

This email is my submission related to the Issues Paper dated 26/5/2025.

I will follow the structure of the Questions that were provided in the Issues Paper.

Please treat this submission as **Public, without my name attached**.

I also anticipate responding to the proposed Discussions paper.

My response to each question is as follows.

Human tissue Issues Paper : Questions

1. What is your personal experience of how human tissue is obtained or used in Australia?

Some 20 years ago my wife died very suddenly from a massive brain haemorrhage and became a donor of multiple major organs and tissue.

As a consequence my experience is in living through the complete process of organ and tissue donation from being approached in the Hospital environment through to harvesting of my wife's organs and subsequent use of the existing system which enables limited contact with a recipient of my wife's organs.

I also joined Donor Families Australia in order to widen my understanding of the Organ and Tissue donation system in Australia, across all states and Territories. I have spoken of my experience at Donate Life Annual Services and regularly attend these events. In this context I have also provided some support to the ACT DonateLife in the development of material for families when they are confronted with a tragedy that leads to organ and tissue donation.

2. What is your personal experience of how human tissue laws work in Australia?

This is outlined in 1 above. In essence I have experienced the system first hand following the donation of my wife's multiple organs and tissue.

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

I support the aims covered in the Issues Paper, question 3.

In particular I think it is very important that the system " makes sure how human tissue is obtained and used is consistent with respect for persons and the human body ". This must include use of qualified surgeons in tissue removal.

I also believe that the laws governing Human Tissue must be harmonised across Australia. Preferably I believe strongly they should be Commonwealth Law that apply across all

jurisdictions. My experience demonstrated to me that organ and tissue transplantation can occur anywhere in Australia, subject only to medical constraints of particular organs and capacity of medical expertise in State or Territory locations.

The current system of State and Territory law for transplantation is completely out of date and a result of history dating back to the 1950/1960 era. Whilst there has been updates in some jurisdictions it seems to me to make no sense to have different legislation in various jurisdictions. Some still have law which provides for potential fines related to transplantation information. This is totally inappropriate for Donor Families.

4. When we think about reforming human tissue laws, what principles should guide reform

I support the principles contained under this question.

I suggest adding “ **respect for Donor Families and Recipients in acknowledging the right to share information within a contemporary context**”

5. Do you agree that the issues set out in the section ‘ Priority reform areas’ should be a focus for our Inquiry? Please tell us about why you think these issues should or should not be a focus.

I support the priority areas.

I have reached this conclusion after also reading the Section which outlines those areas that will not/unlikely to be included.

6. What , if any, other issues should we be focusing on in this Inquiry

I strongly support the two additional focus areas contained in this question.

In particular, I strongly support harmonisation of all Law across all Australian Jurisdictions, and believe the answer lies in using Commonwealth law not individual State and Territory law.

I strongly believe that the law (whether it be State and Territory or Commonwealth) must be updated to provide for contemporary community values. The classic example is the law as it relates to Donor Families owning their loved ones information and giving families the right to speak about specific donation without the threat of breaking the law. The other is the need to update the relationship/ information sharing between Donor families and Recipients to contemporary standards. The risks in not updating these standards will eventually lead to identification errors through use of technology (such as social media) to try matching donors and recipients. My guess is that this already happens.

7. Are there inconsistencies between the HTAs that we have not identified in this Issues Paper that are causing problems and should be a reform focus for us?

There are currently inconsistencies, e.g ACT and SA have made changes in recent years. I have made reference in 6 above to some of the issues to be addressed and also expressed the view that our current legislation is in need of updating to meet contemporary standards. I believe this is crucial to Australia having a modern Human Tissue system. My belief is that this would lead to greater numbers of donations.

8. Do you think it is important that we consider any of the issues in the section ' issues we are unlikely to focus on in this Inquiry/. If so why?

No.

I trust this response might provide some value to the work of the Australian Law Reform Commission

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