



Speech by  
**Mrs NITA  
CUNNINGHAM**

**MEMBER FOR BUNDABERG**

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Hansard 14 April 1999

**TRANSPLANTATION AND ANATOMY AMENDMENT BILL**

**Mrs NITA CUNNINGHAM** (Bundaberg) (10.46 p.m.): I have no objection to the amendment. However, I would like to voice my concerns about the Bill before the House. I understand and appreciate the valuable work that is being done with transplants and know of the many people who would not be alive today without the second chance that they were given by someone who was not so fortunate, together with the generous support of their families and the medical technology that has made it all possible. I acknowledge that if this work is to continue then there is indeed an urgent need for more organ donors.

It is quite incredible to read in the research bulletin on this Transplantation and Anatomy Amendment Bill that, in the eight years ended 31 December 1997 there were only 1,831 organ donors in Australia—just 11.5 donors per million of the population over that period. So there is certainly a need to better promote the donor program throughout Australia in order to meet the needs of the community in the years to come. However, this Bill will not achieve this. It is intended only to give legal effect to the marking of the space for organ donors on Queensland drivers' licences and to authorise the removal of a Queensland person's organs for transplant purposes simply from that marking on their driver's licence without the consent of the next of kin and without the need to even consult with them—the very same system that has not worked overseas.

Currently, the standard practice in hospitals in Queensland is that the next of kin is consulted and if they refuse consent then the retrieval does not proceed. I believe that this is common decency—to give families the right to say no if, for any reason whatsoever, such action is going to have an additional traumatic effect on those families who would already be in shock, particularly in relation to young children. The problem that I see is that circumstances change, people change, their ideas change, their wishes change, and it is quite alarming to me to envisage a situation in which, because of a mark on a driver's licence—which the driver could well have forgotten about or, worse still, could have been placed there by mistake—a body could be taken against the wishes of the next of kin.

I was further concerned to read that in 1995, the predominant cause of death of Australian donors was stroke in 47% of the cases and road trauma in 29%. So that means that almost 76% of donors would have died suddenly; their lives were cut short without any warning, without any time to consult anyone and without any time to consider the feelings of those left behind so abruptly.

I have spoken with medical practitioners, the doctors who have the awesome task of notifying the next of kin of the death and then, in these cases, having to advise them of the person's indication that they wish to donate their organs. Unfortunately, they then have the sad task of having to treat those families who are unable to cope with the extra trauma.

The doctors I have spoken to do not want this legislation. In fact, they fear that this legislation would place them in the much worse position of virtually having to take the body away from the relatives in order to get the donor to surgery. I am sure that members on both sides of the House can appreciate just how traumatic that would be for the doctors, the hospital staff and the families if this were being done against their wishes. This is surely not the answer to increasing donors in Queensland. In fact, it could well have the opposite effect.

I quote from the Transplantation and Anatomy Amendment Bill Research Bulletin where it states—

"There is the converse risk that if organs were retrieved against the wishes of relatives the unfavourable publicity this would generate could have a long-term detrimental effect on donation rates as people became disillusioned with the organ donation system."

When we look at some of the research that has been done in other countries we see that the American Society of Transplant Physicians has conducted investigations to determine the impact of comprehensive State legislation that requires acute care hospitals to notify the State's organ procurement organisation about all patient deaths. It is then up to the organisation to determine suitability and up to the relevant hospitals to proceed with transplants where consent has been given.

Those investigations found that legislation resulted in a 58% increase in referrals of medically suitable potential donors, a 40% increase in organ donations and a 49% increase in transplants. That study concluded that "well designed legislation" combined with proper implementation increased the number of organs donated and increased the number transplanted.

Another American study which was undertaken by the John Hopkins University also looked at the effectiveness of increasing organ donations through the introduction of in-house coordinators at hospitals and routine notification of all deaths in hospitals—a systematic approach similar to the one our Queensland Minister has outlined. What that university study found was that organ donations increased by 387% overall in the 25 hospitals involved in the research and the number of organs actually obtained for transplanting increased by 449%. That study also concluded that in-house coordinators, by identifying potential donors and facilitating an organ donor awareness program, can increase the number of organ donors. This is clearly a better option for Queensland.

I feel sure that this Bill was introduced by the member for Thuringowa with the very best of intentions to address the chronic shortage of donors, but I do not believe it is the answer. On a personal note, I have my own driver's licence marked with my consent to being a donor but I have always stipulated to my family that, when that time comes, if it adds to their grief in any way I do not want it to proceed. If this proposed legislation is adopted my family will have lost their right to carry out my wishes.

I urge members to vote against this Bill and to support the Government's positive proposal to improve the coordination service for organ/tissue donations in Queensland. We certainly need to better promote organ transplantation to potential donors and to their families. We need to formulate a program to educate people on how and when this procedure takes place, why the program is so very valuable to the community and to the transplant recipient and why it can be beneficial in assisting families to cope with the grieving process.

But as I said earlier, the system promoted by this Bill has not worked in other countries. The thought that just by a mark on a licence the bodies of Queenslanders could be taken by the State against the wishes of the next of kin is alarming to me, and I believe it would be alarming to most Queenslanders. As was recorded in the research documents, the system identified in this private member's Bill could well have a detrimental effect on organ donation rates in Queensland. As the Minister has so rightly stated, the decision to donate organs and the approval of the next of kin must be done willingly.

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