

## **Response to Proposal 7 and 8**

1. The current drafting of the Victorian Human Tissue Act does not adequately cover the collection of cord blood. While cord blood is undeniably “blood,” the Act requires that blood be “removed from” either the consenting person’s own body or the consenting parent’s child’s body. Cord blood, however, is collected from a detached organ—the umbilical cord and placenta—which is not strictly part of either body once delivery is complete. Moreover, the cord contains blood from both the mother and the child, creating a unique situation that falls outside the Act’s intended scope.
2. As a result, consent for cord blood collection and the act of collection itself occupy a legal grey area. To resolve this ambiguity, one of the following approaches should be adopted:
  - a. Amend the drafting around blood collection to ensure cord blood is not excluded due to its unique circumstances;
  - b. Expressly include cord blood in the definition of blood within the Act;
  - c. Introduce separate provisions specifically addressing cord blood collection and consent; or
  - d. Empower the National Regulator to address this issue through delegated legislation.