

TASMANIA

**STATUS OF CHILDREN (PARENTAGE TESTING)
REGULATIONS 2017**

STATUTORY RULES 2017, No. 37

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation

PART 2 – PARENTAGE TESTING PROCEDURES

4. Parentage testing procedures

**PART 3 – CARRYING OUT OF PARENTAGE TESTING
PROCEDURES**

5. Application of Part
6. Samplers
7. Provision of information by donors
8. Collection of blood samples
9. Collection of bodily samples for DNA typing
10. Containers to be sealed and labelled
11. Statements by samplers
12. Packing and storage requirements
13. Laboratory testing of bodily samples

14. Reports

PART 4 – MISCELLANEOUS

15. Prescribed overseas jurisdictions

SCHEDULE 1 – FORMS

**STATUS OF CHILDREN (PARENTAGE TESTING)
REGULATIONS 2017**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Status of Children Act 1974*.

Dated 12 June 2017.

C. WARNER
Governor

By Her Excellency's Command,

MATTHEW GROOM
Minister for State Growth acting for and on behalf of the Minister
for Justice

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Status of Children (Parentage Testing) Regulations 2017*.

2. Commencement

These regulations take effect on 28 June 2017.

3. Interpretation

In these regulations, unless the contrary intention appears –

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

r. 3

Part 1 – Preliminary

Act means the *Status of Children Act 1974*;

bodily sample includes, but is not limited to, a sample of human blood;

child means a person who has not attained the age of 18 years;

DNA means deoxyribonucleic acid;

donor means the person in relation to whom an order is made;

guardian, in relation to a donor, means –

- (a) a person who is a guardian, manager, administrator or attorney of the donor under a law of –
 - (i) the State that applies to the donor; or
 - (ii) another State or a Territory that applies to the donor; or
- (b) a person who is responsible for the long-term care, welfare and development of the donor;

HLA means human leucocyte antigen;

laboratory means a laboratory that is accredited by NATA for the purpose of carrying out parentage testing procedures;

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

Part 1 – Preliminary

r. 3

NATA means the National Association of Testing Authorities, Australia;

order means an order made under section 13 of the Act requiring a parentage testing procedure to be carried out;

parent, in relation to a child, means –

- (a) a person who has parental responsibility for the child; or
- (b) a guardian of the child; or
- (c) a foster parent of the child; or
- (d) a person who generally acts in the place of a person who has parental responsibility for the child and has done so for a significant length of time;

parental responsibility means all the duties, powers, responsibilities and authority which, by law, parents have in relation to their children;

sampler means a person, referred to in regulation 6, who takes a bodily sample from a donor;

testing means the carrying out, or any part of the carrying out, of a parentage testing procedure.

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

r. 4

Part 2 – Parentage Testing Procedures

PART 2 – PARENTAGE TESTING PROCEDURES

4. Parentage testing procedures

For the purposes of the definition of “*parentage testing procedure*” in section 11 of the Act, the following medical procedures are prescribed medical procedures:

- (a) red cell antigen blood grouping;
- (b) red cell enzyme blood grouping;
- (c) HLA tissue typing;
- (d) testing for serum markers;
- (e) DNA typing.

PART 3 – CARRYING OUT OF PARENTAGE TESTING PROCEDURES

5. Application of Part

This Part applies to the carrying out of parentage testing procedures under Part IV of the Act.

6. Samplers

A person must not take a bodily sample from a donor unless the person is –

- (a) a medical practitioner; or
- (b) employed by a hospital, pathology practice, parentage testing practice or medical practitioner for the purpose of taking a bodily sample from a donor.

7. Provision of information by donors

- (1) A sampler must not take a bodily sample from a donor unless –
 - (a) immediately before the sampler takes the bodily sample, the donor has completed an affidavit in accordance with Form 1 in Schedule 1 to which is attached a recent photograph of the donor; and
 - (b) the donor provides the sampler with –
 - (i) the completed affidavit to which is attached the recent photograph; and

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

r. 8

Part 3 – Carrying out of Parentage Testing Procedures

- (ii) an additional copy of that recent photograph.
- (2) For the purposes of subregulation (1)(a) and (b), the recent photograph of the donor must measure approximately 45 millimetres by 35 millimetres, and must show a full-face view of the donor's head and shoulders against a plain background.
- (3) If the donor is a child, the affidavit referred to in subregulation (1)(a) is to be completed by a person who is a parent of the child.
- (4) If the donor is a person who, by reason of disability, is unable to make reasonable judgments in relation to his or her personal circumstances, the affidavit referred to in subregulation (1)(a) is to be completed by a person who is a guardian of the donor.

