



Speech by

SHAUN NELSON

MEMBER FOR TABLELANDS

Hansard 28 April 1999

TRANSPLANTATION AND ANATOMY AMENDMENT BILL

Mr NELSON (Tablelands—IND) (8.30 p.m.): Tonight I will keep my contribution brief. I am a little alarmed at the amazing rate at which the speaking list to this Bill dried up. I have some concerns and reservations, which I will refer to later tonight. I had written down a list of points to address. However, I will cut those short.

A point made in some of speeches of members from this side of the House concerned the ability of in-laws and family to make a decision for 17 and 18-year-olds who are getting their licence. A 17 or 18-year-old who obtains their driver's licence in a sober state of mind and body and who is of sound mental health should be able to make the important decision about where their organs will go in the future. We all remember what it is like to be that age. Some children may not accept the decision of their parents as a guiding light for the rest of their life. As a young person, I certainly go against some of the judgments of my parents on a lot of occasions. I am certain that a lot of other members of the House would be the same.

The inference that can be drawn is that a person who obtains their licence would not know what they are doing or would not be able to make a firm judgment about whether they want their organs donated. That is absolutely ludicrous. A driver's licence is a legal document. It is sufficient proof of identity to obtain a passport. It is an important piece of documentation that should be carried with us at all times so that it can be presented to police officers if we are pulled over. Therefore, it is important that the parts of the Bill that the member for Thuringowa put forward dealing with that matter should be accepted and passed.

On another point—I am a little concerned at the delay caused by sending this Bill to another committee. Let us face it, the Parliamentary Counsel drafted it. It is legal. I do not see the massive need for change that other people see. As I said, a driver's licence is sufficient proof of identity in respect of other matters. It should be sufficient for us to have this indication on our licence: "I want my organs donated." People obtaining a driver's licence are of a legal age and should be allowed to make that decision. It is as simple as that.

Even though I know we might be berated for it, sometimes the simplest answers are the best. One of the principles by which I have led my life is: keep it simple, stupid—the KISS principle.

An honourable member: You should be an expert on that.

Mr NELSON: I am no brain surgeon, but I can tell the honourable member that keeping it simple keeps us out of trouble and sometimes it is the best policy. Any massive changes or redrafting of the Bill will cause delay. That delay will mean one thing: more people will die in the intervening period. I could not live with that on my conscience. I could not rightfully say that, for the simple fact of having the Bill redrafted so that somebody else can claim credit for it, I could summarily sentence people to death. Members opposite bridle at the thought of the death penalty. However, by adding further delays to the system and by making some outlandish comments such as, "The Department of Health was already looking at it", all that does is commit a few more people to die in the intervening period. That is all the Government has done.

This Bill is good and just and I believe that it should have been passed by the House. After hearing some of the rhetoric from members on both sides of the House, I honestly believed that it

would be passed. Rightly or wrongly, at least the amendment to send this Bill to a committee did not kill off this Bill. That is fair enough. I hope that the committee looks at it seriously and does not try to change the heart of the Bill and does only what it says it was going to do, which was tidy up the edges and make sure that it is all legal, even though I firmly believe that it is.

Most of us hold a driver's licence. Those who do not should put up their hands; I will lecture them on what it is all about. The whole point is that a driver's licence is a legal document. The applicant, in a sober state of mind, passes a test and then indicates, "Yes, I want my organs donated." Who has the right to say that that is not proper? I conducted a small poll. I do not have all of the results with me at the moment, but some 99% of the people I asked thought that it was legal and binding when they ticked the box.

Mr Lucas: Anecdotal.

Mr NELSON: Many of the people I spoke to said, "Isn't it legally binding?" I said, "No, apparently it isn't." I must confess my ignorance. When I ticked the box, I thought that it was legally binding. I thought that I had expressed my will. Is the community in general a bit ignorant of the laws of this State? Should we go along with what people thought in the first place? I do not think that we would be upsetting too many people if we did. Most of the people to whom I spoke—and I am sure that the honourable member would find the same thing in Lytton—said that they thought it was binding. They did not know that it was not binding. I know that ignorance is no excuse in the eyes of the law. However, in all sincerity—

Mr Lucas: We will make an exception in your case.

Mr NELSON: Fair enough. I am no lawyer or accountant and I am not about to say that I am. However, I feel that this Bill truly had the potential to legislate in respect of something that people already believed to be true. I certainly would have given it my full support if it had gone through all stages. I hope that the committee takes into account that the Bill is drafted in a sincere attempt to make a particular change in the community. Let us face it, everyone has their own beliefs. However, when we are dead, we are dead. Our organs will not do us any good in whichever other world we think we are going to. Regardless of whether one is a Christian, a Muslim or a Buddhist, those organs will not do us any good. We should leave them here where they can help people. Our driver's licence is a legal document. Let us use it to its full potential. I do not see any problem with that, and neither do most of the tablelanders to whom I speak.
