

# Best practice guideline

## Schools of anatomy in the disposal of human remains – Appendix 3

### 1 Purpose

This guideline references legislative requirements, outlines issues for consideration by schools of anatomy, and recommends best practices in relation to aspects of the disposal of human remains following the authorised use of human bodies under the *Transplantation and Anatomy Act 1979* (the Act) and the *Transplantation and Anatomy Regulation 2017* (the Regulation).

Schools of anatomy are responsible for ensuring they are compliant with the Act and Regulation, and any other legislation applicable to their activities. The Department of Health (the department) assesses the operation of schools of anatomy in relation to their ongoing authorisation under the Act through a number of mechanisms, including the School of Anatomy Compliance Assurance Process, which incorporates annual completion of the Audit Checklist and Evaluation Tool for Queensland Schools of Anatomy (the Audit Checklist). This guideline is referenced in the Audit Checklist and will be used to inform compliance assessment.

Through the School of Anatomy Managers Network, requests were made of the department to advise its expectations regarding aspects of the disposal of human remains by school of anatomy, taking into account relevant legislative requirements. This guideline was developed in consultation with representatives of schools of anatomy and other relevant stakeholders. It is not intended to constitute legal advice or direction on all relevant ethical issues. Schools of anatomy should also seek their own legal advice and ethical guidance as they consider necessary.

### 2 Scope

This guideline relates to the practices of all persons in schools of anatomy and, in particular, persons in charge of accepting schools, involved in the disposal of human remains following the authorised use of bodies under the Act or Regulation.

### 3 Background

- 3.1. Schools of anatomy receive bodies that have been donated for anatomical purposes. The Act and Regulation address the donation, acceptance, lending, tracking and disposal of bodies.

- 3.2. Section 6 of the Regulation provides that the person in charge of an accepting school must dispose of a body as soon as possible after the period for which it is authorised to be retained, or, if no period has been specified, as soon as the body has been used for the purpose for which it was donated. The section further requires arrangements to be made for the cremation or burial of the body; and, if a donor has given written instructions about disposal of their body, the school must, to the extent it is reasonably practicable, comply with those instructions.
- 3.3. The current practice of schools of anatomy in Queensland is to cremate bodies. Accordingly, this guideline has been drafted to reflect that practice. However, there is an option under section 6 of the Regulation to bury a body and therefore references have also been made to burial.
- 3.4. The *Coroners Act 2003* and the *Cremations Act 2003* regulate the authorisation of, and processes for, the burial or cremation of human remains, while the *Births, Deaths and Marriages Registration Act 2003* regulates, among other things, the notification of disposal of human bodies.
- 3.5. Amendments made to the above three Acts in April 2019 extended exemptions from notification about disposal of bodies to include parts of bodies under the *Births, Deaths and Marriages Registration Act 2003*, extended exemptions from the application of the *Cremations Act 2003* of bodies used at a school of anatomy to include parts of bodies, and exempted the burial of parts of bodies from requiring a cause of death certificate, normally required for burial of bodies under the *Coroners Act 2003*.<sup>1</sup>
- 3.6. The Waste Reduction and Recycling Regulation 2011 and the Environmental Protection Regulation 2019 impose requirements for the disposal of clinical and related waste (including human tissue), which may apply to the disposal of human remains at schools of anatomy. The Department of Environment and Heritage Protection *Guideline: Clinical and Related Waste*, version 4.01, 8 October 2019 ('the Waste Guideline') further explains these requirements. It can be viewed at: <https://www.ehp.qld.gov.au/assets/documents/regulation/pr-gl-clinical-and-related-waste.pdf>

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<sup>1</sup> In April 2019, amendments were made via the *Health and Other Legislation Amendment Act 2019* to subsection 32(1)(a) of the *Births, Deaths and Marriages Registration Act 2003*, section 95 of the *Coroners Act 2003* and section 4 of the *Cremations Act 2003* to provide or extend exemptions to certain requirements in those Acts to parts of bodies. The amendment to the *Births, Deaths and Marriages Registration Act 2003* extended the exemption from notification of disposal of a body by a school of anatomy to also include a part of the body. The amendments to the *Coroners Act 2003*, to insert new subsections 95(3)(b)(ii) and 95(4), mean that a cause of death certificate is not required for the burial (cremation) of a part of a human body used at a school of anatomy for the study and practice of anatomy. The amendments to the *Cremations Act 2003*, to insert new subsections 4(1)(b)(ii) and 4(2), extend the exemption from the application of the *Cremations Act 2003* to also include the cremation of parts of a human body used at a school of anatomy for the study and practice of anatomy.

