointed to be a lecturer under Section 4.

2. Application by intending students.

(1) A person may apply to the Principal of a school of anatomy for admission to the school as a student.

(2) An application under Subsection (1) shall be in Form 1.

3. Admission of students.

The Principal of a school of anatomy may admit to the school as a student a person who has satisfied the Principal that—

(a) he is a fit and proper person to be admitted; and

(b) he is a medical student or has had sufficient medical training to enable him to undertake the study of anatomy at the school.

4. Lecturers.

(1) The Principal of a school of anatomy, with the consent of the Departmental Head, may appoint a person to be a lecturer at the school.

(2) A person shall not be appointed to be a lecturer at a school of anatomy unless he is the holder of a licence.

5. Application for licence.

(1) An application for a licence shall—

(a) be in Form 2; and

(b) be sent to the Departmental Head for transmission to the Medical Board with his recommendation.

6. Form of licence.

A licence shall be in Form 3.

7. Examinations.

On completion of a course of study in anatomy, a medical student is subject to such examinations as are required by the Principal or the Board of the Medical School, and those examinations shall include any requirements of the Medical Board as to content and standards.

8. Conduct of anatomical examinations.

The Principal of a school of anatomy shall ensure that anatomical examinations carried out at the school are conducted in an orderly and decent manner.

9. Reception Register.

The Principal of a school of anatomy shall keep or cause to be kept at the school a book, to be known as the Reception Register, in which shall be entered, as soon as practicable after receipt of a body in the school, the following particulars relating to the body :—

- (a) name; and
- (b) sex; and
- (c) age (as far as is known); and
- (d) last known place of abode; and
- (e) date and place of death; and
- (f) cause of death; and
- (g) date and time of receipt; and
- (h) documents accompanying the body; and
- (i) place of ultimate burial or cremation; and
- (j) date of disposal of remains.

10. Notice of receipt of body to inspector.

On the receipt of a body into a school of anatomy, the Principal shall send, or cause to be sent, to the inspector of the school a notice in Form 4.

11. Safe custody of documents.

(1) Subject to Subsection (2), such of the documents specified in Section 11 of the Act as accompany a body received into a school of anatomy shall be retained in safe custody at the school and not destroyed.

(2) Where a document referred to in Subsection (1) is a Coroner's order for burial, that order must be delivered to the person who performs the burial or cremation of the body to which the order refers.

12. Quarterly return.

The Principal of a school of anatomy shall, not later than 14 days after the last day of the months of March, June, September and December, send or cause to be sent to the inspector of the school a return of the number of bodies received into the school during the period of three months immediately preceding that day, containing, in relation to each body, the particulars specified in Section 9.

13. Notice of intention to dispose of body.

(1) Where a body held in a school of anatomy under the Act is no longer required for anatomical examination and no directions as to its burial or cremation have been given by the spouse or, if there is no spouse, the next of kin (if any) of the deceased, the Principal of the school shall notify or cause to be notified the spouse or next of kin, as the case may be, of the place where and the time when it is proposed that the body is to be buried or cremated.

(2) The Principal shall comply with any reasonable instruction as to the disposal of a body received from the spouse or next of kin, as the case may be, within 14 days after the giving of notification under Subsection (1).

(3) Where, within 14 days after the giving of notification under Subsection (1), no instructions are received from the spouse or next of kin of the deceased as to the disposal of the body, the Principal may proceed to effect the burial or cremation of the body in accordance with the notification.

14. Notice of burial or cremation.

A notice under Section 12 of the Act shall be in Form 5.

15. Powers of inspectors.

(1) Subject to Subsection (2), an inspector, at any time, may—

- (a) visit and inspect a school of anatomy of which he is inspector; and
- (b) question any person who he has reason to believe can give any information relating to the management or conduct of the school or to an anatomical examination carried out at the school; and
- (c) require the production of any document or paper relating to the management or conduct of the school or to an anatomical examination carried out at the school.

(2) An inspection under Subsection (1) shall be made at least once in each period of three months.

