



## **Australian Government**

Australian Government response to the  
Joint Standing Committee on Foreign Affairs, Defence and  
Trade report:

Compassion, Not Commerce: An Inquiry into Human Organ  
Trafficking and Organ Transplant Tourism

February 2021

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## **Introduction**

The Australian Government thanks the Parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade (the Committee) for its Inquiry into, and Report on, human organ trafficking and organ transplant tourism.

The whole-of-government response to the Committee's recommendations has been coordinated by the Australian Border Force (ABF), as chair of the Interdepartmental Committee on Human Trafficking and Slavery (IDC), on behalf of the following Commonwealth agencies:

- Attorney-General's Department
- Australian Federal Police (AFP)
- Department of Foreign Affairs and Trade (DFAT)
- Department of Health (Health)
- Department of Home Affairs
- Department of Social Services

Information in this document is current as at February 2021.

### **Australia's response to human organ trafficking**

Australia has had a comprehensive, whole-of-government strategy to combat human trafficking, slavery and slavery-like practices in place since 2004. As part of this strategy, the Government criminalised organ trafficking under the Commonwealth Criminal Code (the Criminal Code) in 2005. In 2013, the Government strengthened its response by introducing four standalone organ trafficking offences in the Criminal Code.

Australia's organ trafficking offences criminalise the movement of people to, from, or within Australia for the unlawful removal of their organs. An organ does not need to be actually removed for an organ trafficking offence to be committed. To commit the offence, the offender needs only to be reckless as to whether their conduct will result in the removal of the trafficked person's organ, either in circumstances that are contrary to law of the relevant state or territory, or where the trafficked person or their guardian has not consented and the removal would not meet a medical or therapeutic need of the trafficked person.

Australia also has several non-legislative measures in place to complement the legal framework and ensure a holistic approach to address organ trafficking.

Human trafficking investigations are a high priority for the Australian Federal Police, which maintains a national response capacity, and dedicated full time human trafficking teams in Sydney, Melbourne and Brisbane, and further specialist investigators in all other regional offices across Australia. The Australian Government provides

comprehensive support to suspected victims of trafficking through the Support for Trafficked People Program, which enables access to services such as accommodation, financial assistance, social support and legal advice.

The Australian Government's Human Trafficking Visa Framework enables suspected victims and witnesses of human trafficking who are not Australian citizens to stay in Australia to receive support and assist in criminal investigations.

The Australian Government conducts training programs for officials in law enforcement, immigration compliance, the Fair Work Ombudsman, and diplomatic and consular positions, to increase awareness of the indicators of human trafficking, including organ trafficking.

Australia engages with partner countries in the region and internationally to combat human trafficking and modern slavery in all forms, including through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, and the Alliance 8.7 partnership to implement Target 8.7 of the Sustainable Development Goals

### **Australia's response to organ transplant tourism**

The term 'organ transplant tourism' refers to the cross-border travel of a person to facilitate an organ transplant. While there is no legal definition of transplant tourism under Australian law, the Australian Government considers the term to refer to a prospective organ recipient voluntarily travelling to a foreign country for the purpose of undergoing organ transplantation. The organ may be acquired through legal, illegal or unethical means, including without the full and free consent of the donor.

Under the Commonwealth Criminal Code, organ transplant tourism would constitute an organ trafficking offence if a person organised or facilitated the transport, or proposed transport, of the donor to, from or within Australia. Outside of these circumstances, organ transplant tourism is not criminalised under Commonwealth Law.

Australia's states and territories have robust frameworks to regulate the lawful donation and transplantation of organs and tissue for therapeutic purposes. All Australian states and territories have legislated against the sale of organs, regardless of whether an individual has provided consent. These frameworks prohibit any financial trade, or practice whereby an organ or tissue is treated as a commodity.

Similarly, all states and territories have legislated against the removal of organs without full and free consent. There is no consent if the victim or their guardian has been coerced or induced, monetarily or otherwise, into agreeing to the removal of the victim's organ. Depending on the factual circumstances of each case, state and territory offences may apply to organs sourced overseas.

# **Australian Government response to recommendations**

## **Recommendation 1**

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**The Sub-Committee recommends that the Australian Government pursue through the United Nations the establishment of a Commission of inquiry to thoroughly investigate organ trafficking in countries where it is alleged to occur on a large scale.**

The Australian Government notes this recommendation.

UN-mandated commissions of inquiry are an important means to respond to situations of serious violations of international humanitarian law, international criminal law and international human rights law.

