

5 February 2026

SUBMISSION TO THE AUSTRALIAN LAW REFORM COMMISSION REVIEW OF HUMAN TISSUE LAWS DISCUSSION PAPER 90

This response from the Australian Academy of Health and Medical Sciences (AAHMS) to the Australian Law Reform Commission's (ALRC) Review of Human Tissue Laws [discussion paper](#) explores key considerations relating the use of human tissue for research purposes.¹

The Academy is pleased to note that, in response to our 2025 submission, the discussion paper includes reforms relating to tissue donation for research.² AAHMS supports the inclusion of these proposals, particularly those designed to improve ethical oversight and preserve community trust in the use of human tissue for health and medical research.

Australian leadership in health and medical research and innovation is only possible thanks to Australian communities' strong willingness to donate tissue for research. This willingness is particularly evident among patients and families impacted by rare diseases, who are often eager to support research that will benefit others over time. However, while Australians' willingness to engage in a wide range of blood, organ and tissue donation for research is clear, this will only be maintained through robust and workable consent and privacy frameworks. The review of human tissue laws provides a timely opportunity to ensure that tissue donation and biobanking are governed in ways that reflect both communities' trust and generosity, and their right to determine how their tissue is used.

This submission, which draws on the unparalleled health and medical research expertise and experience of our diverse Fellowship, examines the discussion paper and provides targeted, actionable steps to creating a regulatory environment that facilitates safe, ethical and transparent research using human tissue - safeguarding Australia's strong tradition of medical innovation and community trust in research.³



Proposals 29-30: Stored tissue collections and biobanks

The Academy agrees that careful attention must be given to consent for future uses and data stewardship, and we recommend that:

- **Waivers of consent from a Human Research Ethics Committee (HREC)** be considered for research access to archived tissue collections, provided these collections meet established ethical standards and have been appropriately stored and managed.
- **A national regulatory framework for biobanks** be prioritised to ensure consistent standards and ethical oversights while avoiding fragmentation and ensuring that donor rights are protected across the entire research ecosystem.

Beyond the scope of these proposals, the following additional measures would ensure greater harmonisation of human tissue laws and clearer guidelines for biobanks:

- **A national oversight body for human tissue use and biobanks** should be established and adequately funded. This could be a new body or could be incorporated into an existing structure such as the Therapeutic Goods Administration (TGA) or the National Blood Authority. However constituted, it would be tasked with – and empowered to – focus on coordinating regulatory frameworks, and would need dedicated resourcing to do so properly.
- **Legacy collections should be addressed with flexible guidelines**, taking into account the context in which they were collected and ensuring that they comply with contemporary ethical and regulatory standards for sample management and access.

Proposal 32: Consent for tissue removal from living persons for research

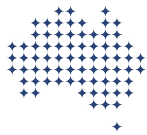
In order to provide flexibility for both specific and broad consent, depending on the nature of the research and the needs of the donor, the Academy suggests that this proposal be refined by:

- **Both specific and broad consent options** being available to living tissue donors, allowing for greater flexibility and transparency.
- **The use of dynamic consent models for living donors** where appropriate, allowing for ongoing engagement with donors to ensure that they remain informed and able to determine how their tissue is used.
- **HREC review** being a central element of any research process involving human tissue, ensuring that all collections are ethically approved before use.

Proposal 33: Consent for future research uses (living donors)

The Academy is encouraged to note that Proposal 33 is consistent with our 2025 recommendations that broad consent be allowed, particularly for biobanks where samples are stored for future use. Our additional recommendations relating to this proposal include:

- **Two consent options** be offered to living donors. As we note above, in relation to Proposal 32, these options should be specific consent for a defined research purpose or broad consent for future, unspecified research uses. This approach would increase choice for participants and facilitate large-scale research.



- **Broad consent should be ongoing.** Tissue donors should be able to withdraw consent for the use of their tissues in research. It is important to establish pragmatic systems that maintain this principle and enable valuable research. It should therefore be possible to secure broad consent as a long-term commitment, with donors able to contact the tissue holder to withdraw consent (rather than the holder regularly approaching the donor to offer withdrawal/renew consent). This will allow for research flexibility while still respecting the donor's autonomy. In such a system, it is important that tissue donors have the option to be kept updated with how their tissues are being used.
- **The ALRC should clarify that most human tissue is potentially genetically identifiable** and ensure that this is considered in ethical and regulatory research oversight.

Proposal 35: Tissue removal from children for research

In line with our 2025 submission, the Academy welcomes the balancing of ethical oversight with practical research needs that underscore proposal 35. To refine this, and to recognise the altruism exhibited by parents who provide consent for the use of tissues from donor children, we recommend:

- **Point 3 of the proposal be revised to reflect that research outcomes are often uncertain or unexpected, and benefits may be realised for individuals and communities beyond the donor child and their family.** We therefore suggest that the wording of point three be changed to: "The projected research may provide information that may benefit the child, the child's family, other unrelated children, or individuals with related or unrelated conditions."

Proposal 37: Consent for future research uses (after death)

The Academy strongly supports the current content of proposal 37 and emphasises the importance of maintaining transparency and protecting family rights after the death of the family member. To ensure ongoing public confidence in this aspect of human tissue donation for research purposes we consider that there should be:

- **Ongoing community dialogue and education** about the ethical research use of deceased individuals' tissues.

Proposal 42: Exceptions to the prohibition on the exchange of human tissue for reward

Where proposal 42 provides for certain blood products to be purchased for medical, educational or scientific purposes, it should be accompanied by a commitment to:

- **Securing Australia's long-term self-sufficiency with regard to plasma products**, in line with World Health Organisation (WHO) guidelines. Paid plasma donations in Australia should not be encouraged.⁴ The purchase of certain international plasma products collected from paid donors in other countries should only be allowed with appropriate safeguards in place, and not at the expense of funding and maintaining a robust, volunteer-based (i.e. non-remunerated) domestic collection system for plasma products.

Authorisation

This submission was endorsed for publication by the Australian Academy of Health and Medical Sciences on 29 January 2026.

References

1. Australian Law Reform Commission (ALRC). *Discussion Paper: Review of Human Tissue Laws*. 2025. Accessed January 28, 2026. <https://www.alrc.gov.au/wp-content/uploads/2025/11/Human-Tissue-Laws-Discussion-Paper-2025.pdf>
2. Australian Academy of Health and Medical Sciences (AAHMS). Submission to the Australian Law Reform Commission Review of Human Tissue Laws: Considerations regarding research uses of human tissue. Preprint posted online 2025.
3. Australian Academy of Health and Medical Sciences (AAHMS). Understanding Trust in the Health and Medical Sciences. Preprint posted online November 2025.
4. World Health Organization (WHO), International Federation of Red Cross and Red Crescent Societies. *Towards 100% Voluntary Blood Donation: A Global Framework for Action*. 2010. Accessed January 28, 2026. <https://www.who.int/publications/i/item/9789241599696>