

Western Australia

Human Tissue and Transplant Amendment Bill 2011

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Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Mr Martin Whitely MLA)

**Human Tissue and Transplant Amendment
Bill 2011**

A Bill for

An Act to amend the *Human Tissue and Transplant Act 1982*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Human Tissue and Transplant Amendment Act 2011*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;
7 (b) the rest of the Act — on the 28th day after that day.

8 **3. Act amended**

9 This Act amends the *Human Tissue and Transplant Act 1982*.

10 **4. Section 22A inserted**

11 At the beginning of Part III insert:
12

13 **22A. Organ/tissue donation registration: driver’s licence**

14 (1) In this section —

15 **application** means application for the grant of a
16 driver’s licence, including by way of renewal;

17 **CEO** —

- 18 (a) before the coming into operation of the *Road*
19 *Traffic (Administration) Act 2008* section 4, has
20 the meaning given to “Director General” under
21 the *Road Traffic Act 1974* section 5(1); and
22 (b) after the coming into operation of the *Road*
23 *Traffic (Administration) Act 2008* section 4, has
24 the meaning given to that term in that section;

25 **driver’s licence** —

- 26 (a) before the coming into operation of the *Road*
27 *Traffic (Authorisation to Drive) Act 2008*
28 section 3, has the meaning given to that term

- 1 under the *Road Traffic Act 1974* section 5(1);
2 and
3 (b) after the coming into operation of the *Road*
4 *Traffic (Authorisation to Drive) Act 2008*
5 section 3, has the meaning given to that term in
6 that section.
- 7 (2) A form of application that is to be made in writing
8 must include the following statement to be completed
9 by the applicant —

<p style="text-align: center;">Organ/tissue donation registration</p> <p>If you are of or over 18 years of age, you must place a tick <input checked="" type="checkbox"/> in one of the option boxes below.</p> <p>If you tick the box in option 1 or 2, the agency administering the Australian Organ Donor Register will be notified. The agency may contact you regarding registration.</p> <p>Are you willing to become an organ donor?</p> <p>1. <input type="checkbox"/> I believe I am already registered on the Australian Organ Donor Register.</p> <p>OR</p> <p>2. <input type="checkbox"/> I would like to register on the Australian Organ Donor Register. (Please complete and return the enclosed Australian Organ Donor Registration Form.)*</p> <p>OR</p> <p>3. <input type="checkbox"/> I do not want to consider the issue of organ/tissue donation at this time.</p> <p>Note: If you do not tick one of the boxes, the driver's licence cannot be granted.</p> <p>*The Australian Organ Donor Register enables you to register either as an organ/tissue donor or that you do not wish to be an organ/tissue donor.</p>

s. 4

- 1 (3) If an application is made electronically, the CEO must
2 ensure that the applicant is given, when paying the fee
3 for the licence, the opportunity to respond to the
4 question of whether the applicant is willing to become
5 an organ donor.
- 6 (4) Subsection (3) does not apply to an application or class
7 of applications where the CEO has determined that it is
8 not practicable for the applicant to respond when
9 paying the fee.
- 10 (5) If subsection (3) applies, the applicant must be —
- 11 (a) given the 3 options that are in the statement set
12 out in subsection (2); and
- 13 (b) advised that if the applicant responds
14 affirmatively to option 1 or 2, the agency
15 administering the Australian Organ Donor
16 Register will be notified and may contact the
17 applicant regarding registration; and
- 18 (c) advised that the driver’s licence cannot be
19 granted unless the applicant gives an
20 affirmative response to one of the options.
- 21 (6) The CEO cannot grant a driver’s licence to an applicant
22 who is of or over 18 years of age and has made a
23 written application unless one of the boxes in the
24 statement referred to in subsection (2) is ticked by the
25 applicant.
- 26 (7) The CEO cannot grant a driver’s licence to an applicant
27 who is of or over 18 years of age and has made an
28 application to which subsection (3) applies unless the
29 applicant gives an affirmative response to one of the
30 options given under subsection (5)(a).
- 31 (8) The CEO may disclose to the agency responsible for
32 the administration of the Australian Organ Donor
33 Register the details of a person who indicates on an

1 application that the person would like to register on the
2 Register or believes that the person is registered on the
3 Register.
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