

4. LEAVE TO INTRODUCE

**A Bill relating to consent for organ donation –
Leave to introduce granted**

The Hon Member for Garff (Mr Perkins) to move:

That leave be given to introduce a Private Member's Bill to amend the law relating to consent for organ donation; and for connected purposes.

The Speaker: Item 4, leave to introduce, and I call on the Hon. Member for Garff, Mr Perkins to move.

Mr Perkins: Thank you, Mr Speaker.

5 I am seeking leave to introduce a Private Member's Bill to enable presumed consent for the donation of human organs.

The limiting factor for transplants are the number of organs available, and I believe the time has come to do something about it. With presumed consent, you are automatically registered as a donor. You can always opt out at any time, if you change your mind.

10 Several other jurisdictions, including Wales, have successfully brought in presumed consent. The BMA have called for a presumed consent system to be implemented in the UK, and this is currently under consultation. Scotland is also looking at presumed consent.

I am acutely aware that in the Programme for Government, the Health Minister's team has a stream of work in train to modernise the laws regarding organ donation and the existing Human Tissue Acts, and I certainly do not want to tread on their toes on this issue. I would work closely with them if given leave to progress this Bill.

15 I understand their timescale is 2019 to 2020, but I believe we need to get this important piece of legislation underway before then, because around that time, I would guess that drafters are going to be chock-a-block with Brexit law changes. So let's take advantage of the drafting time set aside for Private Members' Bills.

20 I do have to say, I am extremely disappointed to learn that the tick-box on the Isle of Man driving licence does not automatically enter your details into the UK organ donor database. I understand from the Hon. Minister on my left that steps are now being taken by his Department to remedy this situation, and I thank the Minister and his team for that.

25 So I would say to people, if you wish to help people who need a transplant, make sure your relatives are aware of your wishes and check you are registered on the UK organ donor database: www.organdonor.nhs.uk. 12,600 people from the Island are already on the UK organ donor register, but we can and need to do better.

30 I currently understand there are nine people waiting for a transplant here on the Island and since 2013 six people have died while waiting for a transplant. I feel it is essential we look at updating our law to ensure we have as many organs as possible available for donation.

Thank you.

The Speaker: I call on the Hon. Member for Ramsey, Dr Allinson.

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Dr Allinson: Thank you, Mr Speaker.

40 I would like to second this motion. Organ donation and organ transplant have revolutionised the treatment of long-term conditions but unfortunately, particularly in the United Kingdom and also on the Isle of Man, we are not doing as well as other jurisdictions. We are not perhaps doing as well as we should be to help those people who are blighted by chronic liver disease, chronic kidney disease and chronic heart disease.

Spain is possibly the world leader in organ donation, and has been so for the last 25 years, and has done that and kept that reputation despite some quite stringent austerity cuts to their public services and to their health service. What they have done is, rather than throw resources and money at the situation, looked at the organisation of organ donation.

The key to their success is actually having designated professionals in the hospitals who will look at those people who are perhaps close to death and see if they are a potential donor; so looking at people in intensive care in hospital wards and even in A&E, and a whole team approach to organ donation which looks to try to make the best of what is a tragedy, obviously, for one family to bring hope to another.

The other key to the Spanish system is the opt-out, which is now being adopted throughout the world, and so this emphasis on trying to pre-empt organ donation, to actually try to encourage organ donation, I think is key to providing more transplants, both for people on the Isle of Man and also for people in other jurisdictions.

I do support this motion to look at this in a bit more detail and hopefully bring in the legislation because particularly with the absence of a link to the licences, I believe that there are far more people on the Isle of Man who would like to donate their organs but are unable to do so at the time of their death than perhaps there should be.

The Speaker: Sorry, just to confirm, Dr Allinson, you are seconding the motion?

Dr Allinson: I am seconding the motion.

The Speaker: I call on the Hon. Member for Douglas South, Mrs Beecroft.

Mrs Beecroft: Thank you, Mr Speaker.

Can I first take the opportunity of thanking the Hon. Member, Mr Perkins, for raising this very important issue, and I rise in support of the principles of what he is proposing.

The issue of organ donation is a highly sensitive and personal one, but it is timely that we as politicians are being asked to think about what our position is with regard to this issue, as there is much discussion taking place in adjacent jurisdictions on this matter.

