

HUMAN TISSUE AND TRANSPLANT AMENDMENT BILL 2011

EXPLANATORY MEMORANDUM (E252)

(Introduced by Mr Martin Whitely MLA)

INTRODUCTION

The *Human Tissue and Transplant Amendment Bill 2011* (the Bill) will require adults applying for or renewing their driver's licence to indicate their intentions regarding registration on the Australian Organ Donation Register.

The purpose of this Bill is to amend the *Human Tissue and Transplant Act 1982* to increase the rates of registration on the Australian Organ Donation Register, by Western Australian adults.

Clause 1: Short title

The short title is the *Human Tissue and Transplant Amendment Act 2011*.

Clause 2: Commencement

This Act comes into operation as follows—

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

Clause 3: Act amended

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

Clause 4: Section inserted

Section 22A is inserted at the beginning of Part III of the *Human Tissue and Transplant Act 1982*.

Subsection 1—Definitions

Defines terms used throughout the Bill.

Subsection 2—Written Applications

A driver's licence application or renewal, made in writing, will require a statement regarding organ/tissue donation to be completed by the applicant, before their driver's licence can be granted or renewed.

Applicants are asked to tick one of three boxes to indicate whether: (1) They believe they are already on the Australian Organ Donor Register; or (2) They would like to register on the Australian Organ Donor Register; or (3) They do not want to consider the issue of organ/tissue donation at this time. Applicants are advised that if they are already registered or wish to become registered the agency managing the Australian Organ Donation Register will be notified.

Subsections 3, 4 and 5—Electronic Applications

For drivers making electronic licence applications or renewals the CEO (responsible for licensing) is required to seek a response to the statement regarding organ/tissue donation outlined in subsection (2), unless it is deemed impractical.

Subsections 6 and 7—Licence Approval

For applicants of or over 18 years of age, applying or renewing either in writing or electronically, the CEO cannot grant or renew a driver's licence to applicants who have not met the requirements of subsection (2) or subsection (3) unless they are exempted under subsection (4).

Subsection 8—Disclosure of Information

Authorises the CEO to disclose the details of a person who indicates that they would like to register, or believe they are already registered, to the agency responsible for administering the Australian Organ Donation Register.