The Australian Government will continue to work with like-minded governments to identify appropriate opportunities within the United Nations system to highlight the challenges posed by organ trafficking and organ transplant tourism and to work toward constructive responses.

## **Recommendation 2**

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**Given the contention and ongoing debate around transplant practices in China, the Sub-Committee recommends that the Australian Government:**

- **monitor the transplantation practices of other countries with regard to consistency with human rights obligations, including with regard to the use of the organs of executed prisoners;**
- **seek the resumption of human rights dialogues with China;**
- **continue to express concern to China regarding allegations of organ trafficking in that country; and**
- **offer to assist with the further progression of ethical reforms to the Chinese organ matching and transplantation system.**

The Australian Government accepts this recommendation in principle.

The Foreign Policy White Paper confirms Australia's commitment to advancing human rights globally. All people have the right to fundamental freedoms and to live their lives with dignity. Australia's diplomatic network will continue to monitor local human rights situations around the world and provide appropriate reporting.

The Australian Government notes that while the last Australia-China Human Rights Dialogue took place in 2014, the Government continues to raise human rights concerns with China both bilaterally and in relevant international forums. While the Australian Government is open to resuming the bilateral human rights dialogue at an appropriate time and level, the Government considers the fact of raising and discussing these vital issues is more important than the modality in which they are raised.

The Government has expressed concern to China regarding allegations of organ trafficking on a number of occasions. The Australian Government will continue to examine closely allegations of organ trafficking in China and, as appropriate, raise the issue with the Chinese Government.

China consistently rejects reports of forced organ harvesting. Chinese officials acknowledge that organs have previously been harvested from executed prisoners, but tell us that there is now growing regulation of China's organ transplant system, including requirements that all organ donation must be voluntary. There may be opportunities for Australia to share our own organ matching and transplantation experience and practice.

### **Recommendation 3**

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**The Sub-Committee recommends that the Australian Government meets international best practice standards by establishing a comprehensive organ donation data collection repository, based possibly on the ANZDATA model, but comprising a single point of access to data regarding all organ transplantations in Australia, including outcomes of treatment, deaths, travel overseas for treatment, cross referencing against waiting lists and other relevant information.**

The Australian Government accepts this recommendation in principle.

Enhancements to organ donation and transplantation data collection have been considered as part of the review of the Australian organ donation, retrieval and transplantation system.

On 13 April 2018, the COAG Health Council agreed that it would undertake a review of the organ donation, retrieval and transplantation system led by the Commonwealth in collaboration with states and territories. The review report was presented to the COAG Health Council to seek agreement to publicly release the report, and it was published in February 2020. It includes the development of a long-term strategy for organ retrieval and transplantation.

The Department of Health is working with all states and territories and the Australian Organ and Tissue Donation and Transplantation Authority (Organ and Tissue Authority) to consider the review report, including recommendations that relate to changes to existing registries of organ transplantation outcomes. The long-term strategy is now being developed.

The Australian Government currently contributes funding through the Organ and Tissue Authority to maintain national organ specific outcome registries for:

- kidney – Australian and New Zealand Dialysis and Transplant Registry (ANZDATA)
- heart and lung – Australia and New Zealand Cardiothoracic Organ Transplant Register
- liver – Australia and New Zealand Liver Transplant Register
- pancreas – Australia and New Zealand Islets and Pancreas Transplant Register.

The ANZDATA also collects and reports data on the incidence, prevalence and outcome of dialysis treatment and kidney transplantation for patients with end-stage kidney disease in Australia and New Zealand.

#### **Recommendation 4**

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**The Sub-Committee recommends that the Australian Government ensures that suitably-anonymised data regarding the participation by Australians in overseas commercial transplants, or those involved in organs procured from a non-consenting donor overseas, be shared with appropriate international partners, in order to combat transnational organ trafficking through cross-jurisdictional intelligence sharing.**

The Australian Government notes this recommendation.

The Australian Government notes that existing registries for organ transplantation do not collect information regarding participation in overseas commercial transplants or those involving an organ procured from a non-consenting donor overseas.

Changes to existing outcome registries will be considered in the context of the current review of the Australian organ donation, retrieval and transplantation system. Any decision to share information from these registries with international partners would require consultation with the registry owners and would need to take into account the privacy policies and consent provisions for each registry.

The sharing of information or intelligence with some international law enforcement partners may be restricted when the sharing of information, or other cooperation, with a foreign jurisdiction in relation to an identified individual, could result in the application of the death penalty being imposed by that foreign jurisdiction.

