



The Salvation Army

AUSTRALIA EASTERN TERRITORY

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Office of the Chief Secretary

11 June, 1999.

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

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Mr Gary Fenlon MLA,
Chair,
Legal, Constitutional and Administrative Review
Committee,
Parliament House,
Cnr George & Alice Streets,
BRISBANE QLD 4000.

Dear Sir,

INQUIRY INTO THE TRANSPLANATION AND ANATOMY AMENDMENT
BILL 1998.

Thankyou for inviting The Salvation Army to offer a submission to this inquiry.

The following document is our response, prepared in consultation with representatives of The Salvation Army in Queensland, and is offered for the consideration of the Legal, Constitutional and Administrative Review Committee.

I trust all is in order.

Sincerely,

Ivan B. Lang
Colonel
CHIEF SECRETARY.

**THE SALVATION ARMY
AUSTRALIA EASTERN TERRITORY.**



**INQUIRY INTO THE TRANSPLANTATION AND ANATOMY
AMENDMENT BILL 1998. (QUEENSLAND)**

Aim of the Bill. "The aim of this Bill is to increase the number of organ donors through the current authorisation on drivers' licences."

The Salvation Army supports organ donation and transplantation, and recognises the need for more donors.

We therefore support the aims of the Bill but suggest that, as presently framed the Bill will be only minimally effective.

Informed and definitive donor consent. / Accommodation of relatives' wishes.

1. We understand the reasons that limit the number of volunteers. Many who would willingly have their organs used for the benefit of others fail to make this known in a clear and enforceable manner.
 - We also respect the distress of next-of-kin who are asked to make difficult decisions while in shock and grief.
 - The question of the rights of next-of-kin should be given more consideration. The wishes of the donor are first priority but the next-of-kin have some rights.
 - The burden for the next-of-kin of the time delay as donors are kept on life support needs compassionate appraisal.
 - There is clearly a need for this issue to be made a subject of family agreement and understanding at a time when there is no crisis involved.
2. Ticking the driver's licence is open to confusion. An empty box can be ticked by some other person and this possibility makes the tick open to challenge. Each applicant for a licence should have to write "Yes" or "No" to an appropriate question.
3. It is recognised that circumstances in peoples' lives change, so that a decision made at the time in good faith to register consent (or non-consent) on the driver's licence may be subsequently changed.
 - Provision must be made for a person to register this change of decision.

4. In the case of a minor, the legality of the driver's licence consent needs to be clarified.
5. Legal responsibility for the body of the deceased will need to be clarified for next-of-kin and/or executors. For example, will the enforcing of the driver's licence consent over the wishes of the legally responsible living person, impinge on that person's perceived rights in regard to funeral arrangements etc..?

Availability of information to potential donors.

1. We would urge that a public education program be run, in order that clear and factual information about organ donation and transplantation, as it is practiced in Queensland, may be given.
 - This program might include media coverage in its various forms, as well as public forums, and information leaflets/video promotions available at Motor Registry Offices, where consent is sought.
 - Such a program may be low key, and on-going, in order to keep the subject before people as they come to make the decisions.
 - An important part of this kind of education program would be to encourage people to clarify their wishes to their next-of-kin.
 - The education program could help people to understand that they are less capable of making rational decisions at a time of crisis.

Need for a central national donor register.

1. The use of the driver's licence consent is recognised as an immediate and convenient way of ascertaining the wishes of the deceased person.
2. Those people however, who do not possess a driver's licence, may be willing to register their wishes with a national register, and be issued with an identification card to that effect.
3. The committee should consider the possibility that some potential donors may be willing for most organs to be transplanted but object to the use of one. While a donor has to either give complete consent or none, these potential donors are excluded. The use of a national register with computerised links to all hospitals, may allow for these kinds of specifics to be honoured.