

1996
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health and Community Care)

**Blood Donation (Transmittable Diseases)
(Amendment) Bill 1996**

**A BILL
FOR**

**An Act to amend the *Blood Donation (Acquired
Immune Deficiency Syndrome) Act 1985***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 1. This Act may be cited as the *Blood Donation (Transmittable Diseases) (Amendment) Act 1996*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

86074 1996/142 (T74/1996)

3. In this Act, "Principal Act" means the *Blood Donation (Acquired Immune Deficiency Syndrome) Act 1985*.¹

Long title

5 4. The title of the Principal Act is amended by inserting "and other diseases" after "Syndrome".

Short title

5. Section 1 of the Principal Act is amended by omitting "*Acquired Immune Deficiency Syndrome*" and substituting "*Transmittable Diseases*".

Interpretation

10 6. Section 2 of the Principal Act is amended—

(a) by omitting "the prescribed disease" from paragraph (a) of the definition of "prescribed action" and substituting "a transmittable disease";

15 (b) by omitting "the prescribed disease" from subparagraph (a) (iii) of the definition of "prescribed action" and substituting "that disease";

(c) by omitting "the prescribed disease" from paragraph (b) of the definition of "prescribed action" and substituting "a transmittable disease";

20 (d) by omitting the definition of "approved" and substituting the following definition:

" 'approved', in relation to an instrument or method, means approved by the Medical Officer of Health by instrument for the purposes of this Act;";

(e) by omitting the definition of "prescribed disease"; and

25 (f) by inserting the following definition:

" 'transmittable disease' means any of the following diseases:

(a) the disease known as Acquired Immune Deficiency Syndrome in any of its forms or stages;

(b) hepatitis B;

30 (c) hepatitis C;

(d) any disease resulting from infection by the Human T cell Lymphoma virus 1 or 2;

(e) syphilis;

(f) any other prescribed disease."

Liability of Red Cross Society

7. Section 3 of the Principal Act is amended—

- (a) by omitting from paragraph (2) (b) “the prescribed disease” (first occurring) and substituting “a transmittable disease”; and
- 5 (b) by omitting from paragraph (2) (b) “the prescribed disease” (second occurring) and substituting “that disease”.

Liability of hospitals and medical practitioners

8. Section 4 of the Principal Act is amended—

- 10 (a) by omitting from paragraph (1) (c) “for the presence of antibodies to the virus known as HTLV III” and substituting “to ascertain whether the blood contained any pathogen capable of causing the relevant transmittable disease”;
- (b) by omitting from subsection (2) “the prescribed disease” (first occurring) and substituting “a transmittable disease”; and
- 15 (c) by omitting from subsection (2) “the prescribed disease” (second occurring) and substituting “that disease”.

Requirements to be complied with

9. Section 5 of the Principal Act is amended by omitting from paragraph (1) (b) “for the presence of antibodies to the virus known as HTLV III” and substituting “to ascertain whether the blood contains any pathogen capable of causing the relevant transmittable disease”.

Liability where requirements not complied with

10. Section 6 of the Principal Act is amended—

- 25 (a) by omitting from paragraph (1) (b) “the virus known as HTLV III” and substituting “any pathogen capable of causing the relevant transmittable disease”;
- (b) by omitting from paragraph (2) (a) “the virus known as HTLV III” and substituting “any pathogen capable of causing the relevant transmittable disease”; and
- 30 (c) by omitting from subsection (3) “the virus known as HTLV III” and substituting “any pathogen capable of causing the relevant transmittable disease”.

Liability of donor

35 11. Subsection 8 (1) of the Principal Act is amended by omitting “the prescribed disease” and substituting “a transmittable disease”.

Addition

12. The Principal Act is amended by adding at the end the following section:

Regulations

“10. The Executive may make regulations for the purposes of this Act.”.

NOTE

Principal Act

1 Reprinted as at 30 April 1993