THE CHOICE TO CONNECT

A Proposal for Mutual-Consent Contact Between Deceased Organ Donor Families and Transplant Recipients

Submission to the Australian Law Reform Commission

Review of Human Tissue Laws

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Purpose of this submission

I am asking the Australian Law Reform Commission to consider whether Australia's human tissue laws should continue to prevent direct, identifying contact between deceased organ donor families and transplant recipients in circumstances where **both parties independently, freely and knowingly consent to that contact**.

I am not asking for donor families to have an automatic right to know who received their loved one's organs.

I am not asking for transplant recipients to be required to disclose their identity or meet their donor's family.

And I am certainly not asking for privacy protections to be removed.

I am asking for choice.

I believe Australia should establish a carefully regulated, nationally consistent pathway through which a deceased donor family and transplant recipient can choose to exchange identifying information and, if they both wish, eventually meet.

Anonymity should remain fully protected for anyone who wants it.

But where both sides independently choose connection, I believe our laws should allow that choice to be respected.

Why this matters to me

In March 2026, my 18-year-old son, Jack, died following a tragic accident while trying to save another person.

Jack couldn't save her that day.

But through organ donation, he went on to save the lives of five other people.

When our family was faced with the decision about organ donation, I was living every mother's worst nightmare.

I knew the heartbreak I was experiencing was something I would carry for the rest of my life. If there was any possibility that Jack could prevent another mother, father, sibling or family from experiencing that same heartbreak by giving their loved one another chance at life, then I wanted that opportunity to be given.

But there is something I feel very strongly about.

My son is more than a "donor".

He is my son.

He is a big brother.

He is a grandson.

He is a mate.

And he has a name. His name is Jack.

Jack had an entire life before the word "donor" was ever attached to him.

He had a personality, dreams, friendships and achievements. He had things that made him laugh, things he loved doing, people he cared about and an enormous number of people who loved him.

Organ donation is an extraordinary part of Jack's story.

But it is not his whole story.

Every organ donation begins with an individual whose generosity continues beyond their life.

Behind the clinical terms "donor" and "recipient" are human beings and families whose lives have been changed forever.

The letter that changed something for me

Some time after Jack's donation, I received a letter from the family of one of his recipients.

In the devastating world I had suddenly found myself living in, that letter brought me comfort.

It didn't take away my grief. Nothing could.

But knowing that through Jack, a little boy had been given the opportunity for more time with the people who loved him meant something enormously important to me.

My immediate instinct was to write back.

I wanted to tell his family about the incredible young man who had given their little boy the gift of life.

I wanted them to know Jack's name.

I wanted to tell them about his kindness and generosity, his sense of humour, the things he loved, his mates and his family.

I wanted them to understand that the organ their little boy received did not simply come from an anonymous "donor".

It came from Jack.

But I couldn't simply tell them those things.

Our correspondence had to remain anonymous and identifying information could not be shared.

I completely understand that Jack's recipients and their families may never want to know us.

If that is their choice, I respect it completely.

Jack's organs were given freely and without expectation.

But there is another possibility that our current system does not adequately recognise.

What if they do want to know?

What if one day that little boy or his family wants to know the name of the young man whose generosity helped give him more time?

What if they want to know something about Jack?

And what if our family wants them to know him?

Why, when both sides independently want that connection, should the law make that decision for us?

That question is the reason for this proposal.

The Choice to Connect

Australia currently protects the confidentiality of deceased organ donors and transplant recipients.

I understand and support the reasons for those protections.

Organ transplantation involves intensely personal medical information. Recipients and donor families can both be vulnerable. Some recipients will never want contact with a donor family. Some donor families will never want contact with recipients.

Those choices must be respected.

But there is an important difference between:

protecting someone's right to anonymity

and

requiring anonymity when both parties would willingly choose otherwise.

I believe Australian law should recognise that distinction.

The Choice to Connect would not create an entitlement to another person's identity.

It would create a **pathway to mutual consent**.

The current system

Australian donor families and transplant recipients can communicate through anonymous correspondence.

That process is valuable and should continue.

However, there is currently no nationally consistent, professionally supported pathway through which two willing parties can progress from anonymous correspondence to consensual identifying contact.

This means that even where a recipient wishes to know a donor family, and that donor family independently wishes to know the recipient, the system does not provide a straightforward mechanism for them to make that decision together.

I believe that deserves reconsideration.

Privacy should remain. Mandatory anonymity should be reconsidered.

My proposal begins with a fundamental principle:

No donor family and no transplant recipient should ever be required to make contact.

A recipient may wish to move forward privately.

A donor family may not wish to know anything further.

Some people may prefer anonymous letters indefinitely.

Others may initially want contact and later change their mind.

Every one of those decisions should be respected.

But there will also be people on both sides who independently want a greater connection.

