

Explanatory Statement

Blood Donation (Transmittable Diseases) Blood Donor Form 2018 (No 1)

Disallowable instrument DI2018–211

Approved form AF2018–23

made under the

Blood Donation (Transmittable Diseases) Act 1985, s 10(3) Approved Forms

The Disallowable Instrument and Approved Form have been prepared in accordance with section 10 (3) of the *Blood Donation (Transmittable Diseases) Act 1985*.

On commencement this instrument revokes Disallowable Instrument DI2017-198 and Approved Form AF2017-184 notified on the ACT Legislation Register dated 4 August 2017.

Section 5 (a) of the *Blood Donation (Transmittable Diseases) Act 1985* (the Act) specifies that:

For the purposes of sections 3 and 4, the prescribed requirements in relation to the taking of blood from a donor, are –

- a) that, before taking blood from the donor, the society gets from the donor a written declaration.

Under section 10 of the Act the Minister may approve a form for a particular purpose under the Act, such as for section 5(a), and where an approved form is declared that form, and only that form, is to be used for that purpose.

Pursuant to section 254A of the *Legislation Act 2001* the power to approve forms under section 10 of the Act has been delegated by the Minister to the Chief Health Officer through Notifiable Instrument NI2018-94.

Exercising the powers delegated by NI2018-94, the Chief Health Officer has in signing this instrument approved a new blood donor form under section 5(a) of the Act. The approved form is a Disallowable Instrument, and as such it has been notified and presented to the Legislative Assembly.

Like the previous form, the form declared by this instrument comprises a questionnaire and a declaration. The new form reflects changes made to the Donor Declaration Form by the Australian Red Cross Blood Service which are intended to ensure that the questions are appropriate for the safety of donors and recipients and that donors are not excluded unnecessarily. The form may be completed electronically or in a hard copy, printed format.

It is an offence under Part 3.4 of the Criminal Code to make a false or misleading statement, or to give false or misleading information. Accordingly, a donor that completes the Donor Declaration Form and in doing so knowingly provides false, misleading or incorrect information, or that omits information the absence of which makes the information false or misleading, is likely to have committed an offence.

The Australian Red Cross Blood Service will implement, nationally, the use of the revised Donor Declaration Form on 9 September 2018.