8. Collection of blood samples

- (1) A sampler must not take a sample of blood from a donor with a needle or syringe, unless the needle or syringe –
 - (a) has not been used previously for any purpose; and
 - (b) has been sterilised; and
 - (c) is disposable.
- (2) Before taking a sample of blood from a donor, the sampler is to ensure that the area of the donor's skin into which the needle is to be

inserted to withdraw the blood has been cleaned with an antiseptic.

9. Collection of bodily samples for DNA typing

- (1) This regulation applies to the taking of a bodily sample, other than a bodily sample that is a sample of blood, from a donor for the purposes of a parentage testing procedure that is DNA typing.
- (2) A sampler must not take a bodily sample from a donor with a swab, unless the swab –
 - (a) has not been used previously for any purpose; and
 - (b) has been sterilised.
- (3) A sampler must not take a skin scraping or a hair root from a donor with an implement unless the implement has been sterilised.

10. Containers to be sealed and labelled

- (1) If a sampler takes a bodily sample from a donor, the sampler must ensure that the bodily sample is placed in a container that complies with subregulation (2) –
 - (a) immediately after the bodily sample is taken; and
 - (b) subject to subregulations (4) and (5), in the presence of the donor.

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

r. 10

Part 3 – Carrying out of Parentage Testing Procedures

- (2) For the purposes of subregulation (1), a container –
- (a) must not have been used previously for any purpose; and
 - (b) must be sealed in a way that, if it were opened after being sealed, that fact of opening would be evident on inspection of the container; and
 - (c) must have a label, on which the following information is written in ink, securely attached to it:
 - (i) the full name of the donor;
 - (ii) the date of birth of the donor;
 - (iii) the gender identity of the donor;
 - (iv) the date on which and time at which the bodily sample was taken; and
 - (d) must be labelled in a way that, if the writing on the label were later obscured, altered or erased, that would be evident on inspection of the label.
- (3) After the label referred to in subregulation (2)(c) is completed and attached to the container it must be signed, in ink, by the sampler and, subject to subregulations (4) and (5), the donor.
- (4) If the donor is a child –

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

Part 3 – Carrying out of Parentage Testing Procedures

r. 11

- (a) the sampler is to comply with subregulation (1) in the presence of a parent of the child; and
 - (b) for the purposes of subregulation (3), a parent of the child is to sign the label instead of the donor.
- (5) If the donor is a person who, by reason of disability, is unable to make reasonable judgments in relation to his or her personal circumstances –
 - (a) the sampler is to comply with subregulation (1) in the presence of a person who is a guardian of the donor; and
 - (b) for the purposes of subregulation (3), a person who is a guardian of the donor is to sign the label instead of the donor.
- (6) In this regulation –
 - gender identity*** means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person’s designated sex at birth.

11. Statements by samplers

As soon as practicable after a sampler takes a bodily sample from a donor, the sampler must –

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

r. 12

Part 3 – Carrying out of Parentage Testing Procedures

- (a) complete a statement in accordance with Form 2 in Schedule 1; and
- (b) affix the photograph of the donor, in the sampler's possession under regulation 7(1)(b)(ii), to the statement; and
- (c) sign his or her name partly on the photograph and partly on the statement in a way that, if the photograph were later removed from the statement, the removal would be evident from inspection of the statement.

12. Packing and storage requirements

- (1) A sampler must ensure that a bodily sample is packed, stored and transported to a laboratory for testing in a manner that –
 - (a) will preserve the integrity of the bodily sample; and
 - (b) will ensure that the testing of the bodily sample will produce the same results as would have been obtained if the bodily sample had been tested immediately after collection.
- (2) A sampler must ensure that the following documents are sent to the laboratory with a bodily sample:
 - (a) the affidavit in his or her possession in accordance with regulation 7(1)(a);

- (c) the statement completed under regulation 11(a).

13. Laboratory testing of bodily samples

- (1) A laboratory to which a bodily sample is sent for testing is to ensure that –
 - (a) the testing is undertaken in accordance with standards of practice that entitle the laboratory to be accredited by NATA for the purpose of carrying out parentage testing procedures; and
 - (b) the testing is completed –
 - (i) if the proposed procedure is red cell antigen blood grouping, red cell enzyme blood grouping or testing for serum markers, within 6 days after the bodily sample is taken; or
 - (ii) if the proposed procedure is HLA tissue typing, within 3 days after the bodily sample is taken; or
 - (iii) if the proposed procedure is DNA typing, within a reasonable time after the bodily sample is taken.
- (2) If the proposed procedure is red cell enzyme blood grouping or testing for serum markers, subregulation (1)(b)(i) is complied with if –

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

r. 14

Part 3 – Carrying out of Parentage Testing Procedures

- (a) the testing is completed within 6 days after the bodily sample is taken from the donor; or
- (b) a dried sample of the bodily sample to be tested is prepared within those 6 days.