## 4 Underlying principles

- 4.1. In addition to statutory requirements, this guideline is informed by fundamental principles about the disposal of human remains:
- 4.1.1. The disposal of human remains shall accord with information provided to body donors and next of kin, as applicable, through relevant body donor programs;
  - 4.1.2. Human remains must be handled by schools of anatomy with the utmost respect, and processes for the disposal of a body conducted with dignity; and
  - 4.1.3. The disposal of human remains must be thoroughly accounted for, consistent with rigorous record-keeping for the acquisition, use and movement of human remains by schools of anatomy.

## 5 Definitions of term in this guideline

Term	Definition / Explanation / Details	Source
<b>Accepting school</b>	A school of anatomy that accepts a body under an authority and has not borrowed that body from a lending school.	Schedule 1 of the Regulation
<b>Anatomical purposes</b>	Anatomical examination or use of a body for the study and teaching of the anatomy of the human body.	Section 31(1) of the Act
<b>Anatomical waste</b>	Soft tissue waste produced in the preparation of a body for embalming or dissection, including skin, fascia or fat, but excluding residual human waste.	Department in consultation with schools of anatomy
<b>Authority</b>	An authority under section 31(2) or 32(1) of the Act or a consent under section 33 of the Act.	Schedule 1 of the Regulation
<b>Body</b>	The body of a deceased person, including part of a body.	Department and section 5 of the Regulation
<b>Body part / part of a body</b>	Any soft or hard tissue from a human body which has been separated from the body, including anatomical waste, but excluding residual human waste.	Department in consultation with schools of anatomy

Term	Definition / Explanation / Details	Source
<b>Body donor program</b>	A program administered by an accepting school which facilitates the acceptance of bodies under an authority.	Department in consultation with schools of anatomy
<b>Borrowing school</b>	A school of anatomy that borrows a body or a part of the body from –  (a) the accepting school for the body for a purpose for which the retention of the body is authorised; or  (b) an “interstate lending school” (as defined in the Regulation) for the body or the part.	Schedule 1 of the Regulation
<b>Consent period</b>	The period for which a school of anatomy is authorised to retain a body or part of a body, that may include an indefinite time period.	Reflects section 6(1) of the Regulation
<b>Donor</b>	A deceased person whose body is donated for anatomical purposes under Part 5 of the Act.	Common usage
<b>Human remains</b>	A human body or any tissue from a deceased person.	Department in consultation with schools of anatomy
<b>Lending school</b>	A school of anatomy that is an accepting school for a body, or an interstate lending school for a body or a part of a body.	Schedule 1 of the Regulation
<b>Person in charge</b>	The ‘person in charge of a school of anatomy’ is the school of anatomy’s custodian (as identified in the school of anatomy’s current authorisation/variation documents), who is ultimately responsible for the management and operations of the facility for which this Guideline relates.	Department
<b>Residual human waste</b>	Body fluids released in the course of preparing or using a body or body part for anatomical purposes and very small quantities of human tissue generated as waste through such activities, for which it is impractical to retrieve and store with the body - for example, tissue remaining on implements and equipment following dissection.	Department in consultation with schools of anatomy

Term	Definition / Explanation / Details	Source
<b>School of anatomy</b>	A school of anatomy established under the authority of section 37 of the Act.	Section 37 of the Act
<b>Tissue</b>	<p>Tissue means –</p> <p>(a) an organ, blood or part of—</p> <p>(i) a human body; or</p> <p>(ii) a human foetus; or</p> <p>(b) a substance extracted form an organ, blood or part of—</p> <p>(i) a human body; or</p> <p>(ii) a human foetus;</p> <p>but does not include—</p> <p>(c) immunoglobulins; or</p> <p>(d) laboratory reagents, or reference and control materials, derived wholly or in part from pooled human plasma.</p>	Section 4 of the Act

## 6 Best practices for disposal of human remains by Schools of Anatomy

### Policies, procedures and training

- 6.1. Under the Regulation, the person in charge of an accepting school has responsibility for disposing of a body accepted through their body donor program.
- 6.2. The person in charge of a school of anatomy undertaking the disposal of human remains should ensure:
  - 6.2.1. the school of anatomy has documented policies and procedures that are consistent with the Act and Regulation and any other legislation relevant to the disposal of human remains;
  - 6.2.2. relevant policies and procedures are approved by an ethics committee which oversees the use of human tissue at the school of anatomy;
  - 6.2.3. relevant policies and procedures are subject to regular compliance monitoring and review;
  - 6.2.4. adequate training and instruction are provided to all persons involved in any capacity in the disposal of human remains; and

- 6.2.5. there is appropriate supervision by the person in charge of the school (or their delegate) of activities involving the disposal of human remains.
- 6.3. Under the Regulation, the person in charge of a borrowing school is responsible for the return of a body or part of a body to the relevant lending school for the purpose of disposal, at the required time and in accordance with any other requirements of the lending school.
- 6.4. There should be appropriate supervision by the person in charge of a borrowing school (or their delegate) of all activities involving the preparation and release of a body for return to a lending school.