## **Recommendation 5**

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**The Sub-Committee recommends that the Australian Government works with the States and Territories, transplant registries, and the medical community, to consider the appropriate parameters, protections, and other considerations, to support a mandatory reporting scheme whereby medical professionals have an obligation to report, to an appropriate registry or authority, any knowledge or reasonable suspicion that a person under their care has received a commercial transplant or one sourced from a non-consenting donor, be that in Australia or overseas.**

The Australian Government notes this recommendation.

Australia's medical professionals are already bound by strict legal and regulatory requirements under state and territory laws regulating medical practice.

Medical professionals have existing mandatory reporting requirements under the *Health Practitioner Regulation National Law Act 2009* (the National Law Act), which are complementary Acts passed by each State and Territory. Under the *National Law Act*, a registered health practitioner must notify the Australian Health Practitioner Regulation Agency (AHPRA) if the registered health practitioner, in the course of practising their profession, forms a reasonable belief that another registered health practitioner has placed the public at risk of increased harm because the practitioner has practised their profession in a way that constitutes a significant departure from accepted professional standards.

This mandatory reporting requirement would apply if a registered medical practitioner was treating a transplant recipient and became aware that the transplant procedure was performed by another Australian practitioner using an illegally obtained organ. In this scenario, the practitioner would be required to provide a mandatory notification to AHPRA. This requirement would only apply if the practitioner involved in the transplant was registered in Australia.

Regardless of the source of the organ, a medical practitioner would treat a transplant recipient in line with their duty of care requirements and professional standards set by the Medical Board of Australia.

The Australian Government will provide the recommendation to state and territory governments to consider whether any additional action is required.

## Recommendation 6

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**The Sub-Committee recommends that the Australian Government sign and ratify the Council of Europe Convention against Trafficking in Human Organs, and works with the States and Territories to make the requisite amendments to Commonwealth and State and Territory legislation and ensure non-legislative obligations are met.**

The Australian Government notes this recommendation.

The Australian Government supports and implements a range of international protocols, declarations and guidelines addressing organ trafficking and transplant tourism.

Australia has comprehensively criminalised organ trafficking and other human trafficking, slavery and slavery-like offences, fulfilling our obligations as a party to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

In line with the *National Action Plan to Combat Human Trafficking and Slavery 2015-19*, Australia has endorsed and continues to observe the Declaration of Istanbul on Organ Trafficking and Transplant Tourism and the World Health Organization's Guiding Principles on Human Cell, Tissue and Organ Transplantation.

As at 1 February 2021, 25 member states of the Council of Europe have signed, and eleven have ratified, the Convention. While it remains open to non-member states of the Council of Europe to sign and ratify the Convention, only one non-member state has signed the Convention and none have ratified.

## Recommendation 7

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The Sub-Committee recommends that the Australian Government amend the *Criminal Code Act 1995* and any other relevant legislation insofar as offences relating to organ trafficking:

- include trafficking in human organs, including the solicitation of a commercial organ transplant;
- apply to any Australian citizen, resident or body corporate;
- apply regardless of whether the proscribed conduct occurred either within or outside of the territory of Australia;
- apply regardless of the nationality or residence of the victim; and
- apply regardless of the existence, or lack thereof, of equivalent laws in the jurisdiction in which the offending conduct occurred.

The Australian Government accepts this recommendation in principle.

The Australian Government is committed to combating all forms of human trafficking and slavery, including organ trafficking. Australia has a comprehensive legal framework in place to prevent and respond to organ trafficking. Organ trafficking has been criminalised in the *Criminal Code Act 1995* since 2005. In 2013, the Government strengthened its response by introducing four standalone organ trafficking offences in the *Criminal Code*:

- Section 271.7B: Offence of organ trafficking – entry into and exit from Australia
- Section 271.7C: Organ trafficking – aggravated offence
- Section 271.7D: Offence of domestic organ trafficking, and
- Section 271.7E: Domestic organ trafficking – aggravated offence.

These offences comprehensively criminalise trafficking in persons for the purpose of organ removal, including organising or facilitating the entry into, exit from, or transportation within, Australia. Organ transplant tourism will be captured by these offences where a person organised or facilitated the transport, or proposed transport, of the donor to, from or within Australia.

These offences have extended geographical jurisdiction, and apply to conduct that occurs wholly or partly in Australia or has a result in Australia, as well as applying to conduct occurring wholly overseas by Australian citizens.

