Related policies or other documents

Legislation pertaining to the management and utilisation of anatomy facilities and the receipt, handling, storage, tracking and disposal of bodies has developed over a period of time. It is envisaged that legislation will continue to evolve as new areas of medical/surgical teaching and medical/surgical research interest emerge. Due to the emergent nature of medicine, surgery and allied research, individuals involved in these fields have an inherent responsibility not only to comply with existing legislation, but also to recognise when their teaching or research may be likely to transcend existing legislation. In such cases, due caution must be exercised.

1. Anatomy Facilities, Standards, Maintenance and Operation

The following information is provided to assist individuals to identify some valuable sources of related information. It should be noted that the information contained in those documents is only a summary. Individuals must read the legislation so as to be fully informed.

**a)** [**Anatomy Act, 1977 (NSW)**](http://www.legislation.nsw.gov.au/inforcepdf/1977-126.pdf?id=4a65a6c2-df8e-ee5e-ea32-f784aafd7029)**.**

**b)** [NSW Department of Health (2007), "Deceased Persons in Health Facility Mortuaries & Management of Health Facility Mortuaries"](http://www0.health.nsw.gov.au/policies/pd/2007/PD2007_017.html)

1. This document clarifies the requirements of the Public Health (Disposal of Bodies) Regulations for hospital and health facility staff when managing the bodies of deceased patients within their facility. This document also provides guidance to the management of mortuaries and mortuary services.
2. The document stresses the importance of consulting relevant standards and guidelines for standards and procedures; the use of labelled body bags during transport; the use of labels on bodies; and the use of continuing internal audits, and monitoring, with respect to relevant legislation, standards, and guidelines.

**c)** [**NSW Department of Health (2004), "Guidelines for the Funeral Industry"**](http://www0.health.nsw.gov.au/pubs/2004/pdf/funeralindustry.pdf)

These guidelines aim to assist the funeral industry and key personnel to understand, and comply with, the detail of the Public Health (Disposal of Bodies) Regulation 2002. The guidelines are not intended to be a manual as to how to manage, and dispose of, a body. Rather, they are to assist decisions in relation to what is, or is not, legal or illegal, with respect to the management and/or disposal of a body and it outlines approvals which may be required so as to ensure safe and hygienic handling, and management, of dead bodies.

Its content covers topics such as:

* + - 1. Facilities for handling bodies;
      2. Retention of bodies;
      3. Embalming of bodies;
      4. Handling of bodies;
      5. Burials/cremations;
      6. Infectious diseases;
      7. Mortuary registers; and
      8. Other issues not included in the regulation.

**d)** [Requirements for the Facilities and Operation of Mortuaries (Third Edition, 2013)](http://www.health.gov.au/internet/main/publishing.nsf/Content/health-npaac-docs-mortuari.htm)

This document provides guidance upon mortuary facilities, their conduct, and the minimum standards considered acceptable for good mortuary laboratory practice.

**e)** [**Public Health (Disposal of Bodies) Regulation, 2011 (NSW)**](http://www0.health.nsw.gov.au/resources/aboutus/legal/pdf/final_public_health_dispo.pdf)

**f)** [**Human Tissue Act, 1983 (NSW).**](http://www.legislation.nsw.gov.au/inforcepdf/1983-164.pdf?id=dae79cae-8043-47df-9c37-fe8d1d7e38b3)

**g)** [Human Tissue Legislation Amendment Act, 2012 (NSW)](http://www.austlii.edu.au/au/legis/nsw/num_act/htlaa2012n72379.pdf)

**h)** [**NSW Department of Health (2006), "Human Tissue - Requirements of the Human Tissue Act 1983 in relation to research and use of tissue”**](http://www0.health.nsw.gov.au/policies/gl/2006/pdf/GL2006_021.pdf)

This document provides guidance for Human Research Ethic Committees when reviewing research proposals involving human tissue. It updates, and replaces, earlier documents to take into account amendments to the Human Tissue Act, effective from January, 2006.

**i)** [**The National Statement on Ethical Conduct in Human Research, 2007 (updated May 2013)**](http://www.nhmrc.gov.au/_files_nhmrc/publications/attachments/e72_national_statement_130624.pdf)

This document contains information relevant to the management and utilisation of bodies which have been donated for medical and scientific purposes. For example, it contains information related to prohibited actions (e.g. trade in human bodies, or tissue) and options, requirements, and considerations which should be addressed in obtaining consent, such as the types of consent which may be obtained.

2. Records Management

**a)** [**State Records Act, 1998 (NSW) and Amendments to the State Records Act, 2005 (NSW)**](http://www.records.nsw.gov.au/about-us/state-records-act-1998)

Prior to destroying any records the University must ensure that the destruction is compliant with the provisions of the NSW State Records Act, and any other applicable legislation.

It is prudent to adopt the retention requirements which have been applied to equivalent records, even though those requirements do not apply directly to the University. For example, it may be appropriate to adopt the "[General Disposal Authority - Public Health Services: Patient/Client Records](https://www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/rules/general-retention-and-disposal-authorities/public-health-services-patient-client-records-gda) (GDA17 - entry 4.3.5)" which requires human tissue records, including registers, to be retained for 20 years.

If there is any uncertainty about the appropriate retention of records, advice from the NSW Department of Health (as the relevant licencing authority) must be obtained prior to arranging the destruction of those records.

**b)** [**Health Records and Information Privacy Act, 2002 (NSW)**](http://www.legislation.nsw.gov.au/viewtop/inforce/act+71+2002+FIRST+0+N/)

**3. Privacy**

[*Privacy Act, 1988 (Cwth)*](http://www.comlaw.gov.au/Details/C2014C00076)

[*Privacy and Personal Information Protection Act, 1998 (NSW)*](http://www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464/)

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