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OCTAVO

VICTORIÆ REGINÆ.

A.D. 1884.

No. 317.

An Act to authorise the establishment of Schools of Anatomy and to regulate the practice of Anatomy therein.

[Assented to, November 14th, 1884.]

BE it Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and the House of Assembly of the said province, in this present Parliament assembled, as follows:

1. The short title of this Act shall be the "Anatomy Act of 1884." Short title.

2. In the construction of this Act the word "body" shall mean dead human body; "legally qualified medical practitioner" shall mean any person duly registered as such under the provisions of the Acts in force in the colony for that purpose; the word "anatomy" shall mean anatomy of the human body only, and shall include the physiology of the same; and the words "public institutions" shall include any prison, gaol, lunatic, destitute, or other asylum or hospital. Interpretation.

3. The Governor may authorise 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 such conditions as the Governor shall think fit, and may at any time revoke such authority. Governor to authorise establishment of schools of anatomy.

4. The Governor may grant a licence to practise anatomy in any such school of anatomy on such conditions, for such period, and subject Governor to grant licences to practice anatomy.

The Anatomy Act.—1884.

subject to revocation in such manner as may be therein expressed, to any graduate or licentiate in medicine or surgery, or to any legally qualified medical practitioner or to any professor or teacher of anatomy, medicine, or surgery, or to any student attending any school of anatomy, on application from any such person for such purpose, countersigned by two Justices of the Peace, certifying that, to their knowledge or belief, such person so applying is a fit person to be licensed.

Governor to appoint inspectors of schools of anatomy.

5. The Governor may appoint from time to time inspectors of schools of anatomy, and may direct what schools every such inspector shall superintend, and in what manner every such inspector shall transact the duties of his office.

Inspectors to make returns of subjects for anatomical examination.

6. Every inspector shall make a quarterly return to the Registrar-General of Births, Deaths, and Marriages, of any body that has been removed for anatomical examination to any such school of anatomy as aforesaid, distinguishing the sex and, as far as is known, the name and age of each person whose body was so removed as aforesaid.

And to inspect schools of anatomy.

7. It shall be lawful for every such inspector to visit and inspect at any time any school of anatomy for which he is appointed inspector.

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

8. 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, to permit the body of such deceased person to undergo anatomical examination, unless to the knowledge of such executor or other person such deceased person shall have 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, shall require the body to be interred without such examination.

Provision in case of persons directing anatomical examinations after their death.

9. If any person, in writing, attested by two or more witnesses, shall direct that his body be examined anatomically, or shall nominate any person by this Act authorised to examine bodies anatomically to make such examination, and if before the burial of the body of such person such direction or nomination shall be made known to the person having legal 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.

Chief Secretary may authorise bodies to undergo anatomical examination.

10. The Chief Secretary may, by a licence under his hand, authorise the medical officer of any public institution, supported wholly

The Anatomy Act.—1884.

wholly or in part by funds from the general revenue, to permit the body of any person who may die in such public institution, unless such institution shall be a public hospital, to undergo anatomical examination in any school of anatomy or in any public institution, unless to the knowledge of such licencee such person shall have expressed his desire, either in writing at any time during his life, or verbally during the illness whereof he died, that his body after death might not undergo such examination, or unless the surviving husband or wife or the nearest known relative of the deceased person shall require the body to be interred without such examination.

11. In no case shall the body of any person be removed for anatomical examination from any place where such person may have died until after twelve hours from the time of such person's decease, nor until after six hours' notice to the inspector of the school of anatomy nearest to the place where such person may have died, of the intended removal of the body; or if no such inspector have been appointed, or such inspector shall reside at a greater distance than ten miles from the place of death, then to some legally qualified medical practitioner or Justice of the Peace, nor unless a certificate stating in what manner such person came by his death shall, previously to the removal of the body, have been signed by the legally qualified 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 such practitioner or some Justice of the Peace who shall be called in after the death of such person to view his body, and who shall state 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 anatomically, and in case of such removal such certificate shall be delivered, together with the body, to the person receiving the same for anatomical examination.

The body not to be removed from the place where such person may have died without a certificate.