16. Obstruction, etc., of inspectors.

A person who—

- (a) hinders or obstructs an inspector in the exercise of his powers or the performance of his duties under this Regulation; or
- (b) refuses or fails, without reasonable excuse (proof of which is on him), to comply with a requirement made under Section 15; or
- (c) refuses or fails, without reasonable excuse, to answer a question asked of him under that section,

is guilty of an offence.

17. Reports by inspectors.

(1) An inspector, after making an inspection under Section 15 of a school of anatomy, shall report in writing to the Minister on—

- (a) the conditions at the school; and
- (b) the standard of instruction and the conduct of teachers and students at the school; and
- (c) such other matters as he considers necessary or desirable to report on.

(2) An inspector shall report promptly to the Minister any breach of the provisions of the Act or this Regulation that he believes to have been committed at a school of which he is the inspector.

Ch. No. 227

Anatomy
SCHEDULE.

PAPUA NEW GUINEA.
Anatomy Act.

Reg., Sec. 2(2).

Form 1.

APPLICATION FOR ADMISSION AS A STUDENT TO A SCHOOL OF ANATOMY.

The Principal,

School of Anatomy.

I, _____, of _____, make application to be admitted as a student at the _____ School of Anatomy, and in support of my application I provide the following information :—

1. Date of birth:
2. Details of previous medical training or experience:

Dated _____ 19 _____

(Signature of Applicant)

PAPUA NEW GUINEA.
Anatomy Act.

Reg., Sec. 5.

Form 2.

APPLICATION FOR A LICENCE TO PRACTICE ANATOMY.

The Secretary for Health.

I, _____ of _____, make application for a licence to practise anatomy, and in support of my application provide the following particulars :—

Details of previous medical training or relevant experience:

Dated _____ 19 _____

(Signature of Applicant)

PAPUA NEW GUINEA.
Anatomy Act.

Reg., Sec. 6.

Form 3.

LICENCE TO PRACTISE ANATOMY.

_____, of _____ is licensed to practise anatomy from _____ 19 _____

Medical Board.

Anatomy

Ch. No. 227

PAPUA NEW GUINEA.

Anatomy Act.

Reg., Sec. 10.

Form 4.

NOTICE OF RECEIPT OF BODY.

To the Inspector,

School of Anatomy.

Take notice that on 19 , a body was received into this School of Anatomy,
the particulars of which are as follows :—

1. Name:
2. Sex:
3. Age (as far as is known):
4. Last known place of abode:
5. Date and place of death:
6. Cause of death:
7. Date and time of receipt:
8. Documents accompanying body:

Dated 19 .

Principal,
School of Anatomy.

PAPUA NEW GUINEA.

Anatomy Act.

Reg., Sec. 14.

Form 5.

NOTICE OF BURIAL/CREMATION*.

To the Inspector,

School of Anatomy.

Take notice that the body of received into this School of Anatomy on
19 was this day buried/cremated* at

Dated 19 .

Principal,
School of Anatomy.

*Strike out whichever is inapplicable.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 227.

Anatomy.

SUBSIDIARY LEGISLATION.

Act, Section 3—Establishment of Schools of Anatomy.

School of Anatomy of the Department of Anatomy of the Faculty of Medicine
of the University of Papua New Guinea.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 227.

Anatomy.

APPENDIXES.

APPENDIX 1.

SOURCE OF THE ANATOMY ACT.

Part A.—Previous Legislation.

Anatomy Act 1961 (No. 17 of 1961)

as amended by

Anatomy Act 1963 (No. 14 of 1964).

Part B.—Cross Reference.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	4	10	12
2	3	11	13
3	5	12	14
4	6	13	15
5	7	14	16
6	8	15	17
7	9	16	18
8	10	17	19
9	11	18	20

¹ Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE ANATOMY REGULATION.

Part A.—Previous Legislation.

Anatomy Regulations 1962 (Regulation No. 14 of 1962).

Part B.—Cross Reference.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
2	2	13	14
2	3	14	15
3	4	15	16
4	5	16	17
5	6	17	18
6	7	Schedule	Schedule
7	8	Form 1	Form 1
8	9	Form 2	Form 2
9	10	Form 3	Form 3
10	11	Form 4	Form 4
11	12	Form 5	Form 5
12	13		

¹ Unless otherwise indicated, references are to the regulations set out in Part A.