

CLAUSE NOTES

HUMAN TISSUE AMENDMENT BILL 2008

Clause 1: Short title.

Clause 2: Commencement.

Clause 3: The Principal Act is the Human Tissue Act 1985.

Clause 4: Amends the heading of Division 5 of Part II by substituting a new heading “Donations of blood”. Division 5 will apply only to donations of blood as set out in the new section 17A, and the existing sections 18, 19 and 20. Section 21, which was previously in Division 5, will be separated into a new Division 5A by clause 6.

Clause 5: Inserts a new section 17A which, for the purposes of Division 5 “Donations of blood”, provides that a child means a person who has not attained 16 years and is not married.

The effect of section 17A for the purposes of Division 5 is that parental consent and medical advice is no longer required for 16 and 17 year old persons who wish to donate blood.

Section 18 provides that a person, other than a child, who is of sound mind, may consent to the removal of his or her blood. Read in conjunction with section 17A, a person will be able to consent if the person is aged 16 years or older.

Section 19 provides that parental consent and medical advice is required in the case of a proposed donation of blood by a child. Read in conjunction with section 17A, such consent and advice will be only required in the case of a child who has not attained 16 years.

Clause 6: Amends Part II by creating a new Division 5A “Blood transfusions” which will apply to section 21.

The new Division is necessary as section 21 specifically refers to a child as a person who has not attained 18 years.