12. It shall be lawful for any legally qualified medical practitioner, or any professor, teacher, or student of anatomy, medicine, or surgery, having a licence from the Governor, to receive or possess for anatomical examination, or examine anatomically, the body of any person deceased, 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 in pursuance of the provisions of this Act to permit or cause the body to be so examined, and provided such certificate as aforesaid were delivered by such person together with the body.

Who may receive bodies for anatomical examination.

13. Every person so receiving a body for anatomical examination after removal shall demand and receive, together with the body, a certificate as aforesaid, and shall, within twenty-four hours next after such removal, transmit to the inspector of the nearest school of anatomy as aforesaid 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 christian

Such persons to receive with the body a certificate as aforesaid, which shall be transmitted to the inspector.

The Anatomy Act.—1884.

christian and surname, age, and last place of abode of such person; or, if no such inspector have been appointed, to some legally qualified medical practitioner or Justice of the Peace, and shall enter, or cause to be entered, the aforesaid particulars relating thereto, and a copy of the certificate he received therewith, in a book to be kept by him for that purpose, and shall produce such book whenever required so to do by any inspector so appointed as aforesaid.

Anatmoical examinations to be carried on only at places licensed.

14. It shall not be lawful for any person to receive or possess for anatomical examination, or examine anatomically, any body except at such place or places as are authorised for that purpose as provided for in the third section of this Act.

Persons practising anatomy to do so in orderly and decent manner.

15. All persons who shall carry on and practise anatomy shall do so in such a manner as to avoid unnecessary mutilation of any bodies that they may be examining anatomically, and shall conduct such examinations in an orderly, quiet, and decent manner; and it shall be lawful, in addition to the penalties hereinafter provided, to deprive any person of his licence who shall offend against the provisions of this section or any of the provisions of this Act.

How bodies are to be removed for examination. Provision for interment.

16. Every such body removed for the purpose of examination shall, before such removal, be placed in a decent coffin or shell, and be removed therein, and the person removing the same, or causing the same to be removed, shall make provision that such body, after undergoing anatomical examination, be decently interred in consecrated ground, or in some public burial-ground in use for persons of that religious persuasion to which the person whose body was so removed belonged, or in some public cemetery, and that a certificate of the interment of such body shall be transmitted to the inspector of the district within six weeks after the day on which such body was received, or within such other time as the Governor, by notice in the *Gazette*, shall appoint.

Persons duly authorised not to be liable to punishment for having in their possession human bodies.

17. No person, having a licence from the Governor, 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 body, if the possession of such body be according to the provisions of this Act.

Post mortem examination not prohibited.

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

Limitation of actions.

19. If any action or suit shall be 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 accrued, and the defendant in every such action or suit may plead the matter specially, or may plead the general issue of not guilty, and give the special matter in evidence at any trial to be held thereupon.

20. Any

The Anatomy Act.—1884.

20. Any person offending against the provisions of this Act shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for a term not exceeding three months or by a fine not exceeding Fifty Pounds. Offences.

21. In all cases in which no provision, or no sufficient provision, is, in the opinion of the Governor, made by this Act, it shall be lawful for the Governor to make and prescribe all such regulations and orders, either general or applicable to particular cases only, as the Governor shall think fit, and all such regulations and orders shall be published in the *Gazette*, and being so published shall have the force of law, and the breach of any of such regulations or orders shall be punishable by a penalty not exceeding Five Pounds. Governor may make regulations and orders.

22. It shall be lawful for the governing authorities of any authorised school of anatomy, with the approval of the Governor, to make rules for enabling the study and practice of anatomy to be properly carried out and discipline to be maintained at such school, and to impose a penalty not exceeding Five Pounds for the breach thereof. All such rules shall fix a date on which the same shall come into force, and upon the date so fixed, and after their publication in the *Gazette*, such rules shall be in force in the school to which the same shall relate. Authorities of schools to make rules for study and discipline.

23. The penalties authorised by the last two preceding sections may be recovered in a summary way before any two Justices of the Peace. Penalties how recoverable.

In the name and on behalf of Her Majesty, I hereby assent to
to this Bill.

WILLIAM C. F. ROBINSON, Governor.