



Supplementary Submission

Australian Law Reform Commission

Review of Human Tissue Laws (2025)

ETAC Australia

International Coalition to End Transplant Abuse in China

endtransplantabuse.org

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Mandatory Reporting of Overseas Transplants

1. ETAC Australia made submissions in response to the Issues Paper and the Discussions Paper with respect to the Review of Human Tissue Laws currently being undertaken by the Australian Law Reform Commission. We refer to paragraphs 40 to 49 of our Issues Paper Submission where we discuss the need for mandatory reporting and paragraphs 23, 26-27, 28 and 35 of our Discussion Paper Submission.
2. It has recently come to our attention that the United Kingdom's Human Tissue Authority (**HTAUK**) has released its first operational data under the UK's mandatory overseas transplant reporting regime, introduced in April 2024 following amendments made through the Health and Care Act 2022.
3. Give the submissions ETAC has made about the urgent need for law reform to provide for mandatory reporting of all overseas organ transplants and for a data collection repository as was recommended in the Compassion not Commerce Report, we wish to provide this supplementary submission given this new and highly relevant information.
4. On 1 April 2024, the Human Tissue Act 2004 (Supply of Information about Transplants) Regulations 2004¹ (**Human Tissue Regulations UK**) came into force in England, Wales, and Northern Ireland.
5. The Regulations require specified clinicians to report to the HTAUK if they become aware that a patient has received an organ transplant outside the UK, or if they reasonably suspect an offence relating to organ trafficking, commercial organ dealing, or modern slavery may have occurred.
6. Failure to report is a criminal offence as provided for in s 34 of the *Human Tissue Act 2004* (UK)
7. The Regulations operationalise amendments introduced through the *Health and Care Act 2022* (UK), which expanded UK offences relating to commercial organ dealing and transplant-related exploitation to conduct occurring overseas.
8. The reforms were intended to strengthen the UK's ability to identify transplant tourism and possible organ-trafficking activity involving UK residents.
9. The first official operational data under the regime was published by the HTA in November 2025 and covers the period April 2024 to March 2025.² The data is published twice a year.
10. According to the HTAUK reporting data for the financial periods from 2024 to 2026 there have been 65 reports. Out of the 65 reports, 63 are reports of transplants performed outside of the UK and 2 are

¹ <https://www.legislation.gov.uk/uksi/2024/262/contents/made>.

² <https://www.hta.gov.uk/about-the-HTA/transparency/data-supply-information-about-transplants>.

reports of reasonable suspicion. Out of the 65 reports, 20 were referred to the police due to concerns that a transplant-related offence may have been committed.

11. The HTAUK in its “12 Month Evaluation of the HTA 2004 (Supply of Information about Transplants) Regulations 2024”³ (**Evaluation Report**) stated that the first year of reporting provided an “informative baseline” because no previous statutory reporting mechanism had existed for overseas transplants involving UK-based recipients.
12. The Human Tissue Regulations UK supports the need for law reform in Australia regarding mandatory reporting. Australia currently has no visibility on the numbers of overseas transplants and mandatory reporting is a simple, clear and important way of obtaining this information.

Urgent Recommendations

13. ETAC repeats the urgent recommendations made in our Discussion Paper Submission at paragraphs at 32-39, in particular the urgent need for mandatory reporting.
14. It is our strong view that these recommendations strengthen Australia’s human tissue and organ trafficking framework.
15. Thank you once again for the opportunity to participate in what we see as a vital inquiry to ensure that there are safeguards for all Australians and for those living overseas who are so often exploited and harmed as a result of organ trafficking.

If you wish to discuss this submission further, please do not hesitate to contact Susie Hughes, Executive Director, ETAC, at [REDACTED]

³ <https://www.hta.gov.uk/sites/default/files/2025-06/HTA%2017-25%20DTR%2012%20month%20evaluation.pdf>.