

Health and Social Care Committee
Human Transplantation (Wales) Bill
HT(Ind)105 - Dr Barker



16 January 2013

Miss/Mrs Sarah Sargent
Deputy Clerk Health and Social Committee
National Assembly for Wales,
CARDIFF
CF909 1NA.

Dear Miss/Mrs Sargent

Human Transplantation Bill

I have recently received a copy of a letter on this subject reference LG09022/12 dated January 2013 sent to Mrs Gwenda Thomas AM for Neath, by Lesley Griffiths AM Minister for Health and Social Services. I wish to make some observations on it,

Presumed consent in effect equals no consent unless there is very extensive publicity, to ensure that those who do not opt out of donation have made an explicit choice, rather than do so by default, by ignorance or by lack of knowledge or understanding. This makes the concept of “presumed” or “deemed” consent an ethical problem as well as being complex and expensive to administer.

The Welsh Government's letter says it has introduced “soft option” legislation allowing the family of the deceased a role in the final decision but the Bill as it stands does not allow for this, and there is no provision in it for providing distressed relatives the right to object to the removal of organs when no consent was given by the deceased. I think it is essential that respect for the views of the surviving family are written in the legislation itself. The National Assembly for Wales is asked to consider amending the Welsh Government's Bill to make this commitment clear.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dr Barker'.