14. Reports

- (1) For the purposes of section 17(1) of the Act, the prescribed form in which a report is to be made is in accordance with Form 3 in Schedule 1.
- (2) If a report is not completed in accordance with this regulation it is of no effect.

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

Part 4 – Miscellaneous

r. 15

PART 4 – MISCELLANEOUS

15. Prescribed overseas jurisdictions

For the purposes of the definition of “*prescribed court*” in section 2 of the Act, New Zealand and the United Kingdom are prescribed overseas jurisdictions.

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

SCHEDULE 1 – FORMS

Form 1

Regulation 7(1)(a)

Status of Children Act 1974

**PARENTAGE TESTING PROCEDURE – AFFIDAVIT
BY OR IN RELATION TO DONOR**

Full name of child whose parentage is in issue:
.....

Full name of person *making oath/affirming:
.....

Address of person *making oath/affirming:
.....
.....

Occupation of person *making oath/affirming:
.....

I *make oath and say/affirm:

PART 1

(Part 1 must be completed if the person swearing or affirming the affidavit is the donor)

1. I am the person appearing in the photograph affixed to this affidavit and marked Attachment A **.

2. My racial background is
.....
..... *(give details)*

3. In the last 2 years:
 - (a) I *have/have not suffered from leukaemia.
 - (b) I *have/have not received a bone marrow transplant.

- *4. The particulars of the *leukaemia/bone marrow transplant are as follows:
.....
.....
.....

5. I *have/have not received a transfusion of blood or a blood product within the last 6 months.

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

- *6. The particulars of the transfusion of blood or blood product are as follows:
-
-
-
-

PART 2

(Part 2 must be completed if the person swearing or affirming the affidavit is not the donor)

1. The full name of the donor is
2. The date of birth of the donor is
3. The racial background of the donor is
- (give details)
4. The donor is the person appearing in the photograph affixed to this affidavit and marked Attachment A **.
5. I am (relationship or other status in relation to donor) of the donor.

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

-
6. In the last 2 years:
- (a) The donor *has/has not suffered from leukaemia.
 - (b) The donor *has/has not received a bone marrow transplant.
- *7. The particulars of the *leukaemia/bone marrow transplant are as follows:
-
-
-
-
8. The donor *has/has not received a transfusion of blood or a blood product within the last 6 months.
- *9. The particulars of the transfusion of blood or blood product are as follows:
-
-
-
-

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

***SWORN/AFFIRMED** by the
deponent at
on 20....

Signature of deponent:

BEFORE ME:

Name:

Title (under which you may administer oaths):

Signature:

*Omit if not applicable.

****Note:** Affix the photograph, measuring approximately 45mm by 35mm and showing a full face view of the donor's head and shoulders against a plain background, to the affidavit with a pin or staple and mark it Attachment A. The photograph must bear on the reverse side a statement, signed by both the person before whom the affidavit is sworn or affirmed and the deponent, identifying it as the photograph mentioned in the affidavit.

Form 2

Regulation 11(a)

Status of Children Act 1974

**PARENTAGE TESTING PROCEDURE –
STATEMENT BY SAMPLER IN RELATION TO
COLLECTION OF BODILY SAMPLES**

1. Full name of child whose parentage is in issue:

.....

Full name of sampler:

.....

Professional address of sampler:

.....

.....

Occupation of sampler:

.....

I took the bodily *sample/samples specified below at
..... *am/pm on (date) at
..... (place of collection)
from the following *donor/donors:

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

- (a) Full name of donor whose photograph
appears below and type of bodily sample
.....
.....

(attach person's photograph)

- * (b) Full name of donor whose photograph
appears below and type of bodily sample
.....
.....

(attach person's photograph)

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

* (c) Full name of donor whose photograph
appears below and type of bodily sample
.....
.....

(attach person's photograph)

* (d) Full name of donor whose photograph
appears below and type of bodily sample
.....
.....

(attach person's photograph)

2. When I took the bodily *sample/samples specified above, I strictly observed the procedures provided under the *Status of Children (Parentage Testing) Regulations 2017*.
3. I placed the *bodily sample/each of the bodily samples specified above in a container that was immediately sealed and then labelled in accordance with regulation 10 of the *Status of Children (Parentage Testing) Regulations 2017*.

Signature: Date:

*Omit if not applicable.

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

Form 3

Regulation 14(1)

Status of Children Act 1974

PARENTAGE TESTING PROCEDURE REPORT

PART 1

**(Part 1 must be completed by the nominated reporter
identified in the report)**

Full name of child whose parentage is in issue:

.....

Full name of nominated reporter:

.....

Address of nominated reporter:

.....

.....

Occupation of nominated reporter:

.....

