

## Review of Human Tissue Laws Discussion Paper – Explainer

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Human tissue includes organs and other bodily substances, such as blood, bone, and bone marrow. There are many uses of human tissue, including in medicine, education and science. State and territory legislation regulate how human tissue is obtained from living or dead people, and how it can be used.

Our inquiry is the first major national review of human tissue laws since we recommended a model law for the regulation of human tissue in 1977. Each state and territory adopted its own version of that model law. While the Acts have different names, they are known collectively as 'the Human Tissue Acts' or HTAs. Since they were first adopted, the HTAs have been amended in different ways. Medical technology and knowledge have also developed. This means there are inconsistencies in how the states and territories regulate the removal and use of human tissue, and some laws are out of date.

Our Discussion Paper presents reform proposals designed to create a modern and nationally consistent framework for human tissue regulation. We are seeking input on these proposals. We also invite responses to questions we ask in the Discussion Paper about the proposals, and other issues we are considering.

Our inquiry considers many aspects of human tissue regulation, including the **donation, removal, storage and use** of human tissue, and the **prohibition of trade** in human tissue. We examine:

- **Organ and tissue donation frameworks**, including living and deceased donation, authorisation and consent frameworks, and the role of next of kin.
- **How death can be established or determined**, and other questions that arise in relation to 'definition of death' provisions in the HTAs and other legislation.
- **Post-mortem practices**, including coronial processes, and what is required to ensure the respectful treatment of dead bodies and other human remains.
- **Research and therapeutic uses** of human tissue, including research biobanking and the use of human tissue in medical treatment.
- **How to prevent inappropriate trade in human tissue**, while also allowing for legitimate human tissue exchanges and cost recovery, and the importation of ethically sourced human tissue.
- **The use of deceased bodies and body parts for medical education and training**.
- **The most appropriate label and scope for what we call 'human tissue'**, including questions about how the law should regulate a variety of biological materials, such as human milk, gametes, or newly engineered materials that include human cells or cell lines.

A central focus is the need for nationally consistent legislation. We discuss different legislative models that can be used to achieve national consistency. We also consider mechanisms that can be used to support ongoing consistency, such as a national regulator.

The Discussion Paper includes **49 reform proposals** and **47 questions**. Key features of the proposed system are:

- a nationally consistent legal and regulatory framework;
- a National Regulator to support consistency and provide oversight of new human tissue laws;
- changes to how death can be determined, which recognise recent medical and technological developments, and enshrine core ethical principles;
- updated consent and authorisation criteria for tissue donation from living persons;
- updated consent and authorisation criteria for tissue donation after people have died;
- clear and updated consent and authorisation criteria for donation of tissue for medical, educational or scientific purposes;
- protecting the personal information of donors and recipients, while at the same time supporting the rights of donors and recipients, and their authorised decision-makers, to share their own information; and
- prohibiting trade in and advertising of human tissue.

We are inviting submissions in response to our Discussion Paper. Please upload your submission, using the form on our website, up until **Friday 23 January 2026**. Please contact us if you need help providing input, or would like to make a submission in a different way.