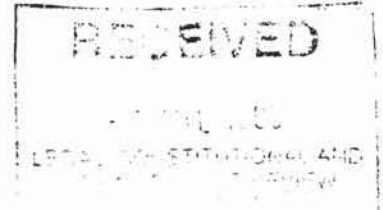


The Hon Dr Michael Wooldridge
Minister for Health and Aged Care

Mr G. 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 concerning an inquiry into the Transplantation and Anatomy Amendment Bill 1998.

I welcome the opportunity to comment on the proposed amendment to the Queensland Transplantation and Anatomy Act, which I understand is intended to give legal status to the endorsement on a driver's license that that person has consented to be an organ donor.

The Commonwealth supports any action that will bring about a sustainable increase in the Australian organ donation rate. To the extent that the proposed amendment reduces legal ambiguity, it is supported. However, there is an implication in the second reading speech that action is required to prevent relatives of the deceased revoking the wishes of the donor when there is no evidence that there has been a change of mind. While current legislation enables the harvesting of organs where the intent to donate is clear, accepted practice is ultimately to accede to the wishes of the family. While this practice may sometimes result in the loss of organs for transplantation, experience has shown that where the families' wishes have been overruled, the resultant emotion and publicity has adversely affected the organ donation rate out of all proportion to the short term benefit.

I understand that the practice of accepting the families' wishes has the support of most of the professionals involved in organ donation and transplantation as well as the peak body, Australians Donate. I assume the Queensland Act, in common with similar legislation in other States and Territories, does not oblige the harvesting of organs where consent has been established, but rather provides an opportunity for donation, subject to the particular circumstances of each case. I think it is important that this principle be retained in the Queensland Act.

Yours sincerely

Dr Michael Wooldridge