1. I am a person nominated by the laboratory specified below to prepare a report for the purposes of section 17 of the *Status of Children Act 1974*.

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

2. I report that *a parentage testing procedure/parentage testing procedures being:

- * (a) red cell antigen blood grouping;
- * (b) red cell enzyme blood grouping;
- * (c) testing for serum markers;
- * (d) HLA tissue typing;
- * (e) DNA typing;

*has/have been carried out on the bodily *sample/samples contained in the sealed *container/containers bearing the *name/names of the following *donor/donors:

- (a) Full name of donor:
.....
Date of birth of donor:

Donor's relationship to child:
- * (b) Full name of donor:
.....
Date of birth of donor:

Donor's relationship to child:

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

* (c) Full name of donor:
.....
Date of birth of donor:

Donor's relationship to child:

* (d) Full name of donor:
.....
Date of birth of donor:

Donor's relationship to child:

3. Each bodily sample referred to in item 2 is the same bodily sample as the bodily sample specified in the statement completed on (date) by (name of sampler) in accordance with Form 2 in Schedule 1 of the *Status of Children (Parentage Testing) Regulations 2017*.
4. The parentage testing *procedure was/procedures were carried out at (name of *laboratory/laboratories).
5. The results of the parentage testing *procedure/procedures are set out in Part 2 of this report.

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

*6. I report that the results of the parentage testing *procedure/procedures carried out on the bodily *sample/samples of the *donor/donors specified above show that *(full name of putative parent)* is not excluded from identification as the *father/mother of *(full name of child)*.

*7. I further report that the probability that *(full name of putative parent)* is the genetic *father/mother of *(full name of child)* has been calculated as follows:

*Paternity/Maternity Index to 1
(figure)

Relative chance of *Paternity/Maternity %
(percentage)

*8. I report that the results of the parentage testing *procedure/procedures carried out on the bodily *sample/samples of the *donor/donors specified above show that *(full name of putative parent)* is excluded from identification as the *father/mother of *(full name of child)*.

*Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37*

sch. 1

*9. I further report that the exclusion is based on contradictions of the laws of genetic inheritance in (amount)
of the (amount)
genetic markers:

Names of the genetic markers and whether the contradictions are of the first or second order:

.....
.....

*10. I further report

.....
.....
.....
.....

(if necessary, provide further explanation of results detailed in items 6, 7, 8 and 9 above)

Signature: Date:

PART 2

(Part 2 must be completed by the person who carried out the parentage testing procedure or the person under whose supervision the parentage testing procedure was carried out)

1. Name of laboratory at which parentage testing *procedure was/procedures were carried out:
.....
2. Date bodily *sample/samples received by laboratory:
3. The following identification *number was/numbers were allocated *respectively to the bodily *sample/samples in the *container/containers in respect of which the parentage testing *procedure was/procedures were carried out:
 - (a) Full name of donor:
.....
Identification number:;
 - * (b) Full name of donor:
.....
Identification number:;

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

sch. 1

* (c) Full name of donor:
.....
Identification number:;

* (d) Full name of donor:
.....
Identification number:

4. The results obtained from the parentage testing
*procedure/procedures are:
.....
.....

*5. ***(Complete this item if the parentage testing procedure carried out was red cell antigen blood grouping, red cell enzyme blood grouping, HLA tissue typing or testing for serum markers)***

The results set out in item 4 refer to the parentage testing
*procedure/procedures carried out *by me/under my
supervision on (date).

The bodily *sample was/samples were tested with the
same reagents and in parallel with appropriate known
controls. Results from controls show that all reagents
were of correct specificity and normal potency. I am
satisfied that the results obtained are true and that they
have been correctly transcribed from the laboratory
workbooks.

***6. (Complete this item if the parentage testing procedure carried out was DNA typing)**

The results set out in item 4 refer to the parentage testing *procedure/procedures carried out *by me/under my supervision on (date).

The bodily *sample was/samples were tested with the same *probes/primers and in parallel with appropriate known controls. Fragment length *and/or hybridisation patterns were in accordance with scientifically accepted standards. I am satisfied that the results obtained have been correctly coded from the fragment *and/or hybridisation patterns and that they have been correctly transcribed from the laboratory workbooks.

Signature of person who carried out parentage testing procedure or person under whose supervision parentage testing procedure was carried out: Date:

*Omit if not applicable.

Status of Children (Parentage Testing) Regulations 2017
Statutory Rules 2017, No. 37

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 21 June 2017.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) specify the prescribed medical procedures that are parentage testing procedures; and
- (b) provide for the collection of bodily samples; and
- (c) provide for the carrying out of parentage testing procedures; and
- (d) are made consequentially on the repeal of the *Status of Children (Parentage Testing) Regulations 2007* under section 11 of the *Subordinate Legislation Act 1992*.