

Human Tissue Act: Section 34: Disclosure of Information in question

Western Australia

34. Disclosure of information

(1) Subject to this section, a person shall not disclose or give to any other person any information or document whereby the identity of a person —

- (a) from whose body tissue has been removed for the purpose of transplantation or for use for other therapeutic purposes or for medical, teaching or scientific purposes; or
- (b) with respect to whom or with respect to whose body a consent or authority has been given under this Act; or
- (c) into whose body tissue has been, is being, or may be, transplanted, may become publicly known.

Penalty: \$500.

(2) Subsection (1) does not apply to or in relation to any information disclosed —

- (a) in pursuance of an order of a Court or when otherwise required by law; or
- (b) for the purposes of hospital administration or *bona fide* medical research; or
- (c) with the consent of the person to whom the information relates; or
- (d) when the circumstances in which the disclosure is made are such that the disclosure is or would be privileged.

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In WA, donor families are not legally allowed to tell the public that our “loved one” helped many other people specifically following the retrieval of their organs and tissue.

Additionally, donor families don't have the legal right to give consent to others to pass on our donor heroes donation details.

Donor Families are not informed of the existing restrictions and that in WA one could be prosecuted for informing the public that their loved one is a donor hero.

WA legislation prohibits donor families from publicly identifying their deceased loved ones as organ/tissue donors. This is an intrusion of our human rights.

Legally being able to tell our loved one's story is such an important part of donor families grieving process.

Sadly, relevant state and federal government departments that support organ/tissue donation have shown little appetite to change the legislation.

Petition Feedback supporting change to

Mark Sawyers

As the grateful recipient of a donated kidney from an unknown donor, I believe that donor families must be allowed to have their loved ones recognised for their incredible sacrifices.

Fiona Barron

It normalises this beautiful generous gift of life to others and helps the healing for the loved ones of the donor. Let's be open and talk about this- its not a secret.

Sharon Platten

As an organ donor I don't understand why my family couldn't openly discuss it. I would like them to find comfort in my choices. I didn't realise the laws were so oppressive of such a great gift.

Jan McFadgen

I was unaware of this situation & I can see no reason for donors not to be allowed to be acknowledged by their families & I'm sure doing so would help in their grieving process as long as the recipient's privacy is protected.

Joanne Yates

I'm signing because my husband (& our sons Dad) is a donor hero & there shouldn't be threatening legal BS standing in our way of proudly acknowledging & sharing with pride & love the tremendous gift of life that he has given. This life changing gift absolutely needs to be recognised on all donors death certificates as its their final document of their life. Come on decision makers.. its time for change.. all Families go through so much pain & suffering when their loved one passes.. then to work through the donor process at THE worst time of their lives..& you get through it because its their dying wish, to help others if they can & the very least we ask is to proudly & freely have the right to openly share our loved ones story & display their photo & talk about them by name... its time !!!

Sandra Johnston

It allows the family to grieve their loss and to feel some positivity by being proud of their family members donation

Graham Harrison

All Donor Families are required to give written consent to allow doctor to retrieve their loved ones organs and tissue to help save or improve the lives of our fellow Aussies. This undertaking needs to be recognised and acknowledged to be sufficient for us to speak of and communicate what information we like about our Donor Hero. Be it telling our story of our loved one in the help of promoting organ/tissue donation, in communications with our recipients and their family members and when educating the medical fraternity and public of our experience in the retrieval process as we are experts by experience. Free us from the shackles of the Human Tissue Act and allow us to give so much more back to the organ/tissue and transplantation system

Lorraine Penyayi

Having the right to share details of the donor will help in family closure and there is nothing wrong in sharing such priceless gift from the dearly departed! I could sign 10000 times for such an honourable cause.

Stu Armstrong

I am a transplant recipient double lung. My donor family sent me a letter, I had to reply through the Prince Charles hospital. I sent a email of my reply to this wonderful hurting family whom had lost a husband, father, daughter and sister, through a social worker. I never received anymore notifications from this family and have been asking for some years now if the letter was sent to the donor family. I never receive a answer. This has and still causes me so much pain and concern that the donor family must believe I hadn't answered. I believe if people are donors and save lives, the recipients and donors families need contact for closure and peace of mind. I tried finding my donor family but the site was closed to my enquiries.23/1/2012 the day my life was saved by a very unselfish act by another human being.

Jean Marlow

As a family member of an organ recipient I am constantly in awe of the generosity of donors who saved her lives and those of many others. I want to be able to acknowledge them all because their generosity makes us better people.

Paul J Bannan

People are allow to name living donors. Seems a tad stupid not to name and therefore honour someone whose last act was to save an unknown number of other individuals and their families from grieving the lost of a Loved one

sonja brennan

Our children ,our hero's ,others lifesavers deserve to have their names recognised
It was good enough for the powers that be to ask us in our times of despair to say yes , recognition by using their names is a small request

Lal Peters

I am signing because two donor heroes have given me the chance to keep my sight. I am deeply appreciative of the families who in their time of grief thought of others. If it helps families to honour their family members, it should be allowed.

Gillian Stone

The legislation needs to be changed to enable the donor family to share their loved one's story and life-saving gift as their right, and will encourage people to consider organ/tissue donation.

Maria Kendrick

As a parent whose child received a gifted heart, we are forever grateful. Acknowledging the donors is a must. Being able to say your loved saved others is a must. It honours their legacy and the amazing selfless final act of everyone involved. As long as the recipient information is not shared without their permission then this should be enacted.

Claire Pattison

donor families should be able to share the positive side of their tragic story and should not face legal ramifications for it. Doing so may increase the availability of organs for donation by helping other families in the devastating position to decide to see the benefit donation brings to both recipients and donor families.