



Speech by

LINDA LAVARCH

STATE MEMBER FOR KURWONGBAH

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TRANSPLANTATION AND ANATOMY AMENDMENT BILL

Mrs LAVARCH (Kurwongbah—ALP) (9.07 p.m.): I express my in-principle agreement with the objective of the Transplantation and Anatomy Amendment Bill, which is to increase the donation rate of organs in the State of Queensland. If we look at Hansard of 14 April and 28 April this year, when this legislation was previously debated, we see that the issue of organ donation has been fully canvassed. I concur with the thrust of the sentiments expressed in that debate. From reading through that Hansard one can see that this has been a very sensitive debate, handled by both sides in a very constructive manner.

The issue that members on this side of the House have with this Bill is not what it seeks to achieve—I think everyone in the House is in agreement over what it seeks to achieve—but how it goes about achieving its objectives. This was also the concern of the Opposition on 28 April when the Bill was referred to the Legal, Constitutional and Administrative Review Committee. That referral was a unanimous resolution of the House. Since that time LCARC has fully considered the Bill and has reported back to the House.

Both the chair of that committee, the member for Greenslopes, and the deputy chair, the member for Burleigh, have spoken to the report and to this Bill. I am not a member of LCARC. However, I want to commend the committee members for the work that they did on that report. I concur with them that this was an excellent report that canvassed the whole issue, took public submissions and provided a comprehensive update of the state of organ donations around Australia. They also made overseas comparisons. The report was extremely sensitive to this issue. I believe that its recommendations deliver exactly what we in this House have sought.

I want to refer to the report and, in particular, to the committee's evaluation of the Bill, because I believe that it goes to the heart of this debate. I shall read from page 18 of the report, paragraph 4.1, which states—

"Clearly, organ donation and transplantation raises not only legal and medical considerations, but also important ethical, social, and cultural issues.

As the background discussion in this report highlights, at the core of organ donation are two (competing) principles. Organs and tissue from deceased persons can, in suitable cases, be used to save lives and enhance the well-being of others.

However, there is also a need to respect individual autonomy and ensure some form of consent on the part of the deceased donor regarding the removal and use of their organs and tissue. These interests might therefore be broadly put as the recipient's and the wider community interest on the one hand, and the donor's (and their family's) interest on the other."

They then go on to say—

"These broad competing interests must be considered in the context of Australia's multi-cultural society which brings with it diverse religious, ethical and moral beliefs. These factors influence the individual and the community perception and acceptance of organ donation."

They also state—

"In addition, regard must be given to the ethical considerations of the medical profession involved in organ donation and transplantation.

The committee is concerned that its response to the bill is informed by, and sensitive to, the many interests at stake."

That is, I believe, the very same concern as members in this Chamber should have when debating this Bill and promoting the objective of increasing the rate of organ donation in Australia.

It surprises me that debate on this Bill is proceeding, because I believed that, once the LCARC report came out, together with its comprehensive recommendations, all members would accept those aspirational recommendations. The intention is not to increase the rate of organ donation by enforcement. This is the aspect on which the members of LCARC have taken issue with the objectives of this Bill, as have members on this side of the House.

I know that the member for Thuringowa is very genuine and committed to this issue. But with all due respect, I find it disappointing that he is proceeding with this Bill. Having heard the member for Burleigh, I also find it disappointing that the Opposition seeks to take the Bill past the second-reading stage and on to the Committee stage. Although I have not seen the proposed amendments, I am not confident that the recommendations contained in the report should or can in any way be included in legislation.

The member for Burleigh has just given me a summary of the recommendations. I have read the recommendations in the report. I was speaking more about the proposed amendments.

Mrs Edmond: The first recommendation is to oppose the Bill in its present form. How you could support the Bill and then bring in a recommendation that opposes the Bill is a little bit beyond me.

Mrs LAVARCH: I concur with the Minister's sentiments. It seems to be out of sync with what the Opposition debated on 14 and 28 April and what all members of LCARC recommended in their report.

This is a matter that involves trust. We have all agreed that this involves a process of education and cultural change for this country. It is a process whereby we have to be sensitive to all interested persons. I know that members on both sides of the House have strong feelings about this issue—whether it be someone who is waiting to receive an organ or whether it be the next of kin of someone who has died tragically and who is being asked to donate a loved one's organs.

I want to revisit what the member for Thuringowa said in his reply to the debate on the amendment on 28 April. He said that he supported the motion to refer the Bill to LCARC for consideration and that he put his full trust in all members of the 49th Parliament to put their concerted efforts into funding a suitable working system that eliminates the problems currently experienced in the donation and acquisition of body organs and tissue. The member then went on to say that he is seeking a suitable working system that improves the incidence of donation of body organs and tissue. He also said that his aspiration is to have a world-class system.

I believe that, through the recommendations of LCARC, together with the work that has already been done by Queensland Health and national bodies in respect of organ donation, we will achieve not only a suitable working system but an excellent working system that will improve the incidence of organ donation. The member for Thuringowa should place his trust in all the work that is being done and all the work that is aspired to, because I believe that we will have the necessary tools to build that world-class model.

Recommendations 4 and 6 of the LCARC report highlight the committee's desire to have some of these issues addressed at a national level. I am a member of the Health Minister's backbench legislative committee. I was pleased to hear from the Minister that, at the most recent Health Ministers Council meeting on 4 August, there was a discussion and agreement about organ donations and Australians Donate. I wish to inform all members of the result of those discussions between all Health Ministers from the States and Territories of Australia and the Commonwealth Health Minister in this regard.

The Ministers agreed to a nationally based accessible information system— accessible to organ donation professionals— which identifies on their driver's licences persons willing to be organ donors and to support the recording of donor status information on driver's licences in all States and Territories. Secondly, they agreed to request Transport Ministers to support the central recording of information on organ donor status on NEVDIS, the National Electronic Vehicle Information System database. Thirdly, they agreed to request that Australians Donate work with individual Transport Ministers and the Australian Transport Council to achieve a national donor database which is accessible on a 24-hour basis.

As honourable members can see, since this Bill was last debated in the House there have been advances at the State level and at the national level. I urge the member for Thuringowa to endorse the LCARC report. Let us all work together for the benefit of all and not have a very legalistic, prescriptive approach to organ donation. I believe that the passage of the Bill would be counter productive because if we become too descriptive and enforce organ donation there will be a negative reaction and the cause will go backwards.

I believe that to achieve the Bill's objectives we need these aspirational measures. We need to trust that the matters already in place will continue to be addressed. We need to trust that the recommendations made by LCARC will be taken up and furthered with the objective of increasing organ donations.

I urge all members not to support this Bill—not because of its sentiment, but because I do not believe that it will achieve what we, as a Legislative Assembly, are seeking to do.
