



New South Wales

# Human Tissue Amendment (Donor Declaration Form) Regulation 2012

under the

Human Tissue Act 1983

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Human Tissue Act 1983*.

JILLIAN SKINNER, MP  
Minister for Health

## Explanatory note

The object of this Regulation is to amend the donor declaration that blood donors are required to complete before donating blood so as:

- (a) to re-order the questions that the donor is required to answer, so that they are now in a more logical order related to the time periods specified in the questions, and
- (b) to include dry-needling in the question relating to acupuncture (dry-needling is similar to acupuncture and is practised by some physiotherapists), and
- (c) to require a donor to declare an injury with a used needle (needlestick), or a blood or body fluid splash to the eyes, mouth, nose or to broken skin, only if it occurred in the last 6 months (rather than the last 12 months, as at present), and
- (d) to require a donor to mention any sexual activity with a new partner who currently lives or has previously lived overseas that took place in the last 12 months, and not only such activity since the last donation made by the donor.

This Regulation is made under the *Human Tissue Act 1983*, including sections 20D (Certificates by donors) and 39 (the general regulation-making power).

## **2012 No 242**

Clause 1 Human Tissue Amendment (Donor Declaration Form) Regulation 2012

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# **Human Tissue Amendment (Donor Declaration Form) Regulation 2012**

under the

Human Tissue Act 1983

### **1 Name of Regulation**

This Regulation is the *Human Tissue Amendment (Donor Declaration Form) Regulation 2012*.

### **2 Commencement**

This Regulation commences on 1 July 2012 and is required to be published on the NSW legislation website.

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## Schedule 1      Amendment of Human Tissue Regulation 2010

**Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1      Blood donor certificate**

(Clause 6 (1))

(Human Tissue Act 1983, section 20D)

**Questions**

(Please circle your answers)

To the best of your knowledge have you EVER:

- |   |  |        |
|---|--|--------|
| 1 | thought you could be infected with HIV or have AIDS?   | Yes/No |
| 2 | “used drugs” by injection or been injected, <b>even once</b> , with drugs not prescribed by a doctor or dentist? | Yes/No |
| 3 | had treatment with clotting factors such as Factor VIII or Factor IX?  | Yes/No |
| 4 | had a test which showed you had Hepatitis B, Hepatitis C, HIV or HTLV?   | Yes/No |

In the last 12 months have you:

- |    |   |                           |
|----|---|---------------------------|
| 5  | had an illness with swollen glands and a rash, with or without a fever?                                     | Yes/No                    |
| 6  | engaged in sexual activity with someone you might think would answer “Yes” to any of questions 1–5?         | Yes/No                    |
| 7  | had sexual activity with a new partner who currently lives or has previously lived overseas?                | Yes/No                    |
| 8  | had sex (with or without a condom) with a man who you think may have had oral or anal sex with another man? | Yes/No                    |
| 9  | had male to male sex (that is oral or anal sex) with or without a condom?                                   | Yes/No/<br>I am<br>female |
| 10 | been a male or female sex worker (e.g. received payment for sex in money, gifts or drugs)?                  | Yes/No                    |
| 11 | engaged in sexual activity with a male or female sex worker?  | Yes/No                    |
| 12 | been imprisoned in a prison or been held in a lock-up or detention centre?                                  | Yes/No                    |

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Schedule 1 Amendment of Human Tissue Regulation 2010

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13 had a blood transfusion? Yes/No

14 had (yellow) jaundice or hepatitis or been in contact with someone who has? Yes/No

In the last 6 months have you:

15 been injured with a used needle (needlestick)? Yes/No

16 had a blood/body fluid splash to eyes, mouth, nose or to broken skin? Yes/No

17 had a tattoo (including cosmetic tattooing), body and/or ear piercing, electrolysis or acupuncture (including dry-needling)? Yes/No

I declare that I have understood the information on this form and have answered the questions in the declaration honestly and to the best of my knowledge. I understand that there are penalties, including fines and imprisonment, for providing false or misleading information.

**Donor (please print)**

Surname/family name

Given name

Date of birth

**Please ONLY sign in the presence of the interviewer**

Signature

Date