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REVIEW OF ORGAN AND TISSUE DONATION 2 PROCEDURES SELECT COMMITTEE

Terms of Reference

The Select Committee is required to investigate and report on the following issues:

1(a) Given the relatively low organ and tissue donation rates in Queensland, should a system of presumed consent or 'opt-out' for organ and tissue donation be introduced in Queensland?

No, there should not be an 'opt-out' system for organ and tissue donation in Queensland.

What the Queensland Government could do to improve organ and tissue donation rates is to allow the National Reform Package a chance to work before introducing a major policy shift of its own.

An opt-out system will only heighten the existing and often unreasonable fear of organ donation. When people see a state decree that they will be donating organs upon their death, I believe there will be a negative backlash. Civil libertarians will launch law suits and generally there will be more confusion by trying to overhaul the system in this way.

To have one state going it alone detracts from a national, collaborative approach and will only add to the existing confusion about organ donation policy. Will the legislation only refer to Queensland residents whilst actually in the State of Queensland? What if they are interstate on holidays when they meet their untimely demise, will local state laws apply?

By determining that everyone will be an organ donor and then giving them the choice to opt out is a fairly heavy handed approach to a very sensitive and personal issue.

The Australian Government introduced the 'consent register' in July 2005 with a mail out of the new registration form to every Australian household. Unfortunately there was virtually no media/education campaign specifically designed to support and explain the changes. Unfortunately the legislation never really strengthened the individual's case for donating organs because families were always given the opportunity to overturn their loved one's wishes. There needs to be a genuine protection of an individual's choice to be an organ donor, whether or not they have discussed it with their family or friends. There are few things more disrespectful than denying a loved one their legal and heartfelt wishes upon their death.

I believe it would be a waste of time and resources trying to progress 'presumed consent'. The only benefit that could come out of it is that organ donation will gain media attention, notwithstanding that much of this may be negative attention.

1(b) If so,

- should presumed consent for removal of organs and tissue:

- (i) be absolute, or should further recourse be required to the wishes of relatives and/or legal guardians in this decision?

If you are going to have a system where informed consent has been obtained by a living person, then there should be no recourse to the wishes of relatives and/or legal guardians. It should be first person consent.

- (ii) apply to all persons, specifically considering the age, decision making capacity, cultural and religious beliefs of the person? If not, what exemptions and safeguards should apply?

This is where it will get extremely murky if you try and make exemptions. If you're going to apply this law, then apply it to everyone aged 18 and over, and then encourage those with known donation-averse cultural/religious beliefs to sign on to opt out.

- (iii) allow these organs and tissue to be used for other purposes such as research?

No. These organs and tissue are only to be used for transplantation purposes.

- what mechanisms should be put in place to enable persons to explicitly register their objection to their organs and tissue being removed?

The mechanism currently in place is the Australian Organ Donor Register which records objections to organ and tissue donation.

- what would be the implications, including financial implications, of introducing a system of presumed consent for organ and tissue donation on the operation of all existing legislative, administrative and governance frameworks, including in other jurisdictions?

The implications for legislative change are enormous and the battle to get public support for 'opt out' far outweighs the effort required to increase numbers on the current Australian Organ Donor Register. The amount of time and money it would take to get these changes through, if they were ever to get through, would be better spent on improving the current infrastructure in hospitals, educating and actively encouraging the community to sign on to the organ donor register.

- what, if any, other matters should be considered in the regulation of this issue?

2. In addition to the issue of presumed consent for removal of organs and tissue, are there any additional options that should also be considered to increase public awareness of and improve the organ and tissue donation rate in Queensland?

There are numerous options for increasing public awareness of organ and tissue donation.

Obviously government sponsored, regular, year-round TV, radio and print media campaigns would help raise awareness. Not just focussing on the recipients who have embraced their second chance in life, but also the donor families and how they turned a tragedy into a life saving legacy and how their decision to donate has impacted on their lives. Let them be the myth busters of organ donation.

Focus on the reported 90% who support organ donation, most of whom are yet to actually sign on to the register. Clear up the confusion about driver's licences being enough for recording one's wishes.

Remind the community that they can register their objection to organ donation. Let's make the organ donor register truly reflective of the community's attitude to organ donation and get as many people signed on (in the affirmative or negative) as possible.

Add a question about organ donation in the National Census form to get strong statistical data about community attitudes. Make the question of organ donation mandatory in order to receive a Medicare Card.

Make organ donation a subject in a national education curriculum, create courses for a career in organ donation awareness/organ donation coordination and ensure they are readily accessible.

Cadaveric donation opportunities need to be maximised so as to reduce the need for living kidney donations.

Public awareness is so important. Just about everyone knows what an IPOD is. Do they also know it is the perfect acronym for what this is all about? Informed Potential Organ Donor. For every IPOD sold, perhaps there should be an accompanying Organ Donation Registration form 😊.

Life's calling, be an organ donor.

Nick Farley