I am aware that Scotland has just consulted on organ donation and intends to develop soft opt-out legislation for organ and tissue donation.

The English cabinet office and department of health have announced a public consultation in relation to organ donation and an opt-out system.

Wales, on the other hand, moved to a deemed consent, or soft opt-out system in December 2015. Under the soft opt-out system, if you have not registered a clear organ donation decision opt-in or opt-out, you will be treated as having no objection to being an organ donor. This has increased the number of organ donations in Wales.

In the current legislative programme, the Department has identified a need to review two pieces of legislation, the Human Tissue Act 1986 and the Human Organ Transplants Act 1993, to modernise our practices and policies.

One of the options currently under review with regard to organ donation is to look at the effectiveness of the model in operation in Wales, following the introduction of the Human Transplantation (Wales) Act 2013.

I appreciate that Mr Perkins would like to see this model in place here on the Island. However, we need to acknowledge that even under our currently outdated legislation, we do still participate where we can in organ donation, facilitated by my Department and in support of the wishes of the donor.

My Department would hope to bring a revised Human Tissue Bill to parliament in 2019-20. This work will provide our administration with an opportunity to seek the public's view on organ donation within the next 12 months to inform the drafting of the new Bill.

I would be happy to offer that my Department works closely with Mr Perkins to ensure that we can modernise our current provision and legislation in support of an organ donation model that would best meet the needs of the residents of the Isle of Man and also to allow us to work more effectively with organ donation networks across the UK.

The Speaker: Hon. Member for Douglas East, Mr Robertshaw.

100 **Mr Robertshaw:** Thank you, Mr Speaker.

I am pleased to support this leave to introduce and would like to reflect a number of the comments made by previous speakers.

I am just a little bit hesitant about any desire to rush this. The Minister of DHSC just indicated that there are sensitive issues here: yes, there are.

105 I just wondered whether he would be able to say that it will be possible for us – and in my case, I have to admit to not knowing yet enough about this to establish a position – whether we will have an opportunity to see the results of the UK consultation on the subject; and also is it likely that there will be full interaction and exchange of organs between all these various areas?

So there are quite a lot of questions. Can he reassure us that this will not be rushed?

110 Thank you, Mr Speaker.

The Speaker: I call on the Hon. Member for Garff to respond to the debate.

Mr Perkins: Thank you, Mr Speaker.

115 I thank the Member for Douglas East, Mr Robertshaw. You will have my full co-operation, that we look at all the other jurisdictions. Why reinvent the wheel, when we can see what is happening in the UK and other areas?

We have looked at the Welsh situation. Initially, the number of organs actually dropped, but now it has recovered and it is coming up. The BMA expect that all the figures of jurisdictions that accept the organ donations will improve with this process being brought in.

120 It will certainly go out to public consultation and I will be working extremely closely with the hospital committee that is involved with this. We will take the public consultation and also professional consultation.

125 Coming on to the Minister: I thank you for your support, Minister. I agree that you have my full assurance that we will work closely with the Department, again with the transplant committee and the people who are involved. I believe it is important that we do not rush this, and we do take on board everything that other jurisdictions have learned, but I believe that it is important that we do get it moving, because the longer we wait for this, it just goes on and on, and I am convinced that the Brexit issue will block our drafting capabilities. I do think we have to get things underway.

130 At the end of the day, I believe the most important thing is to get the best possible outcome for the Manx public. Of course, we do not do transplants on the Island, but our donated ... go into the UK system and that then raises the profile of the Isle of Man members of the public who are actually waiting for an organ donation.

135 Let us not forget that for every organ that is donated that makes one family on cloud nine because they have got an organ, there is another family who experience the worst time of their life. Having spoken to the people at Noble's Hospital who actually donated organs from their relatives, they are at rock bottom at that point in time; but having considered it, and having given their organ to transplantation, they then get solace out of that and it makes them feel better that at least through tragedy, through their loved one, they have helped somebody else.

140 I believe it is a very important piece of legislation that we should address.

Mr Speaker, I beg to move the motion standing in my name.

145 **The Speaker:** Hon. Members, the question is that leave be given to introduce a Private Member's Bill to amend the law relating to consent for organ donation and for connected purposes. Those in favour, please say aye; those against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business before the House this week. We stand adjourned until 7th November at 10 a.m. in our own Chamber.

Thank you.

The House adjourned at 11.02 a.m.