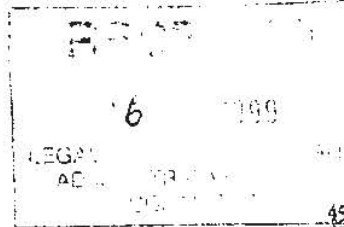


HON DEAN BROWN MP  
Minister for Human Services



45 Pirie Street Adelaide 5000 South Australia  
GPO Box 2555 Adelaide 5001 DX 273  
Telephone (08) 8207 1855 • Facsimile (08) 8207 1950  
Email: [Minister.HumanServices@saugov.sa.gov.au](mailto:Minister.HumanServices@saugov.sa.gov.au)

Submission NO 30

MHS 99HE/1397

16 June 1999

Mr Gary Fenlon MLA  
Chair  
Legal, Constitutional and Administrative Review Committee  
Legislative Assembly of Queensland  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Fenlon

Thank you for your letter of 5 May 1999 inviting the South Australian Department of Human Services to respond to the Queensland Government's Inquiry into the Transplantation and Anatomy Amendment Bill 1998.

As you are aware, organ donation rates in South Australia have significantly improved over past years. Much of this success has been due to the establishment of the South Australian Organ Donation Agency (SAODA) which was formed in 1996 and is part of the Department of Human Services. SAODA has a 'shop front' office in the Central Business District of Adelaide. The office is deliberately not incorporated into a hospital as families are often reluctant to return to the hospital in which their relative has died.

Donor families are encouraged to call into the office at any time and South Australians are welcome to access information on organ donation. SAODA has also made available multi-lingual counsellors at no cost to relatives. These counsellors have university qualifications in bereavement counselling. Further supports available to donor families include:

- organising for family members to view the body after donation;
- follow-up phone calls the day after donation and one to two weeks later;
- sending out a bereavement package and following this up with a phone call;
- a support group called GIFT (given in faith and trust);
- a Loss and Grief Workshop for donor families;
- follow-up support provided as much as is required; and
- a yearly thanksgiving service and dinner.

- 2 -

As you would be aware, Australians Donate was established in 1998 to raise organ donation rates throughout Australia. The principal task faced by Australians Donate is to remove the remaining impediments to the achievement of the maximum potential rates of organ and tissue donation, regardless of location. At the same time, it does not lose sight of the emotion, stress and personal loss from which the life-giving act of donation emerges.

It is understood that SAODA and Australians Donate, while applauding the efforts of the Queensland government to lift organ donation rates, feel that the proposed legislation is not entirely appropriate. They believe there is a lack of informed consent in ticking a box on a driver's licence application while a person is standing in a motor registration office.

I have highlighted SAODA and Australians Donate as excellent examples of measures that can be taken to lift donation rates without resorting to legally enforcing uninformed decision-making. I understand that you have had discussions with these agencies and you are aware of the progress being made, especially in South Australia. I suggest that the Committee look at similar ways of raising organ donation rates in Queensland.

If the Committee decides on enshrining people's wishes to become an organ donor upon their death in legislation, South Australia has legislation that allows people's wishes to become legally enforceable. Under the *Consent to Medical Treatment and Palliative Care Act 1995*, people can make end-of-life decisions that are legally enforceable by way of an Advance Directive. Individuals can state their desire to be an organ donor in their Advance Directive which can be drawn up at any time during a person's life. If you want further information on Advance Directives in South Australia, I suggest you contact Ms Deirdre Parsons within the SA Department of Human Services on (08) 8226 6471.

I trust that this information is of value to the Committee and I thank you for the opportunity to comment on the Transplantation and Anatomy Amendment Bill 1998. I wish you well in your deliberations.

Yours sincerely



**HON DEAN BROWN MP**  
Minister for Human Services