

Chapter 227.

Anatomy Act 1961.

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 227.

Anatomy Act 1961.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Anatomy Act 1961,

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 1963*;

“**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 Papua New Guinea Medical Board appointed under the *Medical Registration Act 1980*;

“**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 PRACTICE ANATOMY.

(1) The Medical Board, in its discretion and subject to such conditions and restrictions as it thinks fit, may grant a licence to practice 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 1955*, 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 PRACTICED ONLY BY LICENSEES AND STUDENTS.

(1) Subject to Subsection (2), a person, other than a licensee, who practices 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 practices 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 PRACTICED ONLY AT SCHOOLS OF ANATOMY.

(1) A licensee or a student who practices 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 practice 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 PRACTICED.

A licensee who practices 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) practices 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 connection 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.

s. 18.

Anatomy 9999

Office of Legislative Counsel, PNG