

Submission No 27

QUEENSLAND Nurses' Union

IN ASSOCIATION WITH AUSTRALIAN NURSING FEDERATION QLD BRANCH

ADDRESS ALL CORRESPONDENCE TO THE SECRETARY, G.P.O. BOX 1289, BRISBANE, Q., 4001.



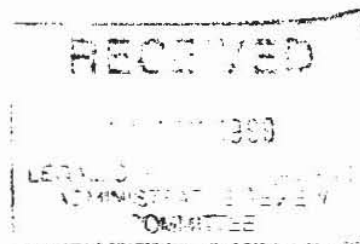
Just Rewards for Professional Care

Faxed 11/6/99

IN REPLY PLEASE QUOTE:

All enquiries regarding this correspondence should be directed to: Roy Drabble

10 June 1999



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

Dear Mr Fenlon

RE Transplantation and Anatomy Amendment Bill 1998

Thank you for providing the opportunity to comment on the Draft Bill and the matters raised in your correspondence will be dealt with as follows: -

1. Informed and Definitive Donor Consent

The question of what constitutes "informed consent" when the instrument signed by the person giving consent is merely in the form of placing a tick on a driver's licence application form will undoubtedly be raised in any disputation. Informed consent implies that a full explanation, by a knowledgeable person, has been given to the donor. It also implies that opportunity has been given for the prospective donor to ask and have answered any questions concerning organ and tissue donations to be made after the death of that person.

Full written, multi-language advice and information about organ and tissue donation can be provided at the time or a reminder with the renewal of the person's drivers licence. This implies that the person receiving the information can read and understand the information. In order to allow the recipient to gain further information and advice, this documentation needs to also provide contact information about who can be approached to give that advice. It is suggested that those persons appointed under the Act as designated persons or persons appointed in writing by a designated person could be made available to advise the potential donor.

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The Queensland Nurses Union indicates that Registered Nurses involved with donation and transplantation services, including blood donation centres, in Queensland may be designated, with their express consent, to give such advice.

The application for a driver's licence could also contain a section outlining that advice had been given at the request of the applicant and the name of the person giving that advice. The application form could also contain an additional section allowing the applicant to indicate that further advice was not required and permission for organ and tissue removal is given following the death of the person.

2. The Availability of Information to Potential Donors

Some aspects of this have been covered in the previous section. It is proposed that pamphlets be made readily available through doctor's rooms, hospitals, health clinics, blood donation centres, health insurance fund offices and forwarded to drivers licence renewal applicants and all potential applicants.

It must also be remembered that not everyone has a drivers licence therefore some other mechanism needs to be put in place to allow these persons to nominate as organ and tissue donors. By making information readily available through all government agencies people can be invited to consider becoming an organ and tissue donor.

3. Relatives Wishes

With the provision of full information and the obtaining of written consent the implication must be that removal of tissue and organs post-mortem has been properly authorised. Where such written authorisation has not been obtained full authorisation of a nearest relative must be gained.

Where no relative is known to a designated person following a search using and making "such inquiries as are reasonable in the circumstance" the designated person may authorise the removal of tissues and organs. A mechanism to facilitate ease of search would be the establishment of a national donor registry.

4. Donor Registry

The establishment of a Donor Registry on the same lines as the South Australian Organ Donation Agency is supported. Moves could be established to adopt this as a national initiative being recommended by Queensland to the Federal government. Such a Donation Agency would provide mechanism to gather information other than from drivers licences.

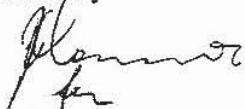
Initially Queensland will need to amend the current Transplant and Anatomy Act 1979 making provision for the establishment of a registration agency in this State. Such an agency can be established within and under the auspices of Queensland Health. Those organisations/bodies/persons listed as providing information about tissue and organ donation services should also be required to notify the agency, subject to the permission of the information seeker to do so, of contact details for the person to whom information has been provided.

Legislation would also need to be amended to allow a designated officer and such other persons defined within the current Act to gain access to information contained within the Register of Tissue and Organ Donors.

5. **Conclusion**

Again thank you for providing the opportunity to comment on this Bill. The Union wishes you success with this amendment.

Yours sincerely



Gay Hawksworth
SECRETARY.