



## Learning Works

### Some related background reading and points for discussion

#### Discussion Starter 5: Donation Procedures

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*These research notes are of a general nature, and are provided only as background and as discussion starters. Readers should check the relevant laws in their own state or territory.*

#### Background:

Children aged 16 and over are generally considered capable of making their own medical decisions,<sup>1</sup> which is based on a fundamental principle of autonomy; when people are considered competent to make decisions regarding their health and well-being, they should be given the authority to decide which medical procedures they do or do not wish to have.

The laws regarding donation of tissue differ slightly; in order to consent to donation of any tissue other than blood, a person must be 18 or over.<sup>2</sup> Parents have the authority to consent to donation of blood before the child reaches the age of 16,<sup>3</sup> and also to donation of other regenerative tissue before the child reaches the age of 18.<sup>4</sup> Regenerative tissue can be defined as tissue which renews itself after removal, and includes bone marrow, skin and liver tissue.

Where parental consent is given for any donation procedure the child must be found to be sufficiently intelligent to understand the nature of the procedure, and the possible risks involved.<sup>5</sup> Legislative guidelines do not provide for what constitutes a sufficient level of understanding and intelligence, so this is presumably at the discretion of the doctor examining the child.

Some diseases require the patient to have regular blood transfusions, such as sickle-cell anemia. Other, more serious diseases require bone marrow transplants. Usually, the best tissue match for a young person with one of these diseases will be a sibling. Courts have allowed children to donate tissue to relatives, but generally only in serious circumstances, such as where the relative's condition is life-threatening. The Courts have to decide in these cases whether the child is competent to consent, and whether the decision is completely independent. This is an important consideration, as there is a significant risk of coercion from parents or other relatives, which may be intentional or unintentional.

#### Issues:

- All donation procedures carry risks. Some are only mild such as discomfort, or bruising around needle sites. Others are more serious, such as infection, or allergic reaction to general anesthesia
- Children are vulnerable and at risk of coercion when making medical decisions; parents may unintentionally persuade their child to take a course of action that he or she would not otherwise take

<sup>1</sup> *Consent to Medical Treatment and Palliative Care Act 1995 (SA)* s6.

<sup>2</sup> *Transplantation and Anatomy Act 1983 (SA)* s12.

<sup>3</sup> *Ibid* s19.

<sup>4</sup> *Ibid* s13.

<sup>5</sup> *Transplantation and Anatomy Act 1983 (SA)* s13(2)(a)

- Sometimes siblings are the only suitable donor when a child needs a transplant
- It is unclear what constitutes a sufficient level of understanding for a child

### **Questions:**

- What can you do if your child requires a donation, and the only suitable donor is a sibling?
- Where can families go for advice?
- What are the risks of such procedures?
- How can a parent know whether a child is feeling pressured into undergoing a donation procedure?
- How does a parent ensure they are not pressuring their child?
- What can a child do if they are feeling pressured?
- What if a child wants to donate, but the parents say no?
- Are there alternatives to having children donate?

### **Further Information:**

*Consent to Medical Treatment and Palliative Care Act 1995 (SA)*

*Transplantation and Anatomy Act 1983 (SA)*

Anesthesia Information for Patients:

<http://www.brandianesthesia.it/english/complications.html>

Australian Red Cross Blood Service, “*What to expect when you give blood*” at

<http://www.donateblood.com.au/page.aspx?IDDDataTreeMenu=45&parent=31>

Bone Marrow Donation Information, at

[http://home.cinci.rr.com/thespriggs/bone\\_marrow\\_donation\\_information.html](http://home.cinci.rr.com/thespriggs/bone_marrow_donation_information.html)

Organ Donation Information, at

<http://www.organdonation.sa.gov.au/Default.aspx?tabid=1>