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The Transplantation Society of Australia and New Zealand

TSANZ Submission to the ALRC Review of Human Tissue Laws – Issues Paper Transplantation Society of Australia and New Zealand (TSANZ) July 2025

The Transplantation Society of Australia and New Zealand (TSANZ) welcomes the opportunity to respond to the Australian Law Reform Commission's (ALRC) Issues Paper as part of the Review of Human Tissue Laws.

As the peak professional body representing clinicians, researchers, scientists and allied health professionals involved in all aspects of organ donation and transplantation, the TSANZ supports equity of access to transplantation and seeks to maximise opportunity for transplantation and strongly supports the ALRC's aim to ensure that legislative frameworks are contemporary, ethically robust, aligned with clinical best practice and enables innovation in the future.

In preparing this submission, we have drawn on the input and expertise of our organ-specific advisory committees and working groups. We broadly endorse the content and direction of the following committee submissions, which we commend to the ALRC for detailed consideration:

- Cardiac Transplant Advisory Committee (CTAC)
- Kidney Machine Perfusion Working Group
- Liver and Intestinal Transplant Advisory Committee (LITAC)
- Lung Transplant Advisory Committee (LTAC)
- Paediatric Transplant Advisory Committee (PTAC)

Together, these submissions reflect both a commitment to ethical innovation and a recognition of the complexities introduced by evolving clinical technologies and practices, including donation after circulatory determination of death (DCD), ante-mortem interventions, and the introduction of organ preservation technologies such as abdominal normothermic regional perfusion (A-NRP) and hypothermic oxygenated machine perfusion.

Key Shared Themes Across TSANZ Submissions:

1. Support for reforms that increase access to donation and transplantation:

TSANZ supports changes to human tissue legislation that enhance opportunities for deceased organ donation and improve organ viability and transplant outcomes. This includes clarifying the legal permissibility of appropriate information sharing and ante-mortem testing and interventions to optimise donation, conducted with appropriate safeguards and consent processes.



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2. Consistency across jurisdictions:

TSANZ supports harmonisation of human tissue and other relevant legislation across states and territories, to reduce variations in clinical practice and legal interpretation, and to support the states in working together to provide a national organ retrieval and transplantation program. Review of the state privacy laws such that data sharing between jurisdictions can be facilitated is a key safety measure.

3. Support for Strengthened Laws on Organ Trafficking and Transplant Tourism:

There is a commitment by the TSANZ to the ethical principles outlined in the Declaration of Istanbul and the Society would support strengthening of laws relating to organ trafficking and transplant tourism.

4. Importance of program-specific planning and consultation:

The introduction of new technologies (e.g. A-NRP) has demonstrated benefit for abdominal organs but may present risks to other programs—particularly lung and heart transplant pathways that rely heavily on DCD donors. We urge that any legislative change be accompanied by careful implementation planning, including consultation with all affected clinical programs to avoid unintended negative impacts on current successful practices.

5. Preservation of public trust:

Changes to legislative language and clinical practices must be underpinned by transparent communication to ensure continued public trust and confidence in the organ donation system. Trust is essential to donor family consent, clinician participation, and the sustainability of the national donation and transplantation system.

In response to the questions in the Issues Paper:

Question 3

An extension of aim of increasing the amount of tissue available for transplantation is that the quality of that tissue also be optimised (for example, by using NRP).

Question 4

The importance of laws that are well designed, effective and harmonised between the states.

Question 5 and 6

The distinction between tissue donated for transplantation as separate from tissue for research is outdated as a concept. It is very important that it be recognised that ethical and appropriately supervised research can (and should) be done on tissues used for transplantation to determine ways of improving viability (reducing discard) and optimising outcomes. For example, the testing of new therapeutic agents. They may work best of all if given to a donor – after brain



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death, before or after withdrawal of life sustaining therapy for a DCD donor. The most rigorous testing methodology is a randomised placebo controlled double blinded trial or testing of different doses of a therapy. The therapy could also be tested on organs ex vivo using perfusion machines. These organs would then be transplanted into a recipient. Laws regarding who gives consent and the implications for sharing of anonymised donor information often with a commercial entity such as a pharmaceutical company is complex. There are also implications for the recipients of such organs in terms of collection of data relating to outcomes.

Conclusion:

TSANZ is committed to fostering a donation and transplantation system that is safe, ethical, and future-ready. We support legislative reform that enables innovation while maintaining the highest standards of practice and community trust.

We welcome the ALRC's work and are available for further consultation to support a legislative framework that supports the needs of all transplant programs and the Australians they serve.

Yours sincerely,



Chair
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