The Australian Government will explore potential legislative options to strengthen the Criminal Code offences to address this crime to capture conduct by Australians overseas that does not involve the trafficking of a person into or from Australia for the purpose of organ removal – for example, a situation where an

Australian citizen trafficked a person within a foreign country for the purpose of organ removal.

Within Australia, all states and territories have legislated against the sale of organs, regardless of consent. The Australian Government will explore potential legislative options to strengthen the Criminal Code offences to capture the wilful exploitation of individuals for the purposes of organ transplantation by an Australian citizen, resident or body corporate outside of Australia.

## Recommendation 8

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**The Sub-Committee recommends that the Australian Government establishes a multi-lingual public health education program that:**

- **addresses the legal, ethical and medical risks associated with participation in organ transplant tourism;**
- **includes a stream for educating frontline staff such as medical professionals about how to best identify possible cases of organ harvesting and support both vulnerable victims and desperate patients, based possibly on the Anti-Slavery Australia e-learning model;**
- **is multi-lingual; and**
- **is designed in particular to educate Australians who were born in, or have family associations in, countries where human organ trafficking is known or suspected to occur.**

The Australian Government accepts this recommendation in principle.

The Australian Government already provides information to medical professionals on organ trafficking through a fact sheet available on the Department of Home Affairs website.<sup>1</sup> Information for the general public on the risks of medical tourism is available on the Department of Health website<sup>2</sup> and the Department of Foreign Affairs and Trade's Smartraveller website<sup>3</sup>.

The Australian Government's national reform program to increase organ donation rates includes coordinated community education and awareness activities to increase knowledge about organ donation and transplantation. Multilingual resources are available at [donatelifelife.gov.au](http://donatelifelife.gov.au) in more than 20 languages.<sup>4</sup>

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<sup>1</sup> [www.homeaffairs.gov.au/criminal-justice/files/organ-trafficking-fact-sheet.pdf](http://www.homeaffairs.gov.au/criminal-justice/files/organ-trafficking-fact-sheet.pdf)

<sup>2</sup> [www.health.gov.au/internet/main/publishing.nsf/Content/health-publth-strateg-quaranti-index.htm](http://www.health.gov.au/internet/main/publishing.nsf/Content/health-publth-strateg-quaranti-index.htm)

<sup>3</sup> <https://www.smartraveller.gov.au/before-you-go/health/medical-tourism>

<sup>4</sup> Resources are available in Arabic, Chinese (Simplified and Traditional), Croatian, Dari, Dinka, French, Greek, Gujarati, Indonesian, Italian, Japanese, Korean, Macedonian, Punjabi, Russian, Serbian, Somali, Spanish, Tamil, Thai, Turkish and Vietnamese.

## **Recommendation 9**

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**The Sub-Committee recommends that the Australian Government includes information on trafficking in human organs and transplant tourism on relevant government websites, including on the *SmartTraveller.gov.au* website, on country-specific pages of countries where human organ trafficking is known or suspected to occur.**

The Australian Government accepts this recommendation in part.

The Department of Foreign Affairs and Trade will publish information about organ trafficking and organ transplant tourism, and the risks associated with both, under the health section in the 'before you go' advice on the [Smartraveller website](#).

As trafficking in human organs and transplant tourism is a complex, evolving problem encompassing many countries, and due to the limitations of specific data, the Department of Foreign Affairs and Trade considers that a central point of reference on the [Smartraveller website](#) is most suitable at this time. The Department of Foreign Affairs and Trade will keep country-specific pages under review in consultation with relevant Australian embassies and high commissions.

## Recommendation 10

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### **The Sub-Committee recommends that the Australian Government**

- **work with medical professionals, and other relevant stakeholders, to examine the impact of non-specialist prescribing of immunosuppressant medication on the efficacy of post-operative care and;**
- **examine ways to implement capture of data relating to the prescribing of immunosuppressant medication including that relating to transplants occurring overseas.**

The Australian Government notes this recommendation.

The Australian Government will continue to support existing mechanisms to encourage appropriate prescribing and data collection. The Commonwealth, on behalf of all Australian governments, is undertaking a review of the organ donation, retrieval and transplantation system, which will include the development of a long-term strategy for organ retrieval and transplantation. This strategy will address aspects of post-transplantation care.

On the Pharmaceutical Benefits Scheme (PBS), there may be restrictions on medications, including immunosuppressants, which require specialist oversight. Conversely, there may also be instances where these medications are appropriately prescribed by non-specialists.

