

# TRANSCRIPT

## LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

### **Inquiry into increasing the number of registered organ and tissue donors**

Melbourne—Friday 23 June 2023

#### **MEMBERS**

Ella George—Chair

Annabelle Cleeland—Deputy Chair

Chris Couzens

Chris Crewther

Gary Maas

Cindy McLeish

Meng Heang Tak

#### **WITNESS** *(via videoconference)*

Mr Adel Salman, President, Islamic Council of Victoria.

**The CHAIR:** Good afternoon. We will now recommence public hearings of the Legislative Assembly's Legal and Social Issues Committee Inquiry into increasing the number of registered organ and tissue donors. Thank you for joining us today.

**Adel SALMAN:** Thank you.

**The CHAIR:** I would like to welcome Adel Salman, President of the Islamic Council of Victoria.

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I invite you now to make a brief statement of around 5 to 10 minutes, and then this will be followed by some questions from Members. Thank you.

**Adel SALMAN:** Thank you very much for the opportunity. It is a pleasure to speak to you and your Committee. The Islamic Council of Victoria are a peak representative body. Maybe some of you in the room are vaguely aware of the ICV, but we are a body that has been in existence for a long time now. We are a member-based organisation, and our members, circa 80 member societies, have their own centres, mosques, community centres et cetera. There are also some of them that do not, but more importantly the point I am trying to make is that they are from very much a cross-section of the Muslim community, which is very diverse here in Victoria—different ethnicities, cultures, ages and locations. We represent member societies within metropolitan Melbourne as well as within regional Victoria. That gives us some unique insights into the views of the Muslim community. So when the ICV does speak about issues—and we do advocate on various issues—we have a sense of what the general view is within the broader, diverse Muslim community. I think that is important. Whenever the ICV does make a representation to government or other bodies, we like to ensure that we can faithfully represent the general views—not all the views obviously; we do not purport to represent all of the 300,000 Muslims in the state of Victoria—but it would be accurate to say we try to represent the broad views of the Muslim community here in Victoria.

This topic or this subject is very important obviously. Organ and tissue donation has been a topic of discussion within the Muslim community for many years not only in Australia but globally. The ICV itself has advocated—or tried first of all to raise awareness within the Muslim community of the importance of this and that these discussions need to happen within families, between spouses, in our mosques and also within our groupings, because it is probably fair to say that up until recently I guess there has been a lot of ignorance about the importance of this subject. There has also been a sense of trepidation about what is involved and what it actually means to donate your organs. I think by and large there is a concern that this somehow violates the sanctity of the human body.

When a Muslim dies, there is a very strong focus on honouring the body until such time as they are buried, and typically a Muslim burial will happen very soon after death unless there are extenuating circumstances. For example, if there needs to be a coroner's investigation, that may delay the burial, but otherwise the family will seek to bury their loved one literally within 24 hours. That is part of the sense of honouring the dead, and anything that is done to the body of a deceased person that somehow compromises that honouring would be seen as problematic by many people. I guess there has been a perception, not only among Muslims here in Victoria but just generally, that by donating or by signing up to donate one's organs, that somehow means that the body of the deceased will somehow be disrespected, in a way, if I can use that terminology.

There has been a broader concern as well about the permissibility of doing so. Most Muslims, whether they are practising Muslims or otherwise cultural Muslims, if you like, on certain matters like this, will seek the opinion of scholars or imams. Recently imams and scholars have come out very clearly and said it is absolutely permissible in Islam to donate one's organs to save the lives of other people and to improve the quality of life of other people. I think that is important because that means from a permissibility perspective there would be no major concern. Clearly some families would be concerned about what would happen to their loved one if

organs are removed from the body of their loved one, but I think by and large most people now understand that this is done in a very sensitive way and will not in any way compromise the process that Muslims undertake to honour their dead, which includes washing of the body and that praying over the body and that quite rapid burial that happens thereafter.

