

Legislative Council—No 57A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 28 September 2023

South Australia

Births, Deaths and Marriages Registration (Tissue Donation Statements) Amendment Bill 2022

A BILL FOR

An Act to amend the *Births, Deaths and Marriages Registration Act 1996*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Births, Deaths and Marriages Registration (Tissue Donation Statements) Amendment Act 2022*.

2—Commencement

This Act comes into operation 12 months after the day on which it is assented to by the Governor.

Part 2—Amendment of *Births, Deaths and Marriages Registration Act 1996*

3—Insertion of section 39A

After section 39 insert:

39A—Tissue donation statements and intended tissue donation statements

- (1) This section applies in relation to the following persons whose death is or is to be registered under this Act:
 - (a) a deceased person who was a tissue donor;
 - (b) a deceased person who was an intended tissue donor.
- (2) On request by the next of kin of a person to whom this section applies, the Registrar must include in the Register, and on any certificate issued under this Act certifying the death of the person—
 - (a) a statement that the person was a tissue donor (a *tissue donation statement*); or
 - (b) a statement that the person was an intended tissue donor (an *intended tissue donation statement*),whichever may be appropriate in the circumstances.

- 5 (3) A request under subsection (2) must be in a manner and form determined by the Registrar and include such evidence that the deceased person was a tissue donor or an intended tissue donor (as the case may be) as the Registrar may require.
- 10 (4) If, at the time a request is made under this section, a certificate has already been issued under this Act certifying the death of the deceased person, the Registrar must cause a new certificate with the tissue donation statement or intended tissue donation statement (as the case may be) to be issued to the next of kin at no cost and as soon as reasonably practicable.
- (5) Section 39(1) of the *Transplantation and Anatomy Act 1983* does not apply to or in relation to information disclosed for the purposes of making a request under this section.
- 15 (6) In this section—
intended tissue donor—a deceased person was an intended tissue donor if consent or authority to remove an organ or other tissue from the person's body was given in accordance with the *Transplantation and Anatomy Act 1983*, but removal of the organ or other tissue did not proceed;
- 20 *next of kin* has the same meaning as in the *Transplantation and Anatomy Act 1983*;
- 25 *tissue donor*—a deceased person was a tissue donor if an organ or other tissue was removed from the person's body under a consent or authority given in accordance with the *Transplantation and Anatomy Act 1983*.