

# AUSTRALIAN CAPITAL TERRITORY

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## **Blood Donation (Acquired Immune Deficiency Syndrome) (Amendment) Ordinance 1986**

**No. 47 of 1986**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 14 August 1986.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

G. SCHOLLES  
Minister of State for Territories

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

### **Short title**

**1.** This Ordinance may be cited as the *Blood Donation (Acquired Immune Deficiency Syndrome) (Amendment) Ordinance 1986*.<sup>1</sup>

### **Principal Ordinance**

**2.** In this Ordinance, “Principal Ordinance” means the *Blood Donation (Acquired Immune Deficiency Syndrome) Ordinance 1985*.<sup>2</sup>

### **Interpretation**

**3.** Section 2 of the Principal Ordinance is amended by omitting paragraph (b) of the definition of “prescribed action” and substituting the following:

“(b) a dependant of a person who dies as a result of having contracted the prescribed disease in a circumstance specified in paragraph (a),

other than an action brought under the *Compensation (Commonwealth Government Employees) Act 1971* or the *Workmen’s Compensation Ordinance 1951*.”.

### **Liability of Red Cross Society**

4. Section 3 of the Principal Ordinance is amended by adding at the end the following sub-section:

“(2) The defence specified in sub-section (1) is not available where it is established that—

- (a) the Society, the employee or the person or body referred to in paragraph (1) (b) or (c), as the case requires, was negligent in relation to the taking of the relevant blood or the testing, processing or handling of that blood or of a blood product derived from that blood; and
- (b) the prescribed disease was contracted as a result of that negligence, whether or not any other actions contributed to the contracting of the prescribed disease.”.

### **Liability of hospitals and medical practitioners**

5. Section 4 of the Principal Ordinance is amended by adding at the end the following sub-section:

“(2) The defence specified in sub-section (1) is not available where it is established that—

- (a) the hospital or other body, or the medical practitioner or person acting on behalf of the medical practitioner, was negligent in relation to the administering of the relevant blood or blood product to the patient; or
- (b) the Society was negligent in relation to the taking of the relevant blood or the testing, processing or handling of that blood or of a blood product derived from that blood,

and the prescribed disease was contracted as a result of that negligence, whether or not any other actions contributed to the contracting of the prescribed disease.”.

**Requirements to be complied with**

**6.** Section 5 of the Principal Ordinance is amended—

- (a) by inserting after “the Minister” in paragraph (a) “by instrument in writing published in the *Gazette*”; and
- (b) by adding at the end the following sub-sections:

“(2) The Minister shall cause a copy of an instrument under paragraph (1)(a) to be laid before each House of the Parliament within 15 sitting days of that House after the instrument was published.

“(3) If either House of the Parliament, within 15 sitting days of that House after a copy of an instrument under paragraph (1) (a) (in this section referred to as the ‘relevant instrument’) has been laid before that House in pursuance of sub-section (2), passes a resolution disapproving the relevant instrument—

- (a) the relevant instrument shall not have any force or effect on or after the day on which the resolution was passed; and
- (b) where the relevant instrument revoked a previous instrument, the disapproval of the relevant instrument has the effect of reviving that previous instrument from and including the day on which the resolution was passed.”.

**7.** The Principal Ordinance is amended by adding at the end the following section:

**Cessation of operation of Ordinance**

“10. This Ordinance shall cease to have effect on 1 January 1987.”.

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**NOTES**

- 1. Notified in the *Commonwealth of Australia Gazette* on 22 August 1986.
- 2. No. 27, 1985 as amended by No. 55, 1985.