But I think there is still a long way to go in terms of encouraging Muslims to be having that conversation, and it has to be a conversation in families, between parents and children, especially with our elderly as well, and in a very sensitive way. I think people can be shown that this is a good thing to do and that there should be no concern about this in some way getting in the way of what is their obligation, which is to honour their loved one according to Islamic rituals.

**The CHAIR:** Thank you. That was an excellent opening statement and I think has explored a lot of the different issues in relation to this inquiry. I will hand over to Gary for the first question.

**Gary MAAS:** Thanks very much, Ella, and thanks, Adel, for that. I think we have only got one question each so I will really make it count. Before I give you that, I just want to say as the member for Narre Warren South I am very familiar with the work that the Islamic Council of Victoria does. I would particularly like to thank your organisation for the tremendous work that you did throughout the COVID pandemic period and that all of the Muslim community leaders did in playing a really fantastic education role. My question is going to be on education. I was just wondering: how do you think Victoria would be able to increase the knowledge of the donor register—that one actually exists—and organ and tissue donation in the Muslim community and encourage people of Muslim faith to register?

**Adel SALMAN:** Thanks, by the way, for your very positive feedback. It is very much appreciated.

I think it needs to come through trusted sources, because it is a sensitive topic, despite the fact that the community has come a long way in terms of their understanding and a lot of the concerns have been addressed. As I said, from a permissibility respect it is clear now that it is permissible and in fact encouraged. In fact the scholars have gone further and said that not only is it permissible but it is actually strongly encouraged that you become or consider becoming an organ donor. But it is still a sensitive topic, so the message and the education and the awareness really need to come through trusted sources within the Muslim community. I am really glad you raised the COVID example, because that is a very good parallel example, if you like. The ICV and other organisations and other leaders, we actually ensured that we were delivering the message, we were fronting the message and we were seen as a trusted source. That really made a difference with the Muslim community when the ICV and other respected leaders were delivering this message to be COVID safe, to be vaccinated et cetera.

I think we need to take the same approach here, if you have imams and religious leaders—the ICV—saying, ‘Look, this is something that is important. You need to understand what’s involved and you need to understand the positives by doing this, but by the same token we understand you’ll have concerns. This is some information that hopefully will address your concerns, and if you have any more concerns, please raise them and we can discuss them very openly and sensitively.’ I think that is really the approach that needs to be taken.

**Gary MAAS:** Thanks very much. No further questions, Adel. Thank you.

**The CHAIR:** Can I jump in, and then we will head up the chain. Thanks, Adel. We understand that the ICV received some grant funding from the Organ and Tissue Authority to raise some of that awareness that you are speaking of around the permissibility within Islam for organ and tissue donation. I was wondering if you could expand a little bit on that and some of the outcomes that you have seen from that.

**Adel SALMAN:** That was a while ago. I cannot recall exactly the timing, but that was a while ago, and, look, I think it was generally positive. As I said, the ICV has been supporting this cause, if you like—I use the word ‘cause’—for a while, and I think if we were to do it again, in terms of that campaign and similar to COVID, we would probably run it in the same way as we did with our COVID awareness campaigns, which were very effective.

**The CHAIR:** They were.

**Adel SALMAN:** During COVID times obviously we were all in lockdown, so a lot of our community seminars were online. They were very effective as well. We made sure we had the right people coming in: we

had the Department of Health and experts coming in; the ICV was talking; others were brought in. We held these open, online forums, and I would say that during COVID we ran probably 50 forums. I am not saying we should do that number here, but we would have to run a series of forums. Also my suggestion would be that if we were going to run face-to-face forums, which I think would be positive, we would take them out to the regions of Melbourne—so, you know, maybe a session in the north, in the north-west, in the west, in the south-east, in the east, in regional Victoria. I think that would be very effective.

In terms of the grant that you are referring to, as I said, that was a while ago, but I think it was successful. But I could not recall exactly the specifics of it to be able to give you that full answer.

