

When we think about the laws governing how human tissue is obtained and used, what are good aims or objectives for these laws? 0



Australian Law Reform Commission- Organ and Tissue Donation Law Reform Proposal

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MR Louis Hehir Founder
Resilience Rising



Dear commissioners,

My name is Louis Hehir, and I am the founder of an advocacy organisation called Resilience Rising. I believe that with our motto of inspiring through adversity, we have a moral obligation to write to you with our reform proposal. I am also a two-time kidney transplant recipient who has advocated for change over many years. Below is our reform proposal, and we believe that without these changes Australia will continue to have low consent rates and continue to have low donation rates. Thank you for looking into this, and I hope you will consider our position.

Regards,

Mr Louis Hehir Founder

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This essay aims to critically analyse the necessary reforms to Australia's organ and tissue donation laws and propose adequate aims and objectives for their implementation. This discourse asserts that Australia should transition to an opt-out or presumed consent model to enhance both donation numbers and consent rates. The essay will explore several key areas: the ethical and legal implications of adopting a presumed consent model, often referred to as the opt-out model, as well as the associated benefits and challenges when compared to the existing opt-in model. The argument will be presented that, considering Australia's medical framework operates within a culture of third-party consent when individuals are unable to advocate for themselves, a reevaluation of this practice is warranted. The essay will investigate whether Australia should be dependent. This will include a detailed exploration of the role that public education initiatives, community advocates, and heightened awareness play in enhancing organ donation rates.

Firstly, this essay will delve into the legal ramifications of instituting a presumed consent model. The potential benefits and challenges associated with this system will be critically examined in comparison to the current opt-in model. Concerns regarding the ethical implications of an opt-out policy often centre on the absence of explicit consent. Additionally, fears regarding the impact of a presumed consent model on public trust have been articulated. To address these concerns, it is proposed to initiate comprehensive public education campaigns, modeled after strategies employed in the UK, while retaining the existing system of third-party consent, which would create what is referred to as a soft opt-out system.

Secondly, we will analyze the ethical implications of an opt out model. Dr Cathy Quinlan, in her support of the opt-out model during a 2017 interview with ABC, noted, "As somebody busy, I have four kids and a very busy job, and even though the process to sign up to be on the donor registry is straightforward, quick and easy, I think a lot of people just don't get the time to do it." However, challenges associated with the effectiveness of this model must also be acknowledged. Dr Helen Opdam from the Australian Organ and Tissue Authority indicated in an ABC interview that "Greece, for example, has an opt-out system and has a very low donation and consent rate, so it's not a simple solution." In conclusion, while ethical considerations surrounding a hard opt-out model exist, these concerns may be alleviated by maintaining the option for third-party consent, particularly given the procedural simplification afforded by this framework. In conclusion, we recognise that there are ethical concerns relating to the opt-out policy; however, we believe that by retaining the third-party consent model, these will be eliminated. We also believe that this model has considerable benefits and implore the commission to recommend this policy to the Government.

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Last, an analysis of the critical role of public education programs, community advocates, and strategies for raising awareness in improving organ donation rates will be investigated.

Currently the Organ and Tissue Authority and Donatelife put all their faith in Donatelife week. Every year our social media pages and TVs are flooded with success stories of those who have received the gift of life and we hear stories of those still waiting as well as stories from donor families. However, there are a number of issues with this approach, the main one being it doesn't actually increase consent rates as it doesn't educate the community about the process of organ and tissue donation. One alternative approach would be to when the Australian Transplant Games are on make Donatelife week the same week as the games allowing more coverage of Australian Transplant games in mainstream media. Another way we can raise awareness of improving organ donation rates is to introduce a national education program that talks about the process of organ and tissue donation and makes clear how important it is to talk to your next of kin. Zaidee's Rainbow Foundation already talks to schools about organ and tissue donation and has education programs ready to go. These programs would be run by community advocates with lived experience as nothing speaks to people like lived experience. This approach would ensure that any reforms focus on the critical role that these programs and strategies have in increasing organ and tissue donation rates.

In conclusion, the ALRC should recommend that Australia implement a presumed consent (opt-out) policy for organ and tissue donation. This recommendation is supported by international evidence, as well as ethical and legal considerations surrounding the issue. Furthermore, there must be no alterations to the third-party consent model, as the current legal protections are insufficient. Finally, the next Governor-General should be advised that any proposed changes must incorporate public education initiatives led by community advocates, along with measures to enhance organ donation rates and address the ongoing shortage in organ availability.