

Dr Maeghan Toews

Chair Australian Law Reform Committee

Dear Dr Toews,

Re: Submission: Review of Human Tissue Laws

We write in response to the Committee's review of the Human Tissue Act to emphasise the critical importance of ensuring that the Act continues to facilitate the informed donation, retention, preservation and appropriate exchange of human tissues and organs for medical education and research.

Medical schools, teaching hospitals and university pathology and anatomy museums have a long tradition of using human tissue to educate medical and health science students, to train clinicians, surgeons and pathologists, and to advance scientific knowledge. The ability to study real human anatomy and pathology remains irreplaceable for developing skilled, safe, and competent practitioners. Similarly, the preservation of tissue in pathology museums allows generations of students to learn from common and instructive specimens that cannot otherwise be replicated through textbooks, models, or digital simulations.

With modern surgical practice shifting towards minimally invasive techniques such as organ biopsies, endoscopic interventions, and advanced imaging modalities, the opportunities for students to see whole organs or advanced disease processes during life are extremely limited. In parallel, the marked decrease in autopsy rates over recent decades has further reduced the chances of observing the natural course of disease in a real human organ. As a result, existing collections of pathological specimens have become irreplaceable teaching resources, providing insights that contemporary clinical practice no longer makes available to students.

Other countries and jurisdictions have approached this issue, and developed laws, policies, or regulatory frameworks allowing donation, retention, display, and/or exchange of pathological / anatomical specimens under consent and licensing:

The United Kingdom *Human Tissue Act 2004* governs the removal, storage, use, donation, display, and licensing of human organs and tissue. This Act explicitly regulates the acquisition, storage, use and disposal of human bodies, organs and tissue, including from the deceased. Under UK law, premises that display human bodies or tissue less than 100 years old must hold a license from the Human Tissue Authority (HTA). Consent requirements are enforced, and such material used in public display, teaching or training is subject to regulatory oversight. The role of museum pathology collections is well recognised: e.g. the Hunterian Museum's Pathology Collection (Royal College of Surgeons of England) maintains over 500 specimens on permanent display for medical and allied health students, under regulated conditions. In the UK, the HTA's *Public Display Code* makes explicit that the display or retention of human bodies or material for education/training in museums requires consent and licensing.

The European Union Tissue Directive (and implemented in Germany via the Tissue Law ("Gewebegesetz")) regulates donation, processing, preservation, storage, and distribution of human tissues and cells, ensuring safety and quality; while much of this relates to transplantation, the regulatory framework supports ethical handling, traceability, and donor consent which can extend to educational or scientific uses.

Germany has guidelines for "Care of Human Remains in Museums and Collections" (Deutscher Museumsbund), which include pathological, anatomical, biological-anthropological, medical teaching and research collections. These guidelines require museums and universities to observe ethical norms, proper consent, provenance, and care.

In the United States institutional policies and professional guidelines (e.g. via pathology societies or institutional review boards) permit educational/research use of retained specimens under waiver or consent conditions, particularly for de-identified specimens.

The advantages of allowing properly consented donation and retention of tissue and organs include:

- Improved education and training – direct exposure to human tissues enables students and clinicians to understand normal anatomy and pathological in a way that cannot be achieved through artificial substitutes.
- Enhanced research capacity – long-term access to tissue specimens supports ongoing research into rare diseases and evolving medical conditions.
- Respect for donor and family wishes – many patients and families wish to contribute to the training of future doctors and to medical discovery; legislation should respect and facilitate these altruistic intentions.
- Preservation of medical history – museum specimens provide a unique record of diseases and treatments over time, offering both educational and historical value.

To maximise these benefits, the Act should explicitly:

1. Support informed consent frameworks that allow patients and relatives to donate tissue for education and research, including museum retention and exchange.
2. Permit an extended retention and exchange of such tissue between licensed medical schools, teaching hospitals, and pathology museums, provided that consent and governance standards are maintained.
3. Provide clear safeguards to ensure dignity, respect, and proper stewardship of donated material, reinforcing public trust in the donation system.

Australia has an opportunity to modernise and strengthen the Human Tissue Act to balance ethical safeguards with the vital needs of education and research. By doing so, the legislation will honour the generosity of donors and their families and ensure that future generations of healthcare professionals receive the best possible education and training.

We submit that such changes would align Australia with best practice internationally; they would honour donor intentions, help preserve teaching and research capacity in an era when direct exposure to disease and gross pathology is increasingly rare and support the highest standards in medical education.

Thank you for considering these points as part of your important review. We would welcome any opportunity to provide further input or to engage in consultation on this matter.

Yours sincerely,

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