## Informed Consent

- 6.5. Where a school of anatomy operates a body donor program, the donor consent form should ensure, as a minimum, that in relation to the disposal of human remains, a potential donor:
  - 6.5.1. is informed that their body will be disposed of by cremation or burial, with cremation currently the only method in use;
  - 6.5.2. is informed that there could potentially be some separation of body parts and, in the case of a bequest for an indefinite period of time, these body parts may be preserved as teaching and/or approved research specimens;
  - 6.5.3. is informed that a bequest for an indefinite period of time will mean that there will be no specific time when their body will be cremated or buried, but that it will occur as soon as possible after their body has been used for the purpose for which it was donated;
  - 6.5.4. is informed that parts of their body may be cremated or buried separately where this is necessary for management of the school of anatomy facility;
  - 6.5.5. nominates at least one next of kin with whom the school of anatomy can liaise at the time of the donor's death to give effect to the bequest, and who they can subsequently inform about disposal of the donor's remains;
  - 6.5.6. if there are no next of kin, nominates a person the donor wishes the school of anatomy to liaise with at the time of the donor's death to give effect to the bequest, and to subsequently be informed about disposal of the donor's remains;
  - 6.5.7. is informed that, if no next of kin or other person is nominated by the donor, the school of anatomy will liaise with the 'senior available next of kin' (as defined in the Act) or, if there is no senior available next of kin, with a personal representative.

## Next of kin

- 6.6. The purpose of any contact with the next of kin soon after a donor's death is to:
  - 6.6.1. make arrangements for giving effect to the bequest, including accommodating, where possible, any wishes of the next of kin to conduct a memorial service prior to accepting a body, if this is not in conflict with any wishes of the deceased;
  - 6.6.2. explain the process for ultimately laying the donor's remains to rest, including advising whether ashes will eventually be available for collection from a crematorium and/or providing information about any designated memorial garden where ashes will be or may be deposited or dispersed;
  - 6.6.3. explain that any ashes available from the cremation, where there is scope for collection of these by the next of kin, may not contain ashes from the full body due to the procedures and use the body may be subject to; and
  - 6.6.4. determine the wishes of the next of kin in relation to receiving future notification regarding laying the donor's remains to rest, the release for cremation of a donor's body, and/or any option that may exist to collect ashes from a crematorium.

## Handling and disposal of human remains

- 6.7. Section 36 of the Act requires that anatomical examinations of a body are carried out in a quiet, orderly and decent manner. All handling of human remains, including for the purpose of disposal, should be conducted with sensitivity and the utmost respect.
- 6.8. Under section 6 of the Regulation, a body must be disposed of as soon as possible after the period for which its retention is authorised has elapsed, although nothing in this guideline prevents earlier disposal.

## Disposal of a body

- 6.9. Under section 6 of the Regulation, the disposal of a body, including a body part, must include making arrangements for the cremation or burial of the body.
- 6.10. Under section 6 of the Regulation, a body, including a part of a body, must be disposed of:
  - 6.10.1. as soon as possible after the end of the period for which its retention was authorised; or
  - 6.10.2. otherwise—as soon as possible after it has been used for the purpose for which its retention was authorised.
- 6.11. Disposal of a body should include disposal of all its parts, unless there is a compelling reason for not doing so. Examples of compelling reasons for disposing of body parts separately from a body include:

- 6.11.1. in the case of anatomical waste from a body, it is not practical to store it until such time as the body is disposed of;
- 6.11.2. a body part needs to be disposed of prior to the end of the consent period due to its physical deterioration which renders it unusable or poses a work health and safety risk;
- 6.11.3. a body part is to be preserved as a specimen for longer term use within the consent period;
- 6.11.4. it is an historically donated specimen of unknown provenance that can no longer be used for teaching purposes due to deterioration; or
- 6.11.5. it has become detached from its unique identifier prior to implementation of more robust identification and tracking mechanisms, perhaps because of the historical age of the body part, and so cannot be matched to a particular body.