**The CHAIR:** That is okay. I think it sounds like you have got a great idea, though, for a future project that the ICV could run.

**Adel SALMAN:** Yes, because we have a template now, and it worked. It is amazing. From every disaster, you find positive things come from it. Certainly a number of positives have come out of the COVID response, and one of them is that we now have a template. If we are facing a similar situation again where we have an urgent need to get the message out to the community and receive that positive response, I think following a similar template to the template that we followed during the COVID times would be effective.

**The CHAIR:** Great. Thank you. Annabelle?

**Annabelle CLEELAND:** Thank you, Adel. I am just keen to know—you mentioned that the blood donations in the Muslim community have increased substantially and that you believe that organ donations could follow a similar path. So what have been the communications and avenues of that blood donation awareness within the Muslim community? How has it been successful?

**Adel SALMAN:** Look, I think in terms of blood donation, I recall that there were statements that we issued, public statements, supporting a blood donation drive. I think we have had some high-profile Muslims actually encouraging people to donate blood. And I think it has been made easier as well. I think the whole process of donating blood has been made easier, and that is something for us to think about as well. When we are rolling out a campaign around increasing the level of organ donation, the simpler you can make that process—and this is not just for the Muslim community; I think this generally—I think you will get a better response.

Look, I think with organ donation, for me the key would be having very frank communication, saying, ‘We understand that some people would have these concerns. In response to these concerns, this is the situation.’ And I think we then would have to emphasise the really positive aspects. Quoting from Islamic sources would be very effective as well—where Muslims are encouraged to save the life of their fellow human beings, and I think by extension improve the life of their fellow human beings. I think that is a noble thing to do, and it is encouraged. So we have got to be able to authentically convey the Islamic perspective on this and also encourage Muslims to think about the personal—personalise it, if you like. Imagine if it was your parents. Imagine if it was your brother, your sister or your child. If you were in that situation, I am sure you would welcome someone donating their organs to actually help your loved one in that situation. I think we have got to emphasise the emotive aspect of it as well. It is an appeal to people’s best nature but also an appeal that tugs on people’s heartstrings and connects it to their own lived reality.

**Annabelle CLEELAND:** You mentioned—in life—that trust in government and health services and how you communicate. One thing that we have learned a lot about is the communication of your intentions if you are a donor—that is one element—but then: are your family aware of it? There have been suggestions around drivers licence registry or AEC voter registration or ambulance membership. Would you have any suggestions around what would be best or most effective for a Muslim organ donor to communicate that with their family, that will have trust within that communication channel?

**Adel SALMAN:** Look, I think having that notified in some sort of a formal way would definitely be advantageous. Muslims are encouraged to have wills, so Islamic wills are becoming more and more popular now. In fact the ICV are planning to run a session—we have run it before, but we are planning to run another session—on having or developing an Islamic will. I think this could be something that could be captured in your will and say, ‘Look, here’s my will and this is how I would like my assets and my wealth to be distributed, but also I would like my organs to be donated when I die.’ In that way I think that then becomes an official record for families. Because it is a very stressful time. I mean, when their loved one dies—we all know this—

they may not be thinking about all these other things. They are more worried about the trauma of their loved one passing but also arranging for the burial and all the things that are associated with it, so they may not be thinking clearly at the time about organ donation. But if it is official and there is some record of that, I think that would then allow families to process that in an appropriate way at the time it actually happens.

**Annabelle CLEELAND:** Great. Thank you for your contribution.

**Cindy McLEISH:** Thank you. My turn. I am Cindy, and I appreciate your contribution. One of the things that I really liked earlier was you talking about ICV being a trusted source and that it allows you to disseminate information. I also note that there have been a few grants from the OTA over the years 2014, 2015 and 2017 about raising awareness of the permissibility and importance of organ donation, and further, this year at the Australian Islamic Medical Association national health conference it was a topic for discussion. It was noted that nothing in Islam prohibits organ donation, but rather, saving life is an important value. Given that the health practitioners know and understand that and the challenges around fast burial, do you think the general community has that same view, or is there still a lot to be done to move that forward?

