

AUSTRALIAN CAPITAL TERRITORY

BLOOD DONATION (ACQUIRED IMMUNE DEFICIENCY SYNDROME)
(AMENDMENT) ORDINANCE 1986

EXPLANATORY STATEMENT


No. 47 of 1986

The amendments to the Blood Donation (Acquired Immune Deficiency Syndrome) Ordinance 1985 (the principal Ordinance) alter the legislation in a number of ways. Prior to the amendment the principal Ordinance had the effect of preventing a person or his dependents recovering in an action brought under the Compensation (Commonwealth Government Employees) Act 1971 or the Workmen's Compensation Ordinance 1951 because the person contracted the Syndrome. This result was not intended and therefore this defect is now remedied by altering the definition of "prescribed action".

It was also not intended to provide a defence against legal actions where there was negligence in the performance of any action associated with the taking of blood or the testing, processing or handling of blood or blood products. This unintended result is remedied by adding appropriate sub-sections to section 3 of the principal Ordinance which limits the liability of the Red Cross Society, its employees and volunteers and section 4 which limits the liability of hospitals and medical practitioners.

When the principal Ordinance was amended to delete the schedule which set out the form of declaration by persons intending to donate blood it removed the form from parliamentary scrutiny. The form of declaration is no longer in the principal Ordinance and is now a form "approved by the Minister". Parliamentary scrutiny is re-inserted by an amendment to section 5 of the principal Ordinance which requires the approved form to be published as an instrument in the Gazette. A sub-section is added to section 5 which requires the Minister to lay the instrument before each House of the Parliament within 15 sitting days of each House after the instrument is published. Another sub-section is added which gives each House of the Parliament the power to revoke an instrument. Such a revocation would have the effect of reviving any previous instrument made under the revised section 5.

The final amendment to the principal Ordinance adds a new section 10 which will cause the principal Ordinance to cease to have effect on 1 January 1987.



Ord. 14/86