Legal Compliance
Education and Awareness

Transplantation and Anatomy Act 1983
(South Australian)

Life Impact  The University of Adelaide
What does the Transplantation & Anatomy Act do?

- Regulates the removal of organs & body parts from deceased persons for:
  - transplantation
  - therapeutic, medical or scientific purposes
  - the use by schools of anatomy
  - buying & selling of those organs
  - post-mortem examinations
How does the Act apply to the University?

- The University has a School of Medical Sciences (comprising a Discipline of Anatomy & Pathology) & a Forensic Odontology Unit which is subject to the Act.

- The School of Medical Sciences receives bodies (subject to appropriate consent) into its Body Donation Program for the purposes of:
  - anatomical examination
  - study/teaching of the anatomy of the human body

- The School of Medical Sciences controls the transfer of anatomical resources to licensed schools of anatomy within the State & Commonwealth.
How does the Act apply to the University? (cont.)

The Act allows the University to write its own regulations pertaining to:

- How bodies are transported to the School of Medical Sciences
- Provision of returns & other information by the person in charge of a school of anatomy
- The conditions subject to which anatomical examinations & the teaching & study of anatomy may be carried out
- Precautions to be considered on the receipt, custody & of cremation of bodies
- Inspection, regulation & control of the anatomy labs
- Penalties for non-compliance with the regulations

* These regulations are currently under development
The Act prohibits

- Trading in organs or body parts in the form of:
  - Entering into contracts for the sale or supply of organs or body parts
  or
  - Entering into contracts authorising the post-mortem or anatomical examination of your own body or some other person’s

however

- The University may be reimbursed for expenses incurred during the process of removing organs & body parts or transporting parts interstate
What can happen if I don’t comply?

**Individual Consequences:**

- Fines of up to $20,000
  - For entering into a contract for the sale or supply of organs or body parts
  - For unauthorised public disclosure of information about the identity of a person who has received transplanted material or from whose body tissue has been removed
  - For unauthorised advertisements relating to the selling or buying of tissue

- A breach of the Act may be considered misconduct actionable under the University’s Enterprise Agreement

- Loss of reputation in the academic or scientific community
What can happen if I don’t comply? (cont.)

**University Consequences:**

- Negative publicity
  - *Damage to the University’s reputation*
  - *Attraction & retention of staff & students is compromised*
- Closure of or disruption to the University’s mortuary facility which leads to an inability to teach
  - *Huge risk to existing supply contracts to other Universities & surgical institutions*
- Legal & administrative costs
University obligations under the Act

- Ensure that Transplantation & Anatomy regulations are compliant with the Act

- Be aware that an authorisation for removal of tissue will not be granted if an inquest needs to be held under the *Coroners Act 2003* into the death of the person
  - despite what prior arrangements may exist

- Do not disclose information about the identity of a person who has received transplanted material or from whose body tissue has been removed

- Ensure that reimbursements for expenses incurred during the process of removing organs & body parts or transporting parts interstate are fair & cannot be misconstrued as “organ trading”

- Obtain advice if in doubt;
  - Wesley Fisk, Manager, Ray Last Laboratory   Legal & Risk
  - 8313 5905   8313 4539
Additional Resources

- Wesley Fisk, Manager, Ray Last Laboratory
  - 8313 5905

- Transplantation & Anatomy Act 1983

- Coroners Act 2003 (SA)
Disclaimer

The content of this material is intended only to provide a summary & general overview of the *Transplantation & Anatomy Act* as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact *Wes Fisk, Manager, Ray Last Laboratory* or Legal & Risk if you are unsure of your compliance obligations under the Act.