

2018.11.06

17 The Connétable of St. Martin of the Minister for Health and Social Services regarding the encouragement of registration for organ donation in Jersey: [OQ.168/2018]

Will the Minister inform Members what efforts, if any, are being made to encourage registration for organ donation in Jersey; and will he also state what measures have been taken to work with those members of the public who signed up to the Jersey Organ Donation when applying for a driving licence to ensure that their interest in registering is actioned?

The Deputy of St. Ouen (The Minister for Health and Social Services):

I welcome the question from the Connétable and I hope that we might be able to involve her in a drive to encourage registration in the organ donation register which is being planned for next year in advance of the coming into force of the Human Transplantation and Anatomy (Jersey) Law which was passed by this Assembly last year. That will introduce what is often called the opt-in, so that members of the public, if they have a strong objection to their organs being made available in right circumstances, will be able to opt-out of the scheme, otherwise there will be a presumption set out in the law that organs could be recovered, always subject of course to wishes that may be expressed by an individual during their lifetime and, importantly, always subject to the wishes of the family in those tragic circumstances where this question arises. Thank you.

4.17.1 The Connétable of St. Martin:

I thank the Minister for his answer and I would be delighted to help with the campaign, which I believe has £20,000 set aside. I also would like to pay tribute to the MacLachlan family who set up Love Hearts. I believe they were first in consultation with the States in 2012/2013 and we are now at the end of 2018, so I hope that the campaign starts very soon in the new year. Thank you.

The Bailiff:

Your question, Connétable?

The Connétable of St. Martin:

Sorry, I just wanted to know when the Appointed Day Act would be and my follow-on question was when the campaign for the £20,000 that has been set aside was going to start.

The Deputy of St. Ouen:

I regret I cannot yet be precise about dates; they have yet to be worked through. But like the Connétable, I would like to pay tribute to Mr. Neil MacLachlan, a consultant in our hospital, who has worked tirelessly to promote the cause of organ donation. He has been a great help to the department in pushing through this legislation and is actively involved, and plans to be involved, in the campaign that we will be carrying out.

4.17.2 The Connétable of St. Saviour:

In the campaign that you will be carrying out, could you emphasise that although permission is given by the person who is sadly passing away, the family still have the final say? I think it is very important for people to be aware that their family can go against their wishes. I find this part of the whole idea very, very upsetting because if I have said I wish to have my organs donated, I think it is very upsetting that the family can go against my final wishes. So I hope the campaign will say: "You are very welcome but your family will have the final say." I think that needs to be brought home very, very well.

The Deputy of St. Ouen:

The Connétable is correct because no medical practitioner would want to be in a situation where they are forcibly removing organs from a body against the wishes of a family. That does not arise in the U.K., it is not the intended model here. It is the model in some countries but it is not, and I would not favour that, and clearly the Assembly did not wish to consider that model when we passed the law. So what the Connétable says is the case, that family could therefore override the wishes, the express wishes, of an individual but this highlights the importance of talking about wishes with your family ahead of time. Let them know if you wish to be an organ donor and the reasons why you wish to give life to somebody else and seek to persuade your family if they have fears over that, that those fears can be overcome, and ask them to respect wishes. I hope that most families would respect the wishes of a loved one in those circumstances.

4.17.3 The Connétable of St. Saviour:

Will you be mentioning that in the campaign, please?

The Deputy of St. Ouen:

Yes, we will mention that. We will try and make it crystal clear of the possible limitations, if the Minister sees it that way, stressing though that the desirability of speaking among families, not just about the question of organ donation but about the question of how we might want to all be looked after in circumstances where we cannot express our wishes, what sort of care might we need *in extremis* when we cannot express our wishes. Thank you.

4.17.4 Deputy D. Johnson of St. Mary:

Can I simply repeat the practical point, which I raised when this matter was up for debate, that lawyers - and the Minister will need no reminding of this - have a part to play in this. I gather in the U.K. it is almost standard practice for lawyers taking instructions for wills to ask the obvious question. I urge that any publicity taken by the Minister involves the Law Society in making sure that happens here. Thank you.

The Deputy of St. Ouen:

Yes, we can certainly encourage lawyers to discuss these things with their clients but it is not really sufficient in the case where a possible organ donation scenario has arisen to then go and circulate all the lawyers in the Island to ask whether the person had left a will leaving his wishes expressed. It is more important to discuss those wishes I think with family and with your own G.P. (General Practitioner) so that any medical notes made by the G.P.s will be available to the hospital practitioners at that time. So it is important to discuss it with everyone, in answer to the Deputy, lawyers included, but lawyers are just one group of people who should know these wishes.

The Bailiff:

A final supplementary or are you ...

The Connétable of St. Martin:

I would just like to thank the Minister and say that if I am asked to help on the campaign I will be expressing the Connétable of St. Saviour's wishes that people are made fully aware of all the facts and that they do have the ability to override their loved-one's wishes, but I would have thought that they should really do what their loved-one would want them to do. I will be pushing to get the campaign started as soon as possible. Thank you.