NORTHERN TERRITORY OF AUSTRALIA

Regulations 1996, No. 29*

Regulations under the *Status of Children Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Status of Children Act*.

Dated 28 June 1996.

K.J.A. ASCHE
Administrator

STATUS OF CHILDREN REGULATIONS

PART 1 - GENERAL

1. CITATION

These Regulations may be cited as the Status of Children Regulations.

2. INTERPRETATION

(1) In these Regulations, unless the contrary intention appears -

"bodily sample" is not limited to a sample of blood;

"donor" means the person required to provide a bodily sample for the purposes of a parentage testing procedure;

"HLA" means human leucocyte antigen;

"NATA" means the National Association of Testing Authorities of the Commonwealth;

"nominated reporter" means the person nominated by a laboratory to prepare a report relating to the information obtained as a result of carrying out a parentage testing procedure at that laboratory;

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"report" means a report in accordance with regulation 13;

"sample" means a sample taken from a donor for the purposes of a parentage testing procedure;

"sampler" means a person who takes a bodily sample from a donor for the purposes of a parentage testing procedure;

"testing" means the implementation, or a part of the implementation, of a parentage testing procedure.

(2) In these Regulations, a reference to a form by number is a reference to the form so numbered in the Schedule.

3. PARENTAGE TESTING PROCEDURES

For the purposes of the definition of "parentage testing procedure" in section 3 of the Act, the following medical procedures are prescribed:

(a) red cell antigen blood grouping;

(b) red cell enzyme grouping;

(c) HLA tissue typing;

(d) testing for serum markers;

(e) DNA typing.

4. COMPLIANCE WITH REGULATIONS

A parentage testing procedure is taken to be carried out in accordance with these Regulations if -

(a) it is carried out -

(i) in compliance with Part 2;

(ii) at a laboratory that is accredited by NATA for the purpose of carrying out parentage testing procedures; and

(iii) in accordance with standards of practice that entitle the laboratory to be so accredited; and

(b) it is supplemented by a report under Part 3.

PART 2 - COLLECTION, STORAGE AND TESTING OF SAMPLES

5. SAMPLERS

A person shall not take a bodily sample from a donor for the purposes of a parentage testing procedure unless -

(a) the person is a medical practitioner; or

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

6. PROVISION OF INFORMATION BY DONOR

(1) A sampler shall not take a bodily sample from a donor before the donor or, if appropriate, a person described in subregulation (3), has -

(a) completed an affidavit in accordance with Form 1; and

(b) either -

(i) provided to the sampler a recent photograph of the donor, measuring approximately 45 millimetres by 35 millimetres, that shows a full face view of the donor's head and the donor's shoulders against a plain background; or

(ii) made a written arrangement with the sampler for a photograph of that kind to be taken.

(2) Immediately before the sampler takes the bodily sample from the donor, the donor shall complete a declaration in accordance with Form 2.

(3) The affidavit referred to in subregulation (1)(a) and the declaration referred to in subregulation (2) -

(a) where the donor is a person under the age of 18 years - may be completed by a person who is responsible for the long-term care, welfare and development of that person; or

(b) where the donor is a person who is suffering from a mental disability - shall be completed by -

(i) a trustee or manager in relation to the person under a law of the State or Territory of the Commonwealth whose laws apply to the person; or

(ii) a person who is responsible for the care, welfare and development of the person suffering from a mental disability.

7. COLLECTION OF BLOOD SAMPLES

(1) A sampler may take a sample of blood from a donor only with a needle or syringe that -

(a) has not been used for any purpose;

(b) has been sterilised; and

(c) is disposable.

(2) Before taking a sample of blood from a donor, the sampler shall 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.

8. COLLECTION OF BODILY SAMPLES FOR DNA TYPING

(1) This regulation applies to the taking of a bodily sample (except a sample of blood) from a donor for the purposes of a parentage testing procedure that is DNA typing.

(2) A sampler shall not take a bodily sample from a donor with a swab unless the swab -

(a) has not been used for any purpose, and

(b) has been sterilised.

(3) A sampler shall not take a body sample from a donor that is a skin scraping or a hair root unless the implement used by the sampler to take the sample has been sterilised before use.

