

RECEIVED

LEGAL
COMMUNITY
NEW

Doctors Reform Society of Queensland Inc.

PO Box 53 Wellers Hill Qld 4121
health4all@uq.net.au

Submission No 10

Submission to:

Inquiry into the Transplantation and Anatomy Amendment Bill 1998

The Doctors Reform Society of Queensland Inc (DRS Qld) recognises:

- a) that organs must only be taken from consenting donors
- b) the desirability of having more organs available for donation
- c) the necessity to balance trauma to potential donor families (who may be uncertain they want donation to proceed) against trauma to potential recipient individuals and families (who may be uncertain whether necessary organs will be donated).

DRS Qld has concerns with the proposed amendment to the Transplantation and Anatomy Act ("that will give legal effect to marking the organ donor space in the driver's license"). These concerns relate to issues of consent.

For instance, presumably not all people marking the "yes" box on their licence are giving fully informed consent. Next-of-kin or families who come to oppose donation around the time of brain death may have given the issue deeper thought than did the potential donor when applying for a driver's licence.

In addition, some people who indicate "yes" to donation may prefer to withdraw consent in circumstances where their next-of-kin or families would be further traumatised by donation.

DRS Qld has three suggestions.

First, attempts should be made to increase community awareness of the benefits of organ donation. When desired, greater contact between donor and recipient families should be enabled. Families of donors should have access to information about how the organs have been used. This may result in more positive stories in the community regarding transplantation.

Second, health care staff in intensive care units and transplant teams should be educated further in dealing sensitively with relatives of their patients.

Third, the licence application could include two questions. For example:

1. do you wish your organs to be used in the event of brain death?
2. do you wish that your next-of-kin and family have no right to veto the above decision?

DRS Qld submits that legislation should make answering "yes" to the first question legally binding only if the second is also answered "yes".

The following comment arose during discussion whilst preparing this submission. It suggests that people may be prepared to answer "yes" to two questions as proposed above.

"I have a "yes" to being a donor on my drivers licence however, my daughter has said in tones of great hostility and anxiety, that she will override this if the situation arose. She doesn't care what I want and we cannot have any rational discussion about it. She maintains that the hospital will allow me to die (and won't spend much time trying to save my life) if they have a younger "more deserving" patient who wants my whatever. I have told her that I don't care about dying and in fact if there is something seriously wrong with me then enough is enough, but she gets highly emotional about it and just won't enter into any discussion."

Yours sincerely



Dr Andrew Gunn
MBBS (Qld), BA (Qld), FRACGP
Treasurer DRS Qld