



Western Australia

Public Health Act 2016¹

**Blood and Tissue (Transmissible Diseases)
Regulations 1985**

Western Australia

Blood and Tissue (Transmissible Diseases) Regulations 1985

Contents

1.	Citation	1
2.	Terms used	1
3.	Taking of blood without declaration	1
4.	Declaration to be required from donor	2
5.	Person authorised to permit declarations to be made	3
6.	Form of declaration	3
7.	Offences	3
	Notes	
	Compilation table	4
	Other notes	5

Defined terms

Blood and Tissue (Transmissible Diseases) Regulations 1985

1. Citation

These regulations may be cited as the *Blood and Tissue (Transmissible Diseases) Regulations 1985*.

[2A. Deleted: Gazette 19 Sep 2017 p. 4883.]

2. Terms used

(1) In these regulations —

blood includes any substance derived from blood;

therapeutic use means a use for the purpose of —

- (a) preventing, diagnosing, curing or alleviating a disease, ailment, defect or injury in persons;
- (b) influencing, inhibiting or modifying a physiological process in persons;
- (c) testing susceptibility to a disease or ailment in persons.

(2) A reference in these regulations to the donating of blood shall be read as including a reference to the donating of any substance obtained from the blood, or of any ovum or semen.

[Regulation 2 inserted: Gazette 17 May 1991 p. 2480;
amended: Gazette 19 Sep 2017 p. 4883-4.]

3. Taking of blood without declaration

(1) Subject to this regulation, a person shall not —

- (a) take any blood intended for therapeutic use; or

- (b) knowingly accept for therapeutic use any blood donated, unless the person donating the blood made a declaration in the form required under regulation 6 within the 12 hours preceding the donation of the blood.
- (2) Where the donor of any blood is by reason of injury or illness incapable of making a declaration in the form required under regulation 6, a person who takes, or accepts a donation of, blood from that donor for therapeutic use where the circumstances are such as to be, in the opinion of a person who is a designated officer, or the delegate of a designated officer, for the purposes of the *Human Tissue and Transplant Act 1982*, medically justifiable shall not be taken to have contravened subregulation (1).
- (3) The taking or accepting of blood that is intended —
- (a) for the use of the donor; or
 - (b) for a use other than a therapeutic use,

shall be taken not to contravene subregulation (1) notwithstanding that no declaration is made in respect of that blood.

[Regulation 3 amended: Gazette 13 May 1988 p. 1596; SL 2020/47 r. 4.]

4. Declaration to be required from donor

A person who intends to donate blood for therapeutic use is required to furnish in writing to the person taking the blood at the time of donating that blood a declaration made in the form required under regulation 6 before a witness who is authorised by these regulations to permit such a declaration to be made in their presence, that declaration having been made within the preceding 12 hours, and shall not donate blood unless such a declaration is furnished.

[Regulation 4 amended: Gazette 13 May 1988 p. 1596; SL 2020/47 r. 5.]

5. Person authorised to permit declarations to be made

For the purpose of taking declarations required by these regulations, a person who is within one of the following categories of authorised persons may permit such a declaration to be made before them —

- (a) a person who is an authorised witness for a statutory declaration in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005* section 12(6);
- (b) a person who is a designated officer, or the delegate of a designated officer, for the purposes of the *Human Tissue and Transplant Act 1982*;
- [(c) *deleted*]
- (d) a staff member of Australian Red Cross Lifeblood,

and shall state his or her full name on and sign the declaration, date it and endorse on it the time at which it was made and the category of authorisation to which he or she belongs.

[Regulation 5 amended: Gazette 13 May 1988 p. 1596; 1 Apr 2011 p. 1177; SL 2020/47 r. 6.]

6. Form of declaration

A declaration made for the purposes of these regulations must be in the approved form.

[Regulation 6 inserted: SL 2020/47 r. 7.]

7. Offences

A person who contravenes regulation 3(1) or 4 commits an offence and is liable to a penalty of a fine of \$1 000.

[Regulation 7 inserted: Gazette 13 May 1988 p. 1596; amended: Gazette 19 Sep 2017 p. 4884.]

[Schedule 1 deleted: SL 2020/47 r. 8.]

Notes

This is a compilation of the *Blood and Tissue (Transmissible Diseases) Regulations 1985* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Blood and Tissue (Transmissible Diseases) Regulations 1985</i>	8 Feb 1985 p. 517-19	8 Feb 1985
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 1986</i>	12 Sep 1986 p. 3350	12 Sep 1986
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 1988</i>	13 May 1988 p. 1596-7	13 May 1988
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 1991</i>	17 May 1991 p. 2480-1	17 May 1991
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 1999</i>	12 Feb 1999 p. 474-7	12 Feb 1999
Reprint of the <i>Blood and Tissue (Transmissible Diseases) Regulations 1985</i> as at 11 Oct 2002 (includes amendments listed above)		
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 2010</i>	22 Jun 2010 p. 2769-71	r. 1 and 2: 22 Jun 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Jul 2010 (see r. 2(b))
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 2011</i>	1 Apr 2011 p. 1177	r. 1 and 2: 1 Apr 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Apr 2011 (see r. 2(b))
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 2012</i>	22 May 2012 p. 2163-6	r. 1 and 2: 22 May 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b))
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 2014</i>	6 Jun 2014 p. 1788-9	r. 1 and 2: 6 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Jul 2014 (see r. 2(b))
Reprint 2: The <i>Blood and Tissue (Transmissible Diseases) Regulations 1985</i> as at 14 Nov 2014 (includes amendments listed above)		

Citation	Published	Commencement
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 2016</i>	11 Mar 2016 p. 681-2	r. 1 and 2: 11 Mar 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 13 Mar 2016 (see r. 2(b))
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations (No. 2) 2016</i>	9 Sep 2016 p. 3885	r. 1 and 2: 9 Sep 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Sep 2016 (see r. 2(b))
<i>Health Regulations Amendment (Public Health Consequential Amendments) Regulations 2017 Pt. 2</i>	19 Sep 2017 p. 4883-5	20 Sep 2017 (see r. 2(b) and <i>Gazette</i> 19 Sep 2017 p. 4880)
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 2018</i>	14 Sep 2018 p. 3309-10	r. 1 and 2: 14 Sep 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Sep 2018 (see r. 2(b))
<i>Blood and Tissue (Transmissible Diseases) Amendment Regulations 2020</i>	SL 2020/47 24 Apr 2020	r. 1 and 2: 24 Apr 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Apr 2020 (see r. 2(b))

Other notes

- ¹ Made under the *Health (Miscellaneous Provisions) Act 1911*; these regulations continue in force, after the *Public Health Act 2016* s. 321 came into operation, as if these regulations were made under the *Public Health Act 2016* s. 304.

Defined terms

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
blood	2(1)
therapeutic use	2(1)