

The Commissioner  
Review of Human Tissue Laws  
Australian Law Reform Commission

13 November 2025

Dear Dr Toews,

**Re: Ethical Preservation and Transfer of Legacy Anatomical and Pathology Specimens**

The Royal College of Pathologists of Australasia (RCPA) welcomes the opportunity to contribute to the Review of Human Tissue Laws. As the professional body responsible for standards in pathology and laboratory medicine across Australia and New Zealand, the College is committed to ensuring that legislation governing the use of human tissue for education, research and clinical training is ethically robust, nationally consistent and fit for purpose.

A significant issue facing universities, teaching hospitals and pathology services concerns the continued use and ethical preservation of existing human anatomical and pathological specimens for which no formal consent documentation exists. These legacy specimens – many obtained before the introduction of modern consent frameworks – constitute a vital component of Australia’s medical education infrastructure and hold substantial scientific and cultural value.

Under current interpretations of the Human Tissue Acts, institutions face uncertainty about whether they can retain, display or share such material. This uncertainty has restricted access to essential educational specimens, particularly within new, regional and rural medical programs. Without a clear legal framework, valuable collections may be dismantled or lost, undermining medical training and depriving future clinicians of irreplaceable learning experiences.

**Educational and Public Interest Considerations**

Direct engagement with human specimens remains central to medical and pathology education. While digital models and imaging technologies are useful, they cannot fully replicate the complexity and authenticity of studying real tissue. This practical exposure deepens understanding of disease morphology and human variation, knowledge that underpins safe and effective clinical practice.

Many of these specimens were prepared and curated through decades of expert work, forming an enduring archive of Australia’s medical and scientific heritage. Their careful preservation reflects respect for donors, as well as a broader public trust in the ethical management of human materials. Ensuring these resources can continue to be used responsibly serves both educational integrity and community expectations of transparency and respect.

## Modernising Legal Frameworks for Legacy Materials

The RCPA supports a clear, nationally consistent mechanism for recognising, governing and sharing legacy specimens among accredited educational and research institutions. In particular, the College recommends that the Commission consider legislative provisions that would:

1. **Create a distinct regulatory pathway for legacy specimens** – acknowledging their provenance and continued educational value while maintaining appropriate ethical and institutional oversight.
2. **Establish a governance-based licensing scheme** – enabling universities, hospitals and museums to preserve and use collections under the authority of accredited ethics or compliance committees.
3. **Provide for secure inter-institutional exchange** – introducing a regulated framework for the transfer or loan of specimens between accredited organisations, supported by documentation, provenance tracking and quality assurance.
4. **Promote transparency and public confidence** – encouraging institutions to maintain registers of collections and publish accessible statements outlining their origins, purpose and ethical management.

International models demonstrate that such an approach is both practical and ethical. Frameworks in the United Kingdom, New Zealand and Scotland explicitly recognise “existing holdings” under licensing and governance arrangements, providing tested precedents for Australia.

## Conclusion

As the authority on standards in pathology and laboratory medicine, the RCPA emphasises that resolving this issue is essential to preserving Australia’s capacity for high-quality medical education and research. Clear, modernised legislation would ensure that legacy specimens are managed with dignity, transparency and accountability while remaining available for legitimate educational and scientific use.

The College would welcome the opportunity to contribute further expert advice as the Commission develops its recommendations.

Yours sincerely,



Professor Sandra O'Toole  
President  
Royal College of Pathologists of Australasia