

CORNEAL AND TISSUE GRAFTING ACT.

Act No. 32, 1955.

An Act to make provision with respect to the Elizabeth II,
No. 32, 1955. use of eyes and other parts of the bodies of deceased persons for therapeutic purposes; and for purposes connected therewith.
[Assented to, 4th November, 1955.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Corneal and Short title
and
commencement. Tissue Grafting Act, 1955."

(2) This Act shall commence upon a day to be ment. appointed by the Governor and notified by proclamation published in the Gazette.

2.

No. 32, 1955.

—
 Removal of
 eyes and
 other parts
 of the body
 of deceased
 persons.
 cf. 15 & 16
 Geo. 6
 & 1 Eliz 2,
 c. 28, s. 1.

2. (1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his eyes or any other parts of his body be used for therapeutic purposes after his death, the party lawfully in possession of his body after death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal therefrom of the eyes or other parts of the body for use for those purposes.

(2) Without prejudice to subsection one of this section, the party lawfully in possession of the body of a deceased person may authorise the removal therefrom of the eyes or any other parts of the body for the purposes aforesaid unless that party has reason to believe—

- (a) that the deceased had expressed an objection to his eyes or other parts of his body being so dealt with after his death, and had not withdrawn such objection; or
- (b) that the surviving spouse, or, if there is no surviving spouse, the nearest surviving relative of the deceased objects to the deceased's eyes or other parts of the body being so dealt with.

(3) An authority given under this section in respect of any deceased person shall be sufficient warrant for the removal of the eyes or other parts from the body and their use for the purposes aforesaid; but no such removal shall be effected except by a legally qualified medical practitioner, who must have satisfied himself by a personal examination of the body that life is extinct.

(4) Authority for the removal of eyes or any other parts of the body shall not be given under this section if the party empowered to give such authority has reason to believe that an inquest may be required to be held on the body, unless a coroner has signified in writing that such removal may be undertaken and the requirements of subsection one or two of this section are complied with.

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

(6)

(6) In the case of a body lying in a hospital, any ^{No. 32, 1955.} 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 firstmentioned 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 which would have been lawful if this Act had not passed.

3. (1) Where authority for the removal of any eyes or ^{Grafting of} other parts of the body of a deceased person has been ^{eyes and} given under this Act, such eyes or other parts may be ^{other parts of the body.} used for immediate grafting into the body of a living person or may be retained and used for such purpose at some later time.

(2) No person other than a legally qualified medical practitioner shall undertake the carrying out of any such grafting.

4. Any eyes or other parts of the bodies of deceased persons removed in accordance with the provisions of this Act and which are to be retained and used for grafting into the body of a living person at some later time, shall be retained only by such persons, institutions or organisations as may be approved by the Minister.

5. (1) Any person who,—

Offences.

(a) otherwise than in accordance with the provisions of this Act authorises the removal from the body of a deceased person of any eye or other part of the body for therapeutic purposes; or

(b) not being a legally qualified medical practitioner,—

(i) removes from the body of any deceased person any eye or other part of the body the removal of which has been authorised under this Act, or

(ii) undertakes the carrying out of any grafting of any eye or other part of the body of a deceased person into the body of a living person; or

(c)

No. 32, 1955.

(c) uses for purposes other than therapeutic purposes any eye or other part of the body removed from the body of any deceased person pursuant to the provisions of this Act, shall be guilty of an offence against this Act.

(2) Any person, institution or organisation, not being a person, institution or organisation approved by the Minister pursuant to section four of this Act, retaining any eyes or other parts of the bodies of deceased persons for grafting into the bodies of living persons shall be guilty of an offence against this Act.

(3) Any person, institution or organisation guilty of an offence against this Act shall be liable to a penalty not exceeding one hundred pounds.

(4) All proceedings for offences against this Act shall be disposed of summarily before a court of petty sessions.
