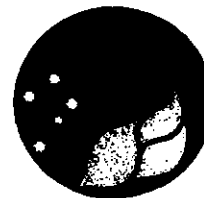


Lutheran Church of Australia

Queensland District



Pastor Timothy R Jaensch
President

15th August 2008

Ms Sue Cawcutt
Research Officer
Review of Organ and Tissue Donation Procedures Select Committee
Parliament House
Corner George and Alice Streets
BRISBANE QLD 4000

Dear Ms Cawcutt,

**Re: Submission to the Review of Organ and Tissue Donation Procedures
Select Committee**

Thank you for the opportunity to provide this written submission to the Review of Organ and Tissue Donation Procedures Select Committee. I trust that the following comments are helpful to the Select Committee's deliberations.

The *Issues Paper (July 2008)* and other readily-available documentation indicates that there is a widespread view that organ donation is a valuable life-supporting practice. The Lutheran Church holds the view that organ and tissue donation (for example, blood donation for transfusions, skin transplants for burn victims, cornea donation for the sight-impaired) can be called good medicine, and, as such, holds that the specific donation is a mask of God whereby He is at work for the good of people. The Lutheran Church also holds that organ and tissue donation as a life-supporting practice can also represent a wonderful gift of self, a selfless and self-sacrificial action which aligns with what Christianity calls the second great commandment, namely, to love one's neighbour as oneself.

This does not mean, however, that the Lutheran Church gives unqualified agreement to the practice of organ and tissue donation, particularly in regard to any proposal for a presumed consent ('Opt-out') system of organ donation. The Lutheran Church has significant concerns about any Opt-out system, and endorses rather the Opt-in practice for the reasons that follow.

A chief concern regarding the Opt-out approach relates to its impacts on the concept of 'donation' and the nature of love. Donation and love are intertwined and are in themselves something selflessly and freely given and not matters to be presumed and/or coerced. The Lutheran Church, along with the other mainline Christian denominations, holds that the concept of 'donation', a concept premised upon both love and consent, must reflect the sense of 'freely-given' if it is to be practised truly, meaningfully and joyfully. If the state were to adopt an Opt-out system for organ donation, in which the wishes of the majority are not sought or known and organs are basically removed as a matter of course, then one cannot genuinely and honestly speak of organ *donation* any longer. While strictly-speaking we could say that next-of-kin cannot give real consent either, practically-speaking, next-of-kin, having personal knowledge of the deceased person, are better-placed than the state to give any required consent by proxy and thus to maintain something of the true sense of donation.

A related concern is the difficulty of a legislated Opt-out system to avoid the tendency of teaching people that they are mere commodities to whose bodily parts the state and/or organ-recipients have an expected right when death comes. Such a tendency is dehumanising and it negates altruistic concern for one's fellow-citizens. It also has the potential to discourage people from donating organs or, as next-of-kin, from giving consent for organ donation. The Lutheran Church holds that all people are inherently valuable and deserving of respect, both in life and in death, and must not be considered and treated as if they are mere means to an end. The theological and ethical principles underpinning this concern are too large to reproduce here. Suffice it to say that honourable reason does not justify sanctioning, but rather resists, any deliberate exploitation of a fellow-human being. That an Opt-out system avoids this possibility of exploitation cannot be guaranteed. Accordingly, the Lutheran Church would not look favourably on any proposal for the commercial sale of organs and tissues in any donation program.

Further, because the *Issues Paper* is not clear that it is not addressing the donation of organs and tissues from anencephalic infants and other newborns with lethal problems or from miscarried or aborted infants, I take this opportunity to urge the Select Committee not to recommend such organ and tissue donation. The Lutheran Church would see this as an ignoble commodifying and exploitation of society's most vulnerable ones.

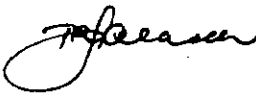
There are other causes for concern (that will likely be addressed in other submissions to the Select Committee in more detail) – matters such as Opt-out systems in other nations not automatically guaranteeing an increase in the number of organs available for donation; that citizens favourable to organ and tissue donation might not register their participation as a protest against what they perceive as authoritarian interference into their privacy; and, that the Brain Death criteria appears not to be fool-proof (as revealed in a University of Bonn study where two out of 113 stringent 'end of life' diagnoses were reversed because the patients recovered). These matters ought to give one pause for thought.

The Lutheran Church also is sensitive to questions relating to distributive justice – in sum, just what the organ recipient priority listing should be in an era of limited medical resources. This area of the discussion will no doubt remain a contentious one in deciding how best for society organ and tissue donation programs should proceed. As a 'bottom line', the Lutheran Church could not support a system which was manipulative and discriminatory, or which ignored the likely positive impacts of the tremendous amount of medical research and advances in the fields, for example, of drug development, bio-engineering, and nano-engineering.

Given these thoughts, on behalf of the Lutheran Church of Australia, Queensland District, with respect I submit that the Select Committee ought not recommend a presumed consent system of organ and tissue donation, but rather continue to educate people in a way that encourages their participation in an Opt-in system.

Once again, thank you for the opportunity to submit comment on this vital social issue.

Yours sincerely,



Pastor Tim Jaensch
President, LCA-Qld District