9. CONTAINER TO BE SEALED AND LABELLED

(1) If a bodily sample is taken from a donor, the sampler shall ensure that -

(a) the sample is placed in a container -

(i) immediately after it is taken; and

(ii) in the presence of the donor;

(b) the container has not previously been used for any purpose;

(c) the container is sealed in a way that, if it were opened after being sealed, that fact would be evident on inspection of the container;

(d) the container is labelled in a way that -

(i) if the label, or part of the label, were removed; or

(ii) if writing on the label were impaired by alteration or erasure,

the removal of the label or the impairment would be evident on inspection of the container;

(e) the particulars on the label are inscribed in ink and include -

(i) the full name of the donor;

(ii) the date of birth and sex of the donor; and

(iii) the date and time at which the sample was taken; and

(f) when paragraph (e) is complied with - the sampler and the donor sign the label in ink.

(2) If the donor is a person under the age of 18 years, the procedures specified in subregulation (1)(a) and (f) may be completed in the presence of the person who is responsible for the long-term care, welfare and development of the person under the age of 18 years.

(3) If the donor is a person who is suffering from a mental disability -

(a) the procedure specified in subregulation (1)(a) shall be completed in the presence of -

(i) a trustee or manager in relation to the person under a law of a State or Territory of the Commonwealth whose laws apply to the person; or

(ii) a person who is responsible for the care, welfare and development of the person suffering from a mental disability; and

(b) the procedure specified in subregulation (1)(f) is taken to be complied with only if the label is signed -

(i) by a trustee or manager in relation to the person under a law of a State or Territory of the Commonwealth whose laws apply to the person; or

(ii) by a person who is responsible for the care, welfare and development of the person suffering from a mental disability.

10. STATEMENT BY SAMPLER

After taking a bodily sample from a donor, the sampler shall -

(a) complete a statement in accordance with Form 3;

(b) affix the photograph of the donor referred to in regulation 6(1)(b)(i) 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.

11. PACKING AND STORAGE REQUIREMENTS

(1) A bodily sample shall be packed, stored and transported to a laboratory for testing in a manner that -

(a) will preserve the integrity of the sample; and

(b) ensures that the testing of the sample will produce the same results as would have been obtained if the sample had been tested immediately after collection.

(2) The sampler shall ensure that the following documents are sent to the laboratory with the sample:

(a) the affidavit completed under regulation 6(1)(a);

(b) the declaration completed under regulation 6(2);

(c) the statement completed under regulation 10.

12. TESTING BODILY SAMPLES

(1) A laboratory to which a bodily sample has been sent for testing shall ensure that the testing is completed, where the proposed parentage testing procedure is -

(a) red cell antigen blood grouping, red cell enzyme blood grouping or testing for serum markers - within 6 days after the sample is taken;

(b) HLA tissue typing - within 3 days after the sample is taken; or

(c) DNA typing - within a reasonable time after the sample is taken.

(2) If the proposed parentage testing procedure is red cell enzyme blood grouping or testing for serum markers, subregulation (1)(a) is complied with if a dried sample of the bodily sample to be tested is prepared within 6 days after the sample is taken from the donor.

PART 3 - REPORTS

13. REPORTS

(1) For the purposes of section 15 of the Act, a report shall be prepared, in accordance with this regulation, relating to the information obtained as a result of carrying out a parentage testing procedure.

(2) The report shall be in accordance with Form 4.

(3) Part 1 of the report shall be completed by the nominated reporter identified in the report.

(4) Part 2 of the report shall be completed by -

(a) the person who carried out the parentage testing procedure; or

(b) the person under whose supervision the parentage testing procedure was carried out.

(5) A report completed otherwise than in accordance with this regulation is of no effect.

PART 4 - MISCELLANEOUS

14. NOTIFICATION OF ACCREDITED LABORATORIES AND NOMINATED REPORTERS

The Attorney-General shall publish in the *Gazette* the names of laboratories accredited by NATA to carry out parentage testing procedures and the nominated reporter for each accredited laboratory.

15. FEE FOR INSTRUMENTS FILED WITH REGISTRAR

For the purposes of section 10(1) of the Act, the prescribed fee is $50.00.

16. REPEAL

The Status of Children Regulations (No. 17 of 1979) are repealed.

SCHEDULE

FORM 1

Regulation 6(1)

PARENTAGE TESTING PROCEDURE
AFFIDAVIT BY/IN RELATION TO DONOR

NAME OF CHILD WHOSE PARENTAGE IS IN ISSUE:
(*child's name*)

1. I, (*name*), of (*address*), (*occupation*), *make oath and say/*affirm:

PART 1

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

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: (*give particulars*)

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

*6. The particulars of the transfusion of blood or blood product are as follows: (*give particulars*)

PART 2

Part 2 must be completed if the person swearing or affirming the affidavit is the donor

2. I am the (*relationship or other status in relation to the donor*) of (*name of donor*) who was born on (*date of birth of donor*).

