

**2020**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION (TISSUE DONOR  
ACKNOWLEDGMENT) AMENDMENT BILL 2020**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

**Presented by  
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# **BIRTHS, DEATHS AND MARRIAGES REGISTRATION (TISSUE DONOR ACKNOWLEDGMENT) AMENDMENT BILL 2020**

This supplementary explanatory statement relates to the amendments moved by the Government (the **Government Amendments**) to the Births, Deaths and Marriages Registration (Tissue Donor Acknowledgment) Amendment Bill 2020 (the **Bill**) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the Government Amendments and help inform debate on them. It does not form part of the Bill and has not been endorsed by the Legislative Assembly.

This statement must be read in conjunction with the Government Amendments and the Bill. It is not, and is not intended to be, a comprehensive description of the Bill and the Government Amendments. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

## **OVERVIEW OF THE BILL**

The purpose of the Government Amendments is to reduce the complexity of the scheme as embodied in the Bill to avoid unintended impacts, and to allow it to be successfully implemented.

The Amendments will limit the scope of recognition of tissue donors on the Register and on death certificates to deceased tissue donors, rather than allowing for recognition of all persons who made tissue donations during their lifetime.

It removes the aspect of the Bill providing for the Registrar-General to notify the Chief Minister of the wish of the next of kin to receive a letter of acknowledgement. Such letters can be provided through administrative processes.

Finally the Amendments provide for a delayed commencement to allow additional time for implementation of the proposals.

## **HUMAN RIGHTS IMPACT**

The Government Amendments may promote the right to privacy protected in s 12 of the *Human Rights Act 2004*, in removing the requirement for a family member to apply to the Registrar-General to receive an acknowledgement letter from the Chief Minister. Removing this requirement, and instead allowing a letter to be sought directly from the Chief Minister through administrative processes, will reduce the level of disclosure of personal information required from family members to different Government agencies.

The Government Amendments do not otherwise engage human rights. Although the amendments will reduce the scope of recognition to deceased tissue donors, rather than including recognition of a tissue donation made by the person during their

lifetime, this differential treatment of different circumstances is reasonable and does not substantively limit equality rights of family members.

## **CLAUSE NOTES**

### **Government Amendment 1      Clause 2, page 2, line 4**

This amendment delays the commencement of the Bill up to twelve months beginning on the day the Bill is notified. The Minister may by written notice fix the commencement of the Bill on a day before the end of the twelve-month period.

### **Government Amendment 2      Clause 4, page 2, line 21**

This amendment removes the part of the Bill that relates to the Registrar-General notifying the Chief Minister of the request of a next of kin for a letter of acknowledgment.

### **Government Amendment 3      Clause 4, page 3, line 4**

The amendment confines the operation of the Bill to provide that only deceased tissue donors will be recorded on the Register and on a death certificate.