The PBS is designed to support access to medicines for Australian patients. PBS data will continue to be collected to support Australian Government policy and program initiatives for Australian patients. The Australian Government does not intend to collect data on patients treated overseas.

#### *Appropriate prescribing of immunosuppressant medication*

The Australian Government is working to ensure the appropriate prescribing of all medications, including immunosuppressant medications, through its Quality Use of Medicines Strategy (the Strategy). The Strategy supports the development of evidence-based processes and resources that allows the identification, selection and effective implementation of both non-medicine or medicine prevention or treatment options, which best meet the individual needs and management objectives of patients, healthcare professionals and community. The Strategy also supports the development of education and information materials to assist healthcare professionals and consumers in the selection and use of medicines according to appropriate individual needs and management goals.

The Australian Government funds NPS MedicineWise to implement a quality use of medicines program. NPS MedicineWise is an independent, not-for-profit

organisation that provides evidence-based information, support tools and education services to health professionals and consumers to improve quality use of medicines and diagnostics in Australia. Their mission is to enable the best decisions about medicines, health technologies and other health choices for better health and economic outcomes. NPS MedicineWise delivers a range of primary care focused activities, including those that aim to reduce the inappropriate use of medicines. In addition, Choosing Wisely Australia is an initiative run by NPS MedicineWise that aims to improve quality of healthcare through considering tests, treatments, and procedures where evidence shows they provide no benefit or, in some cases, lead to harm.

In November 2019, all states and territories and the Commonwealth agreed to make the Quality Use of Medicines and Medicines Safety the tenth National Health Priority Area.

#### *Data relating to prescribing of immunosuppressant medications*

Currently, there are five PBS listed immunosuppressant medications specific to the management of organ or tissue transplant recipients<sup>5</sup>:

- Sirolimus (management of renal allograft rejection)
- Ciclosporin (management of transplant rejection)
- Everolimus (management of renal and cardiac allograft rejection)
- Tacrolimus (management of rejection in patients following organ or tissue transplantation)
- Mycophenolate (management of renal and cardiac allograft rejection).

The above listed immunosuppressants have restricted authorities and may only be prescribed for the specified conditions. It is therefore possible to capture data relating to their use in organ or tissue transplant recipients.

While other medicines listed on the PBS are also used in the management of organ or tissue transplant recipients, they are unrestricted benefits and are also used to treat other unrelated conditions. It is therefore not possible to determine the condition for which they were prescribed.

Table 1 details the total scripts and expenditure for these medications. This reflects scripts provided through the PBS and does not capture those where services are provided in a public hospital or prescribed privately. The Commonwealth does not regulate non-PBS prescribing but will refer this

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<sup>5</sup> Depending on the dosage, the quantity prescribed and the treatment setting, all of these medications can be prescribed as Authority Required, Authority Required (Streamlined) or Unrestricted. Three of these (Ciclosporin, Everolimus and Mycophenolate) are also indicated to treat other conditions unrelated to organ transplantation. It is not possible to identify the condition for which medications have been prescribed if they are Unrestricted.

recommendation to the state and territory drugs and poisons units for their consideration.

**Table 1. Total scripts and expenditure for these immunosuppressants regardless of their indications, 2018-19.**

<b>Drug Name</b>	<b>Scripts</b>	<b>Expenditure</b>
<b>TACROLIMUS</b>	148,115	\$46,453,643
<b>SIROLIMUS</b>	5,522	\$4,192,027
<b>CICLOSPORIN*</b>	73,073	\$14,078,931
<b>EVEROLIMUS**</b>	12,510	\$15,060,448
<b>MYCOPHENOLATE</b>	154,898	\$24,008,544
<b>TOTAL</b>	<b>394,118</b>	<b>\$103,793,592</b>

**Notes:**

Includes PBS and PRBS scripts dispensed between 1 July 2018 and 30 June 2019 and received in Department of Human Services for processing up to 30 November 2019. PBS data maintained by the Department of Health and sourced from the Department of Human Services

Based on date of supply

\* Ciclosporin is indicated for different conditions

\*\* Includes only items classified as immunosuppressants.

## Recommendation 11

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The Sub-Committee recommends that the Australian Government seeks to improve organ donation rates through a number of approaches including:

- consultation with the relevant agencies, continue the promotion of organ donation including education and awareness campaigns.
- ongoing funding of the Supporting Leave for Living Organ Donors program and the Australian Paired Kidney Exchange Program (AKX).
- further investigation of other countries donation programs, including Opt-Out organ donation programs to determine whether such a program could be appropriate for the Australian health system.