3. (*name of donor*) is a person whose racial background is (*give details*)

4. 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.

*5. The particulars of the *leukaemia/*bone marrow transplant are as follows: (*give particulars*)

6. The donor *has/*has not received a transfusion of blood or a blood product within the last 6 months.

*7. The particulars of the transfusion of blood or blood product are as follows: (*give particulars*)

*SWORN/*AFFIRMED by the deponent at
on 19 .

(*Signature of deponent*)

BEFORE ME: (*insert name of person before whom the affidavit is sworn or affirmed*)

(*Signature of person before whom affidavit is sworn or affirmed*)

* Delete if inapplicable.

FORM 2

Regulation 6(2)

PARENTAGE TESTING PROCEDURE
DECLARATION BY/IN RELATION TO DONOR

PART 1

Part 1 must be completed if the person making the declaration is the donor

I, (*name*), of (*address*), (*occupation*), declare that I *have/*have not received a transfusion of blood or a blood product since I signed the affidavit required by regulation 6(1) of the Status of Children Regulations in respect of this parentage testing procedure.

PART 2

Part 2 must be completed if the person making the declaration is not the donor

1. I, (*name*), of (*address*), (*occupation*), declare that:

2. I am the (*state relationship or other status in relation to the donor*) of (*name of donor*) who was born on (*date of birth of donor*).

3. The donor *has/*has not received a transfusion of blood or a blood product since *I/*(*name of person who signed the affidavit required by regulation 6(1) of the Status of Children Regulations*) signed the affidavit required by regulation 6(1) of the Status of Children Regulations in respect of this parentage testing procedure.

Dated 19 .

(*Signature of person completing declaration*)

* Delete if inapplicable.

FORM 3

Regulation 10

PARENTAGE TESTING PROCEDURE
COLLECTION OF BODILY SAMPLES

STATEMENT BY SAMPLER

NAME OF CHILD WHOSE PARENTAGE IS IN ISSUE:
(*child's name*)

1. I, (*name of sampler*), of (*professional address*), (*occupation*), took the *bodily sample/*bodily samples specified below at (*time*) *am/*pm on (*date*) at (*place of collection*) from the following *person/*persons:

   (a) (*name of person, type of bodily sample and person's photograph*);

   *(b) (*name of person, type of bodily sample and person's photograph*);

   *(c) (*name of person, type of bodily sample and person's photograph*);

   *(d) (*name of person, type of bodily sample and person's photograph*);

2. When I took the *bodily sample/*bodily samples specified above, I strictly observed the procedures provided under the Status of Children Regulations.

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 9 of the Status of Children Regulations.

Dated 19 .

(*Signature of sampler*)

* Delete if inapplicable.

FORM 4

Regulation 13

PARENTAGE TESTING PROCEDURE REPORT

NAME OF CHILD WHOSE PARENTAGE IS IN ISSUE:
(*child's name*)

PART 1

1. I, (*name of nominated reporter*), of (*address*), (*occupation*), am a person nominated by the laboratory specified below to prepare a report for the purposes of section 15 of the *Status of Children Act*.

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) (*donor's name, date of birth and relationship to child whose parentage is in issue*);

*(b) (*donor's name, date of birth and relationship to child whose parentage is in issue*);

*(c) (*donor's name, date of birth and relationship to child whose parentage is in issue*);

*(d) (*donor's name, date of birth and relationship to child whose parentage is in issue*).

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 3 in the Status of Children Regulations.

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.

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

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

*Paternity/*Maternity Index (*figure*) to 1

Relative chance of *Paternity/*Maternity (*percentage*) %

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

*7. 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*).

*8. I further report (*if necessary, provide further explanation of results detailed in items 6 and 7*).

Dated 19 .

(*Signature of nominated reporter*)

PART 2

1. The bodily *sample/*samples referred to in Part 1 of this report were received at (*name of laboratory at which parentage testing *procedure was/*procedures were carried out*) on (*date*).

2. 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) (*name of donor and identification number*);

   *(b) (*name of donor and identification number*);

   *(c) (*name of donor and identification number*);

   *(d) (*name of donor and identification number*).

3. The results obtained from the parentage testing *procedure/*procedures are: (*set out the results*).

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

*4. The results set out above in item 3 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.

Complete this item if the parentage testing procedure carried out was DNA typing

*4. The results set out above in item 3 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 pattern and that they have been correctly transcribed from the laboratory workbooks.

Dated 19 .

(*Signature of person who carried out parentage testing procedure or person under whose supervision parentage testing procedure was carried out*)

* Delete if inapplicable.