



Submission No 13

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KNIGHTS OF THE SOUTHERN CROSS (QLD) INCORPORATED

No. 11891

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6 June 1999

RECEIVED

The Hon. Gary Fenlon MLA
Chair of the Committee
Legal, Constitutional and Administrative
Review Committee
Parliament House
George Street
BRISBANE QLD 4000



Dear Mr Gary Fenlon MLA,

RE: PROPOSED ORGAN TRANSPLANT BILL

Please accept our enclosed submission relating to the proposed Organ Transplant Bill.

The Knights of the Southern Cross is an order of Catholic laymen. We seek members with an energetic spirit and dedication to Christ's message. Membership of the Knights of the Southern Cross is by invitation to adult practicing Catholic laymen. Members are drawn from a wide range of backgrounds and experience. Objects of the Order:

- Promote the advancement of Australia
- Foster the Christian way of life throughout the Nation
- Promote the welfare of its members and their families
- Encourage social and intellectual activities amongst its members
- Conduct and support educational, charitable, religious and social welfare work.

Yours faithfully,

LEO EVANS
COMMUNITY RELATIONS OFFICER
STATE COUNCIL QUEENSLAND

KNIGHTS OF THE SOUTHERN CROSS (QLD) INCORPORATED

SUBMISSION TO THE HONOURABLE GARY FENLON M.L.A.
CHAIR OF THE COMMITTEE
LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE
REVIEW COMMITTEE
FOR THE PROPOSED ORGAN TRANSPLANT BILL

The Bill relates to the third and last human life phase in our world. The first is to know our life created by God, will continue after death. The second is to accept our human body is to be maintained using the best of health care and food until God calls us out of this life. The third is to regulate all our actions in accordance with laws acceptable to God.

The proposed bill asks "Is a human person free to offer or donate as a free gift his organs during the human person's lifetime whereby only after the human person's death those organs are transferred to another person or corporate body for use by another human person, a moral autopsy or for scientific research.

There are many matters to be considered in this question. As Catholic laymen our expertise does not permit a total answer on all matters. For ethical medical practices, for such questions we would refer to our Catholic Qld Bioethics Centre and we hope a submission on this matter would be lodged.

However we can tease the question "Is a human person free to offer or donate as in free gift his organs during the human person's lifetime whereby only after this human person's death these organs are transferred to another human person or corporate body for use by another human person, for a moral autopsy or for scientific research.

The answer for Catholics is "yes", a human person is always free to act or not to act but freedom is perfected when the action is in accordance with God's plan of creation.

The explanation is:-

God created man a rational being, conferring on him the dignity of a person who can initiate and control his own actions. "God willed that man should be 'left in the hand of his own counsel', so that he might, of his own accord, seek his Creator and freely attain his full and blessed perfection by cleaving to him." Freedom is the power rooted in reason and will, to act or not to act, and so perform deliberate actions on one's own responsibility. By free will one shapes one's own life. Human freedom is a force for growth and maturity in truth and goodness; it attains its perfection when directed toward God.

Ethics and Morals

Freedom makes man a moral subject. When he acts deliberately, man is, so to speak, the father of his acts. Human acts, that is acts that are freely chosen in consequence of a judgement of conscience, can be morally evaluated. They are either good or evil. The morality of human acts depends on:

- The object chosen
- The end in view or the intention
- The circumstances of the action.

The object, the intention and the circumstances make up the essential elements of the morality of human acts.

For Organ Transplants the following is the guide

Scientific, medical or psychological experiments on human individuals or groups can contribute to healing the sick and the advancement of public health.

Basic scientific research, as well as applied research, is a significant expression of man's dominion over creation. Science and technology are precious resources when placed at the service of man and promote his integral development for the benefit of all. By themselves, however they cannot disclose the meaning of existence and of human progress. Science and technology are ordered to man, from whom they take their origin and development; hence they find in the person and in his moral values both evidence of their purpose and awareness of their limits.

It is an illusion to claim moral neutrality in scientific research and its applications. On the other hand guiding principles cannot be inferred from simple technical efficiency, or from the usefulness accruing to some at the expense of others or, even worse, from prevailing ideologies. Science and technology by their very nature require unconditional respect for fundamental moral criteria. They must be at the service of the human person of his inalienable rights, of his true and integral good, in conformity with the plan and the will of God.

Research or experimentation on the human being cannot legitimate acts that are in themselves contrary to the dignity of persons and to the moral law. The subjects' potential consent does not justify such acts. Experimentation on human beings is not morally legitimate if it exposes the subject's life or physical and psychological integrity to disproportionate or avoidable risks. Experimentation on human beings does not conform to the dignity of the person if it takes place without the informed consent of the subject or those who legitimately speak for him.

Organ transplants are not morally acceptable if the donor, or those who legitimately speak for him, have not given their informed consent. Organ transplants conform with the moral law and can be meritorious if the physical and psychological dangers and risks incurred by the donor are proportionate to the good sought for the recipient. It is morally inadmissible directed to bring about the disabling mutilation or death of a human being, even in order to delay the death of other persons.

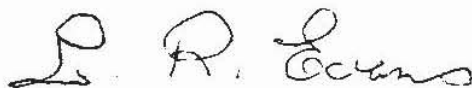
1. Catholic laymen firmly believe the dying should be given attention and care to help them live their last moments in dignity and peace.
2. Autopsies may be morally permitted for legal inquests or scientific research. The free gift of organs after death is legitimate and can be meritorious.
3. The bodies or organs of the dead must be treated with respect and charity, in faith and hope of the Resurrection. The burial of the dead organs or body is a work of mercy; it honours the children of God, who are temples of the Holy Spirit.
4. The Church permits cremation, provided that it does not demonstrate a denial of faith in the resurrection of the body.
5. There is an action acceptable to Catholic laymen other than that contained in a will. The term for the action is "mortis causa" and it means "the term to describe a legal arrangement made by a person during lifetime, whereby only after his or her death property is transferred to another person or corporate body".

Overall, this group of Catholic laymen would need to be satisfied that a donor has given his consent to a transplanting of organs after death in all cases.

The need for swift action is seen to be of an expeditious nature in transplanting. The legal willing of organs on a driver's licence could be seen to be acceptable providing the legislation respects the "after death" provision and the permission of the donor is clear.

We would not wish to comment overall in the case of an informed consent by those who may be legitimately able to speak for the deceased as many areas of life expertise would be needed before being written in a legislation to allow the decision to be legitimate to Catholic laymen.

If the donor's permission for a free organ transplant is cited on a driver's licence, a successful harvesting of transplant organs has a reasonable chance of success and the the donor family's wishes respected.



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COMMUNITY RELATIONS OFFICER
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