**Adel SALMAN:** I think there is a lot more to do. Yes, I think we have overcome that major hurdle previously, where there was doubt as to whether or not this was actually permissible, and also not only permissible but encouraged. The consensus view is that it is actually strongly encouraged that you do actually donate your organs to save the lives of others and improve the lives of others. But I think one of the issues that we are facing here is the burial process for a Muslim when a Muslim dies, and I think that is something that the Committee needs to be acutely aware of. In Islam you are strongly encouraged—strongly; I could not emphasise that enough—to bury your loved one as soon as possible. That could be even the same day or the next day. It is a very small window of opportunity for organ donation to actually happen, so that is certainly a practical consideration. Even if the individual or the loved ones of that individual who has died support organ donation, they might say, ‘Well, how do I achieve this when I also need to ensure that I follow the Islamic practice of burying my parents or my loved one in the shortest possible time?’ And that comes back to the point I highlighted before: how do we make that process easier so that people can see that actually it is not going to delay the burial process substantially? You will still be able to bury your loved one and honour your loved one in a very short time frame, and in this way you will be helping others. But it is a challenge, and I think that we need to think about how we can overcome that challenge, because I would say at this time it is probably one of the major challenges in people’s minds that needs to be overcome.

**Cindy McLEISH:** I guess on top of that you have the practitioners that are undertaking the retrieval process. They want to get the organs as quickly as possible as well. They do not want them after 24 hours; they want them in that really short period. So you are kind of both on the same time frame there, which is a positive. I will leave it now for Chris. Thanks.

**Chris CREWETHER:** Thank you. Firstly, thank you for your evidence so far and for appearing before the Committee. Now, I note that the Secretariat had a meeting in May to discuss the inquiry, and one of their notes is that Islamic scholars have made rulings that it is permissible and encouraged to donate organs with some conditions. Can you expand upon what these conditions are? I know you noted the 24 hours for burials and so forth, but are there any further conditions? Are tissue donations, like corneas, also permissible and encouraged as well? And what further education needs to go out within the Islamic community about these rulings, and I guess from the government more generally, to encourage donations from the Islamic community?

**Adel SALMAN:** There are other conditions. One condition is that you are not selling your organs. Clearly, there is no selling of any organs. You cannot donate your organs if that is going to materially impact your own quality of life. For example, if you have got two kidneys or you have got two lungs, you are not going to donate a kidney, as that would then impact your quality of life. That is another condition. I think there are certain restrictions on which organs are permitted to be donated. So sexual organs—reproductive organs—they could not be donated, for example. But other organs such as the kidneys and the liver et cetera—yes, they can be donated. I think with tissue as well that the same conditions apply and the same ruling applies: it is permissible and it is encouraged. So corneas, skin—yes, these things could be donated, as long as, again, you are not selling them or you are not compromising your own health in a serious way that actually puts your life at risk, basically.

**Chris CREWOTHER:** And in terms of the rulings, is there a way to impart that more within the Islamic community, that it is permissible and encouraged?

**Adel SALMAN:** Well, that would be part of the education campaign. Again, some of the messages would have to cover all of these things, because some people would say, 'Hold on, could this mean that the donation of reproductive organs is included?' And we would say, 'No. From an Islamic perspective that is not permitted, but donation of other organs is permitted and encouraged.' So I think that has to be part of the education campaign.

**Chris CREWOTHER:** Thank you.

**The CHAIR:** Great. Thank you, Chris. Adel, thank you so much for appearing with our Committee and for your contribution to the inquiry. We really appreciate your time and your perspectives. Capturing the voices of multicultural Victorians is really important to us, so thank you for appearing today.

**Adel SALMAN:** Thank you.

**The CHAIR:** The Committee will now take a short break before our next witnesses. Thank you.

**Witness withdrew.**