

Explanatory Statement

Blood Donation (Transmittable Diseases) Blood Donor Form 2022 (No 1)

Disallowable instrument DI2022–239

Approved form AF2022–13

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* (the Act).

On commencement this instrument revokes the Disallowable Instrument DI2020-304 and Approved Form AF2020-100 notified on the ACT Legislation Register dated 14 December 2020.

Section 5(a) of 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. As the approved form declared by this instrument pertains to section 5(a) of the Act, it is a Disallowable Instrument. As such, after being approved by the Minister it has been notified and presented to the Legislative Assembly.

The approved form declared by this instrument comprises a questionnaire and a declaration. The new form reflects changes made to the Blood Donor Declaration Form by the Australian Red Cross Lifeblood (formerly known as 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 two substantive changes to the new Blood Donor Questionnaire and Declaration Form, which have the approval of the Therapeutic Goods Administration (TGA) are:

- the removal of the blood donation deferral period for people who declare a geographical risk for variant Creutzfeldt-Jakob Disease (vCJD), having spent six months or more in the United Kingdom between 1980 and 1996, and
- the reduction of the donor deferral from 12 months to 4 months for any donor that had been transfused with a fresh blood component, except for pre-established instances requiring permanent deferral.

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.

It is expected that the Australian Red Cross Lifeblood will implement, nationally, the use of the revised Blood Donor Declaration Form on 12 February 2023.