



David Stewart MSP
Convener, Public Petitions Committee
The Scottish Parliament
Edinburgh EH99 1SP

27 September, 2013

Dear Convener

PE01453: Opt for Life

I have, as you know, been following your consideration of the above petition with close interest and I understand that you will consider the future of this petition again at your next meeting.

As a supporter of a change in the law to provide for a soft opt-out, rather than an opt-in, organ donation register, I was disappointed not to see a proposal for a bill in the Scottish Government's recently announced legislative programme. However, your Committee's consideration of this petition has, I believe, helped to raise awareness of the issues around organ donation in Scotland and the benefit which I, and many of the most expert groups in this field, believe would be achieved by a move to soft opt-out - namely an increase in the number of donations, and more lives saved.

I was particularly struck by the evidence which your Committee obtained from BMA Scotland, in Helen Reilly's letter of December 2012, when she said that, "surely if more could be done, it should be done," and with this in mind, I wonder if you would consider requesting some further evidence before ending your consideration of PE01453.

The Scottish Government have already indicated that they will not contemplate the opt-out proposal further until evidence from Wales is available, which outlines the impact which this change will have there over the next months and years. I would, therefore, suggest to your Committee that the next step in your consideration should be to now obtain evidence from the Welsh Assembly Government, and the Minister for Health and Social Services, Mark Drakeford AM, directly, if he is willing to come to Edinburgh.

Given that the Scottish Government's argument is that Scotland should wait for evidence from Wales, I think it would be of service to Parliament and those who support this petition if we knew more about at what point evidence from Wales would best assist us, what evidence already exists and whether there is in fact any difference in the situation in Wales which justifies the Welsh Government pressing ahead but Scotland holding back.

It would also be useful to know more about how the change of the law has come about in Wales and the complexity of the changes which have been required in order to establish whether an early bill could be successful in Scotland, other than at the instigation of the Scottish Government. It would, I hope, also be useful to better understand whether there is more that we can do to educate potential donors about level of need and the opt-in/out debate, in advance of any future change in the law which might be pursued after the impact of the Welsh-lead is more fully understood by the current or a future Scottish Government.

I hope this suggestion is of interest to you and that your Committee will consider it before determining to close the petition. I have copied this request to your clerk and to the petitioner.

Yours sincerely,

**DREW SMITH MSP
GLASGOW**