Our laws should be capable of respecting **their choice as well**.

A proposed Australian model

I ask the ALRC to consider recommending the establishment of a nationally consistent, professionally supported mutual-consent framework.

1. Anonymity remains the default

Following transplantation, donor and recipient identities remain confidential.

Neither party receives an automatic entitlement to identifying information.

2. An appropriate waiting period

There should be an appropriate period following donation and transplantation before identifying contact is considered.

This provides time for grief, recovery and adjustment.

3. Independent expression of interest

A donor family or transplant recipient could confidentially register an interest in possible future contact.

Importantly, simply expressing an interest should not create pressure on the other party.

The system should be designed so that neither party feels responsible for disappointing the other.

4. Independent informed consent

Where appropriate, each party would separately receive information and support before deciding whether to proceed.

This should include discussion of:

- privacy;
- emotional implications;
- expectations;
- boundaries;
- possible outcomes;
- the right to decline; and
- the right to withdraw.

Consent must be informed, voluntary and independently obtained.

5. Optional supported meeting

If both parties subsequently wish to meet, a meeting could be facilitated by DonateLife or another appropriately qualified independent service.

A meeting should never be assumed to be the ultimate goal.

For some people, knowing a name or exchanging correspondence may be enough.

6. Continuing consent

Consent to one form of contact should not mean permanent consent to every form of contact.

Either party should be able to establish boundaries, pause contact or withdraw from further contact.

Safeguards

I recognise that direct contact is complex and that reform must be carefully designed.

Appropriate safeguards could include:

- an appropriate waiting period;
- independent consent from both parties;
- counselling or psychosocial support where appropriate;
- clear information about expectations and boundaries;
- the ability to withdraw consent;
- protection from unwanted contact;
- additional safeguards where recipients are children or otherwise vulnerable;

The purpose of this model should be to make **safe, informed and genuinely voluntary choice possible**.

The interests of recipients must remain protected

That is precisely why **mutual consent** is at the centre of this proposal.

The system should protect people who want anonymity just as strongly as it enables connection between people who do not.

International experience should inform reform

Australia would not need to consider this question in isolation.

Other jurisdictions have experience with identifying contact between donor families and transplant recipients under different legal, ethical and clinical frameworks.

Any Australian reform should examine international evidence carefully, including:

- benefits experienced by donor families and recipients;
- circumstances where contact has been difficult;
- consent models;
- waiting periods;
- counselling and support;
- privacy protections;
- processes involving child recipients; and
- mechanisms for managing expectations.

The existence of potential risks should not automatically mean that informed adults should be denied choice.

Instead, we should ask whether those risks can be appropriately managed through a carefully designed system.

What I am asking the ALRC to consider

As part of the Review of Human Tissue Laws, I respectfully ask the Australian Law Reform Commission to consider recommending that Australian governments establish a nationally consistent legislative and policy framework under which:

1. Anonymity and confidentiality remain the default following deceased organ donation.

2. Neither donor families nor transplant recipients have an automatic right to identifying information about the other.

3. After an appropriate period, donor families and recipients may independently express an interest in identifying contact.

4. Identifying information may only be exchanged where both parties freely and independently provide informed consent.

5. Either party can decline, pause or withdraw without explanation or consequence.

6. Additional safeguards apply where children or vulnerable people are involved.

7. People who wish to remain anonymous continue to have their privacy fully protected.

8. Donor families and transplant recipients are directly involved in developing any future Australian framework.

I also ask that the ALRC specifically consider whether existing disclosure-of-information provisions across Australian human tissue legislation unnecessarily prevent consensual disclosure where all relevant parties wish it to occur.

This is about choice, not entitlement

I do not want the identity of Jack's recipients handed to me.

I do not want another family to receive a phone call telling them that Jack's mother wants to meet them.

And I never want a transplant recipient to feel that they owe our family anything.

That is not what The Choice to Connect is about.

I simply want there to be another option.

If a recipient independently says:

"I would like to know about my donor."

And a donor family independently says:

"We would like them to know about our loved one."

I believe there should be a safe way for those two choices to meet.

Sometimes donor families and recipients will choose to remain strangers.

Sometimes they may choose to know one another.

Both choices deserve to be respected.

My son is more than a donor.

He is a son, a brother, a grandson and a mate.

His name is Jack.

He lost his life trying to save someone else.

He couldn't save her that day, but his generosity continued beyond his own life and saved five others.

I cannot change what happened to my son.

I cannot take away the heartbreak our family lives with every day.

But I hope that something meaningful can continue to come from Jack's life and the generosity that followed his death.

And if one day one of the people whose life Jack helped save wants to know who he was, and our family wants to tell them, I hope Australian law will allow us to make that choice together.

That is all I am asking.

THE CHOICE TO CONNECT

The gift of life. The choice to connect.

Elisha Thatcher