

1996
THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY

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

EXPLANATORY MEMORANDUM

**Circulated by the authority of
Kate Carnell
Minister for Health**



ACT GOVERNMENT

Blood Donations (Transmittable Diseases) (Amendment) Bill 1996

OUTLINE

The objective of this Bill is to amend the *Blood Donations (Acquired Immune Deficiency Syndrome) Act 1985* ("The Principal Act") so as clarify and expand the protections afforded to the Red Cross Society with respect to the screening of blood on behalf of the Territory while maintaining the overall structure and operation of the Principal Act

Key elements in this Bill are

- expand the scope diseases that are subject to the operations of the Principal Act from AIDS to also include hepatitis B and C, Human T cell Lymphoma, syphilis and other diseases that may be prescribed from time to time
- remove references to prescribed diseases and replace them with "transmittable diseases" which is specifically defined within the Bill
- allow the executive to make regulations

DETAILS OF THE BILL

Short title and Commencement

Clauses 1 & 2

Clauses 1 and 2 are formal requirements. Clause 1 refers to the short title of the Bill, and clause 2 sets out the date of commencement of the Bill as being the date the Act is notified in the Gazette.

Principal Act

Clause 3 This clause defines the Principal Act as being the *Blood Donation (Acquired Immune Deficiency Syndrome) Act 1985*

Long title

Clause 4 This clause amends the long title of the Principal Act

Short title

Clause 5 This clause amends the short title of the Principal Act.

Interpretation

Clause 6 By this clause references to “the prescribed disease” are omitted in section 2 of the Principal Act and in its place there is to be reference to “transmittable disease”

A new definition of “approved” is provided to enable the Medical Officer of Health to approve by instrument

A definition of “transmittable disease” is included in section 2 of the Principal Act

Liability of Red Cross Society

Clause 7 Section 3 of the Principal Act is amended by substituting a transmittable disease for “the prescribed disease” wherever relevant

Liability of hospitals and medical practitioners

Clause 8 Section 4 is amended by this clause by removing reference to HTLV III virus and replace it with reference to pathogens

which are capable of causing a transmittable disease, as defined within the Bill.

Requirements to be complied with

Clause 9 This clause amends section 5 by removing reference to HTLV III virus and replace it with reference to pathogens which are capable of causing a transmittable disease, as defined within the Bill.

Liability where requirements are not complied with

Clause 10 This clause amends section 6 by removing references to virus and the HTLV III and in its place including reference to transmittable disease.

Liability of donor

Clauses 11 This clause amends subsection 8(1) of the Principal Act by omitting references to "the prescribed disease" and in its place including reference to "transmittable disease"

Addition

Clause 12 This clause empowers the Executive to make regulations for the purpose of the proposed Act.