The Australian Government accepts this recommendation in part.

The Australian Government accepts the need for ongoing promotion of organ donation, and the continued funding of the Supporting Living Organ Donors Program and the Australian and New Zealand Paired Kidney Exchange Program (ANZKX).

The Australian Government notes the recommendation that there be further investigation into other international donation programs, including consent models.

### *Promotion of organ donation*

The Australian Government remains committed to further increasing organ donation rates to increase the number of Australians receiving a transplant. Since the implementation of the Australian Government's national reform agenda on organ and tissue donation for transplantation in 2009, deceased organ donation has more than doubled.

The Organ and Tissue Authority was established in 2009 by the Australian Government to lead the national program in collaboration with states and territories. A key part of the program is increasing education and awareness. As outlined in response to Recommendation 3, work is currently underway on the development of a new long-term strategy for organ retrieval and transplantation which will build on the Government's national reform program on organ and tissue donation for transplantation.

### *Supporting Living Organ Donors and Australian and New Zealand Paired Kidney Exchange programs*

The Australian Government is also committed to improving the lives of more Australians through living organ donation.

The Supporting Living Organ Donors Program is an important part of the Australian Government's commitment to increasing organ donation rates, ensuring that cost is no barrier for living organ donors in Australia. The program allows donors to claim reimbursement for some out-of-pocket expenses incurred as a result of their organ donation.

In 2018-19, 109 patients accessed support through the program, with total expenditure of around \$428,000.

The Program provides:

- financial contribution to employers to either replenish an employee's leave or contribute towards reimbursing an employer who has made a payment to their employee in place of income lost due to organ donation; and/or
- funding of up to \$1,000 directly to the donor to meet some of the out-of-pocket expenses incurred as a result of the donation.

The Australian Government is also committed to supporting patients through funding provided to the Organ and Tissue Authority to coordinate the ANZKX Program.

The ANZKX Program matches incompatible kidney donor/recipient pairs with other incompatible pairs enrolled in the program across Australia and New Zealand. The ANZKX Program finds matches for people:

- who are eligible for a kidney transplant;
- who have a living donor who is willing to donate; and
- whose living donor is unable to donate because their blood or tissue type is not compatible.

#### *Investigation of other countries' organ donation programs*

The Australian Government draws on findings from international programs to inform organ donation and transplantation policy in Australia.

The international experience was taken into account in the decision by all Australian governments in 2009 to maintain Australia's informed consent or 'opt-in' model. This gives individuals the option to record their intent or legal consent to donate their organs and/or tissues on the Australian Organ Donor Register.

The current Australian position of 'opt-in' has been informed by research, evidence and discussions with state and territory governments, which have responsibility for the legislative framework for organ and tissue donation for transplantation under their respective human tissue legislation.

Experience in other countries shows that systems which compel organ donation, such as 'opt out' models, are not necessarily the reason for increased donation rates. Research shows that better long-term results are achieved through systemic approaches that educate and involve hospitals, clinicians, donor families and the general public.

This approach has been implemented in Australia through the work of the Organ and Tissue Authority and its national DonateLife Network. The nationally coordinated program is focused on a best practice clinical system in hospitals, combined with community awareness and engagement. Its success is demonstrated by the trend of growth in organ donation over the past decade. Since the national program started in 2009, the number of deceased organ donors more than doubled (554 donors in 2018), resulting in 11,000 Australians receiving a lifesaving transplant.

The Australian Government continues to monitor international outcomes.

## Recommendation 12

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**The Sub-Committee recommends that the Australian Government works with the States and Territories, as a matter of priority, to ensure that any person or body corporate importing human tissue into Australia for commercial purposes produces verifiable documentation of the consent of the donor person or their next-of-kin. This could include appropriate legislative changes at the Commonwealth or State and Territory level where required.**

The Australian Government notes this recommendation.

Australia has taken a strong stance against the trade of organs for commercial purposes. The sale of organs is prohibited in all Australian states and territories, regardless of consent of the donor.

Similarly, all Australian states and territories have prohibited the removal of organs without full and free consent. For the purpose of the legislation, there is no consent if the victim has been coerced or induced into agreeing to the removal of the organ.

Importation of human tissue into Australia is also regulated under the *Biosecurity Act 2015* (the Biosecurity Act). Under the Biosecurity Act, a Human Biosecurity Officer must give permission for human remains, for certain purposes, including for commercial purposes, to enter Australia. Permission is granted based on an assessment in regards to risk of importation of Listed Human Diseases.