



Australian Capital Territory

# Transplantation and Anatomy Amendment Act 2012

A2012-5

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An Act to amend the *Transplantation and Anatomy Act 1978*

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

**1 Name of Act**

This Act is the *Transplantation and Anatomy Amendment Act 2012*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Legislation amended**

This Act amends the *Transplantation and Anatomy Act 1978*.

**4 Section 5**

*substitute*

**5 Designated officers**

- (1) The Minister may appoint a person as a designated officer for a hospital run by the Territory.
- (2) The entity having management and control of a hospital not run by the Territory may appoint a person as a designated officer for the hospital.
- (3) A person must not be appointed as a designated officer unless—
  - (a) the person is a doctor; or
  - (b) the appointer is satisfied the person has suitable clinical knowledge and experience in relation to organ and tissue retrieval and transplantation.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

## **5 Effect of authority under pt 3 Section 31 (1) (b)**

*substitute*

- (b) if section 27 applies and the designated officer is a doctor—the designated officer for the hospital who gave the authority;

## **6 Section 31 (2)**

*substitute*

- (2) Subsection (2A) applies to an authority under this part to remove relevant tissue from the body of a deceased person for the purpose of transplantation (whether or not the authority is to remove tissue for any other purpose).
- (2A) Without limiting subsection (1), the authority is sufficient to authorise a person other than a doctor to remove relevant tissue from the deceased person for the purpose of transplantation if the person—
  - (a) is authorised in writing by the chief health officer to remove relevant tissue for the purpose of transplantation; and
  - (b) is not the person who gave the authority mentioned in subsection (2).

**7 New section 31 (4)**

*insert*

(4) In this section:

*relevant tissue*—

- (a) means musculoskeletal, cardiovascular, eye and skin tissue; but
- (b) does not include a whole organ.

**8 Effect of authority under pt 4  
Section 35**

*after*

applies

*insert*

and the designated officer is a doctor

**9 Disclosure of information  
Section 49 (3) (c)**

*omit*

section 31 (2)

*substitute*

section 31 (2A)

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 27 October 2011.

**2 Notification**

Notified under the Legislation Act on 29 February 2012.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Transplantation and Anatomy Amendment Bill 2012, which originated in the Legislative Assembly as the Transplantation and Anatomy Amendment Bill 2011 and was passed by the Assembly on 21 February 2012.

Clerk of the Legislative Assembly

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