

## HUMAN TISSUE AMENDMENT BILL 2008

### Second Reading

**Ms GIDDINGS** (Franklin - Minister for Health and Human Services - 2R) - Mr Speaker, I move –

That the bill be now read the second time.

This bill proposes minor amendments to the Human Tissue Act 1985 to permit young persons who have attained the age of 16 to donate blood without parental and medical consent being required.

Our health service relies on voluntary blood donors. Every donation is essential in providing life-saving blood for the community, with the greatest need typically coming from cancer patients - and in particular those with leukaemia, as well as a result of burns and other emergency cases. Recruiting new blood donors is absolutely vital, and is one of the reasons for introducing the changes contained in the bill. We need to ensure that enough blood is collected to supply our hospitals, to keep stocks up and to keep the Australian Red Cross Blood Service in Tasmania viable. Most blood donors are already in their 50s, so we need to ensure younger people come on board to donate when older Tasmanians can no longer do so.

Just over twelve months ago, I had the pleasure of announcing the Tasmanian Blood Service policy to allow 16 and 17-year-olds, with parental consent and medical advice, to donate blood. While the law in Tasmania permitted such donations with the appropriate consent, the previous policy of the Blood Service had been to not accept donations from children of any age. While this policy change has been extremely successful in recruiting new blood donors, there is more that can be done. Allowing 16 and 17-year-olds to donate blood without obtaining parental and medical consent is one such step.

The amendment also brings the blood donation law more in line with the common law position whereby the parental right to determine a child's medical treatment terminates once the child is capable of fully understanding the treatment proposed. Whether a particular child has the requisite intelligence and understanding to give a valid consent is a question of fact.

Australian Health Ministers, in recognising the need for new strategies for encouraging young Australians to donate blood, recently agreed to work towards consistent youth donation laws in Australia. In New South Wales, South Australia, the Australian Capital Territory and the Northern Territory, persons aged 16 may donate blood without parental or medical consent and I am told that the youth donor programs in those jurisdictions operate very successfully. The other States have similar provisions to Tasmania, but they will also be amending their legislation this year to allow persons who have attained the age of 16 to donate blood. In keeping with the Health Ministers' agreement, this bill proposes minor amendments to the Human Tissue Act 1985 to bring Tasmania in line with the majority of other States and to allow 16 and 17-year-olds to donate blood without parental and medical consent.

I am sure that some of you may be concerned that this may present some risk about the quality of a young person's consent and whether it is freely given. However, the Blood Service advises that young persons who have donated blood in the last year under the new policy are very well informed and know their rights and entitlements.

I am also satisfied that the Blood Service has in place adequate administrative processes based on national policies which are designed to ensure that all potential donors, regardless of age, are properly informed and understand the nature of the procedure and the risks and benefits of donating blood.

As those who have given blood would know, a potential donor has to show proof of identity, complete a registration form, medical questionnaire and donor declaration and then has a confidential interview with a nurse which includes going through the questionnaire, checking the person's weight, taking blood pressure and checking the haemoglobin level.

The Blood Service nurses are trained counsellors who are medication endorsed. They are very experienced in assessing potential donors and ensuring both that they are medically fit to donate blood and that they are giving informed consent to the procedure.

I believe that this bill will assist in increasing blood donations from young persons and contribute to sustaining this valuable service into the future. I commend the bill to the House