## Disposal of body parts

- 6.12. Body parts may be disposed of separately only in circumstances where there is a compelling reason to do so, as described in examples in paragraph 6.11 above, and in compliance with section 6 of the Regulation.
- 6.13. If a body part is disposed of separately from the body from which it was removed, efforts should be made to have it cremated on a donor-identified basis.
- 6.14. If this is not possible due to the identity of the donor not being known, or it is impractical, for example because of the collective storage of human tissue from multiple donors, cremation may be undertaken on a donor-unidentified basis.
- 6.15. If a body part is cremated on a donor-unidentified basis, approval is required from the person in charge (see 6.20).

## Disposal of residual human waste

- 6.16. Residual human waste may be disposed of in accordance with the requirements for the disposal of untreated clinical waste under the Waste Reduction and Recycling Regulation 2019 and the Waste Guideline.

## Procedures for cremation

- 6.17. Any cremation of human remains must take place in accordance with the Cremations Act 2003.
- 6.18. Cremation of human remains from the same body may be undertaken at different points in time only if there is a compelling reason to do so.
- 6.19. If an accepting school proposes to adopt the practice of cremating human remains from the same body at different points in time, it should develop policies and procedures in relation to this practice, including:
  - 6.19.1. the circumstances in which this will occur; and



- 6.19.2. the disposition of ashes from such cremations, including whether ashes from parts of a body that have been cremated before the ultimate cremation of the body will be stored and later added to ashes from the cremated body (for the purpose of returning to the next of kin if applicable) or whether they will be otherwise handled.
- 6.20. Before a part of a body is, or parts of a body are, cremated separately from the body on a donor-identified basis, the approval of the person in charge must be obtained prior to each release for cremation.
- 6.21. Where parts of bodies have been cremated separately from bodies on a donor-identified basis, a report must be submitted with the completed Audit Checklist and Evaluation Tool, which includes each such cremation for the particular reporting period. The minimum information for each cremation should include:
  - 6.21.1. the date of release for cremation;
  - 6.21.2. the school of anatomy's unique identifier of the donor from whose body the part was removed (for instances where this is available); and
  - 6.21.3. the reason for cremation on an identified basis.
- 6.22. Following release for cremation of the body of a donor, the next of kin should, if applicable under bequest arrangements or as otherwise advised, be informed that the cremation process is underway and that the crematorium or an agent of the school of anatomy will contact them in relation to the potential collection of ashes if applicable.
- 6.23. Where there are arrangements for a donor's ashes to be returned to the school of anatomy, they should be deposited or dispersed at a designated memorial garden.

## Record of release for cremation

- 6.24. In relation to all human remains cremated, the register required to be maintained by an accepting school under section 8 of the Regulation must record, for each cremation (or burial):
  - 6.24.1. the school of anatomy's unique identifier of the remains cremated (s.8(2)(i));
  - 6.24.2. the date and time the remains were removed from the accepting school for cremation (s.8(2)(l));
  - 6.24.3. the name of the person at the accepting school who allowed removal of the remains for cremation (s.8(2)(m));
  - 6.24.4. the name of the person who facilitated collection of the remains from the accepting school for cremation (s.8(2)(n));
  - 6.24.5. the name of the individual who, for the person named in 6.24.4, removed the remains for cremation (s.8(2)(o));
  - 6.24.6. details of the crematorium (s.8(2)(p) – place), and as best practice, a signed, witnessed record of that collection;
  - 6.24.7. the date of cremation (s.8(2)(p) – day), and as best practice, the date of the disposition of ashes;

- 6.24.8. where, in exceptional circumstances, because of the wishes of the donor, the remains have not been cremated but have instead been returned to the next of kin for interment, a record to this effect (s.8(2)(p) – method of disposal);
  - 6.24.9. the details of the disposition of ashes from the cremation of a body or a part of a body cremated on a donor-unidentified basis, or the place of storage of any ashes resultant from the cremation of parts of a body prior to the final cremation of the body where the parts have been cremated on a donor-identified basis and the intention is to reunite the ashes of the body part with the ashes of the body.
- 6.25. In relation to any body parts cremated separately for the reasons identified in 6.11, these are to be recorded on the register, displaying the details identified in 6.24.1 to 6.24.9. In the absence of a unique identifier, a description of the body part and any other relevant descriptive information must be included on the register noting that the part does not have a unique identifier and, if the reason is known, that reason.

## 7 Document approval details

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