

# House of Representatives

## Supplementary Order Paper

Tuesday, 6 November 2007

### Human Tissue Bill

#### *Proposed amendments*

Tariana Turia, in Committee, to move the following amendments:

*Part 1, Clause 7(4)(b)*

To insert before “under **section 34**” (page 19) “under **section 33A** by a person on behalf of the individual’s whānau or extended family or”.

*Part 2, New clause 27CA*

To insert the following clause after *clause 27C* (on page 52):

**27CA When overriding objection on behalf of whānau or extended family may be assumed to comply with section 33A**

A person who proposes to collect or use human tissue is entitled to assume that an overriding objection raised, to the collection or use, by a member of a whānau or extended family, and on its behalf, has been raised in accordance with **section 33A** only if the person is satisfied, based on all information available to the person in the circumstances, that—

- (a) the member has taken the steps to consult required by **section 33A(2)(a)**; and
- (b) the member has formed the belief, and that belief is based on the reasonable grounds, required by **section 33A(2)(c)**.

*Part 2, New clause 33A*

To insert the following clause after *clause 33* (on page 58):

**33A Overriding objection on behalf of individual’s whānau or extended family**

- (1) This section applies if an individual has, before his or her death, given informed consent to any collection or use of tissue that is, or is from, his or her body.

- (2) An objection to that collection or use of that tissue may be raised by a member, and on behalf, of that individual's whānau or extended family if that member—
- (a) takes all reasonably practicable steps to consult members of that whānau or extended family who represent all of the different interests (if any) of that whānau or extended family; and
  - (b) takes those steps with a view to achieving general agreement on the matter; and
  - (c) after taking those steps, believes on reasonable grounds that all capable members of that whānau or extended family accept, or would, if consulted personally, accept, that member's raising an objection to that collection or use on behalf of that whānau or extended family.
- (3) For the purposes of **sections 10, 20, and 27**, an objection raised under this section overrides the informed consent given by the individual.

*Schedules 1A and 1B*

To add (on pages 91 and 92) the following note: “•Use is also prohibited if the informed consent given by an individual before his or her death is overridden by an overriding objection raised under **section 33A** by a member, and on behalf, of that individual's whānau or extended family.”

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### Explanatory note

These amendments to the Human Tissue Bill apply when an individual has, before his or her death, given informed consent to any collection or use of tissue that is, or is from, his or her body. The amendments enable an overriding objection to the collection or use of that tissue to be raised by a member, and on behalf, of that individual's whānau or extended family. The effect of the overriding objection is that the collection or use of the tissue is prohibited.

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