



AUSTRALIAN CATHOLIC BISHOPS CONFERENCE



General Secretariat

Bishops Commission for Life, Family and Public Engagement

2 July 2025

The Hon Justice Mordecai Bromberg
President
Australian Law Reform Commission
humantissue@alrc.gov.au

Dr Maeghan Toews
Commissioner
Australian Law Reform Commission

Dear Justice Bromberg and Dr Toews

Review of Human Tissue Laws

This submission from the Australian Catholic Bishops Conference is made to contribute to the Review of Human Tissue Laws (the Review). This submission can be made public.

The Australian Catholic Bishops Conference (the Conference) is a permanent institution of the Catholic Church in Australia and the instrumentality used by the Australian Catholic Bishops to act nationally and address issues of national significance.

The Bishops Commission for Life, Family and Public Engagement (the Commission) is one of several commissions established by the Conference to address important issues both within the Church and in the broader Australian community. The Commission has responsibility for commenting on the regulation of organ and human tissue donation.

One in five Australians identify as Catholic. The Catholic Church and its agencies contribute in various ways across the spectrum of Australian society. As an integral part of its core mission, the Church seeks to assist people to experience the fullness of life. It is concerned with all that impacts on human dignity and wellbeing for the common good. Catholic agencies provide ten per cent of

hospital and aged care services in Australia, including more than 12,000 hospital beds, 25,000 residential aged care beds and more than 7,000 retirement and independent living units.

The Church supports the use of organ and tissue transplants as a way of offering life or improved health to someone in need.¹

This submission will address some questions posed in the Review's issues paper.

Human dignity

Pope Francis recently reaffirmed the importance of human dignity, approving a document which states that "every human person possesses an infinite dignity, inalienably grounded in his or her very being, which prevails in and beyond every circumstance, state, or situation the person may ever encounter. This principle, which is fully recognizable even by reason alone, underlies the primacy of the human person and the protection of human rights."²

This foundational principle must guide all considerations regarding organ and tissue donation. As Pope John Paul II affirmed in his address to the First International Congress of the Society for Organ Sharing:

"... the human body is always a personal body, the body of a person. The body cannot be treated as a merely physical or biological entity, nor can its organs and tissues ever be used as items for sale or exchange. Such a reductive materialist conception would lead to a merely instrumental use of the body, and therefore of the person."³

The Conference strongly supports organ donation as an act of charity and solidarity but also emphasises the need for careful ethical considerations to protect the rights and well-being of both donors and recipients.

¹ Catholic Health Australia (2001), Code of Ethical Standards for Catholic Health and Aged Care Services in Australia. See: <https://cha.org.au/mission/ethics/> . Paragraph 3.14, page 30.

² Dicastery for the Doctrine of the Faith, Declaration "Dignitas infinita" on Human Dignity, 2 April 2024, #1. See: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_dof_doc_20240402_dignitas-infinita_en.html

³ Address of His Holiness John Paul II to Participants of the First International Congress of the Society for Organ Sharing, Thursday, 20 June 1991. #4. See: https://www.vatican.va/content/john-paul-ii/en/speeches/1991/june/documents/hf_jp-ii_spe_19910620_trapianti.html

Aims and objectives for laws relating to human tissue

There are a number of key aims and objectives for the regulation of organ and tissue donation:

- Regulations should facilitate ethical organ and tissue donation to save lives and alleviate suffering while safeguarding the dignity of both donor and recipient.
- Where there is a grieving family, processes should be sensitive to their needs.
- Legislation should protect vulnerable individuals and communities from coercion or undue pressure to donate.
- Transparent processes and ethical standards are essential to maintain societal confidence in organ and tissue donation systems.
- Laws should ensure fair distribution of donated organs and tissues based on medical need and transparent ethical criteria.

Principles for human tissue laws

For living donors, “respect for the integrity of the body requires that organ and tissue donation never destroy a person’s functional integrity.”⁴

Where an organ or tissue is taken after death, there must be certainty that the donor has truly died before procurement begins. The removal of organs or tissue is ethically acceptable if death has been determined by the rigorous application of contemporary criteria for the diagnosis of death.

The Code of Ethical Standards for Catholic Health and Aged Care Services in Australia states that “total and irreversible loss of all brain function, accompanied by an evident cause, is thus a valid medical criterion for death. Pressures to change the way death is determined from the loss of all brain function to the loss of some brain function should be resisted.”⁵

Trade in human body parts should not be allowed as it is disrespectful to the generous donation of a person, who may be living or dead.⁶ The Conference does not support allowing direct or indirect inducements, such as a monetary

⁴ Catholic Health Australia (2001), page 8.

⁵ Catholic Health Australia (2001), paragraphs 5.22-5.23, page 47.

⁶ Catholic Health Australia (2001), paragraph 3.16, page 31.

payment for human gametes or organs and only supports compensation for donors for documented expenses which are directly relevant to the donation.

Allowing inducements would mean treating the human body and hence the person as a mere commodity, undermining the existing social capital in existing systems of donation that depend on altruism and a commitment to the common good, and exploiting the poor who lack alternative ways of earning an income.

Research using tissue obtained from Aboriginal and Torres Strait Islander people that was not identified to an individual still needs to respect their values and the consent of the group should be obtained even if it is not practical to obtain the consent of the individual.

Where a child is involved, “parents or guardians, taking into account a child’s fears and lack of understanding, should never expose their child to a non-therapeutic intervention which carries a significant risk or which the child, if he or she were competent, might refuse on reasonable grounds.”⁷ Donation should generally be limited to regenerative tissues.

All human life is sacred and possesses inherent dignity from the moment of conception to natural death. Consequently, the collection and use of human tissue must never involve or be complicit in acts that intentionally end human life, such as abortion. The Code of Ethical Standards states that “research is never to be undertaken on an embryo or foetus, or on tissue from an embryo or foetus, that has been procured through deliberate abortion. Nor is it ever permissible to produce embryos for research purposes or use embryos discarded from IVF programmes for research purposes. Such research is a grave violation of the human dignity of these embryos.”⁸

There are also grave concerns about organs or tissue donated following euthanasia, particularly directed donations where the person intending to end their life indicates the person to whom they wish to donate an organ.⁹ These donations raise concerns over possible coercion and would change organ

⁷ Catholic Health Australia (2001), paragraph 1.21, Page 18.

⁸ Catholic Health Australia (2001), paragraphs 6.14, page 52.

⁹ CCBI News: Organ Donation After Euthanasia. 23 October 2023. See: <https://www.ccbi-utoronto.ca/2023/10/23/ccbi-news-organ-donation-after-euthanasia-maid-ethical-questions/>

donation programs from serving the greatest clinical need to a personal preference.¹⁰

Conclusion

Organ and tissue donation are important acts of charity and solidarity but must only be carried out under strict regulation which is based on the respect for the human dignity of all parties.

I would be happy to answer any questions the Law Reform Commission may have. I can be contacted via Mr Jeremy Stuparich, Deputy General Secretary at the Conference on [REDACTED] or [REDACTED]

Yours sincerely

Bishop Anthony Percy
Auxiliary Bishop of Sydney
Bishop delegate for life issues

¹⁰ Christine Rousselle, Euthanasia increases organ donations in Canada amid ethical concerns. Catholic News Agency, 7 January 2020. See: <https://www.catholicnewsagency.com/news/43216/euthanasia-increases-organ-donations-in-canada-amid-ethical-concerns>