

South Australia

Transplantation and Anatomy Regulations 2018

under the *Transplantation and Anatomy Act 1983*

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1—Short title

These regulations may be cited as the *Transplantation and Anatomy Regulations 2018*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Transplantation and Anatomy Act 1983*;

school of anatomy means a school of anatomy established under Part 6 of the Act;

Standard means the *Standard for the Operation, Management and Oversight of Schools of Anatomy in South Australia* published by the Minister on 23 November 2017 (see *Gazette 12.12.2017 p4957*).

4—Prescribed institutions

For the purposes of section 33(1) of the Act, the following institutions are prescribed institutions:

- (a) Flinders University;
- (b) South Australian Health and Medical Research Institute Limited;
- (c) The University of Adelaide;
- (d) University of South Australia.

5—Requirement to comply with Standard

- (1) A school of anatomy must comply with the Standard.
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- (2) A person undertaking duties at or in relation to a school of anatomy must, in the course of undertaking those duties, comply with the Standard.

Maximum penalty: \$2 500.

6—Appointment of inspectors

- (1) The Minister may appoint persons to be inspectors for the purposes of the Act and these regulations.
- (2) The Minister must provide each inspector with a certificate of identity.
- (3) An inspector must, at the request of a person in relation to whom the inspector has exercised or intends to exercise the powers of an inspector, produce that certificate.

7—Powers of inspectors

- (1) Subject to this regulation, for the purposes of ascertaining whether the requirements of the Act and these regulations are being complied with, an inspector may enter—
- (a) a school of anatomy; and
 - (b) any other place in which the inspector suspects on reasonable grounds—
 - (i) anatomical examinations or the teaching and study of anatomy are, or have been, carried out; or
 - (ii) evidence or records connected with the carrying out of anatomical examinations or the teaching and study of anatomy are located; or
 - (iii) the body, or part of the body, of a deceased person is being kept for the purposes of carrying out anatomical examinations or the teaching and study of anatomy.
- (2) An inspector must not enter a place used as a residence unless authorised by warrant under subregulation (3).
- (3) A magistrate may, if satisfied on the application of an inspector that there is a proper ground for doing so, issue a warrant authorising an inspector to enter a place used as a residence.
- (4) While an inspector is in or on any place pursuant to this regulation, the inspector may do any 1 or more of the following:
- (a) inspect or search the place or anything in the place;
 - (b) require any person in the place to—
 - (i) produce any equipment or other items, or any books, papers or documents, that are in the person's custody or control; and
 - (ii) answer any questions put by the inspector;
 - (c) inspect any books, papers or documents produced to the inspector and retain them for so long as is reasonably necessary for the purpose of copying or taking extracts from any of them;
 - (d) take photographs;
 - (e) if the inspector suspects on reasonable grounds that an offence has been committed against the Act or these regulations, seize and retain anything that the inspector believes affords evidence of the offence;

- (f) give such directions as are reasonably necessary for, or as are incidental to, the effective exercise of the inspector's powers under this regulation.
- (5) An inspector may, in exercising powers under this regulation, be accompanied by such assistants as are reasonably necessary for the purpose (which may, for example, include a person with relevant qualifications to provide expert advice to an inspector).
- (6) A person who—
 - (a) without reasonable excuse, hinders or obstructs an inspector in the exercise of powers under this regulation; or
 - (b) fails to answer a question put by an inspector to the best of his or her knowledge, information or belief; or
 - (c) fails to comply with any other lawful requirement or direction of an inspector; or
 - (d) uses abusive, threatening or insulting language to an inspector or a person assisting an inspector; or
 - (e) falsely represents, by word or conduct, that he or she is an inspector,is guilty of an offence
Maximum penalty: \$2 500.
- (7) A natural person is not required to answer a question if the answer might tend to incriminate the person, or make the person liable to a penalty.

8—Evidentiary provision

In proceedings, a certificate apparently signed by the Minister and certifying—

- (a) that a specified document is, or forms part of, the Standard; or
- (b) that a specified person is or is not, or was or was not on a specified date, an inspector,

constitutes proof, in the absence of proof to the contrary, of the matters stated in the certificate.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 6 February 2018

No 17 of 2018

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