



28 September 2020

Committee Secretary  
Senate Foreign Affairs, Defence and Trade Legislation Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Chair, Senate Foreign Affairs, Defence and Trade Legislation Committee

Thank you for the opportunity to submit on behalf of an international coalition of medical professionals, Doctors Against Forced Organ Harvesting (DAFOH). We acknowledge the relevant nature of this inquiry regarding Australia's Foreign Relations (State and Territory Arrangements) Bill 2020 and Australia's Foreign Relations (State and Territory Arrangements) (Consequential Amendments) Bill 2020 and its importance to healthcare. This is a responsible measure to ensure that Australia's world-renowned medical standards are protected from foreign influence.

DAFOH's ethos has been committed to ending unethical forced organ harvesting from prisoners of conscience in China for over a decade. These practices have been closely examined most recently by the [China Tribunal](#) in London – an independent body that undertook a year-long review of findings related to the allegations of mass forced organ harvesting in China. The Tribunal's Chair, Sir Geoffrey Nice QC, concluded that there was overwhelming evidence that organs were harvested on a large scale with key victims being Falun Gong practitioners, as well as Uighurs and House Christians.

While Chinese State media have claimed the practice was stopped in 2015, there is no independent verification to validate official policy in place. Further investigations since 2015 have also confirmed that fast on-demand organ availability is still marketed in Chinese hospitals, which was evident in a 2017 [Korean documentary](#). [Researchers](#) have also voiced doubts prisoner killing has stopped, which has been recently exacerbated by the mass-incarcerations of the Uighur minority.

Given the relevance of Australia's Foreign Relations (State and Territory Arrangements) (Consequential Amendments) Bill 2020, this submission will provide some scope for consideration which warrants greater scrutiny when engaging with foreign Chinese health entities, particularly given the well-documented instances of medical malpractice within the transplantation field. The widescale scale of this illegitimate practice in mainland China has been referred to as a form of medical genocide when the total number of

victims has been collated over a period of 20 years (transplantation boom in China commenced in the early 2000s). It is important to note that China is the only country in the world where state-sanctioned, medical genocide has occurred unabated.

Therefore, the following areas will be highlighted particularly when it relates to establishing partnership targets and agreements between the Australian government and foreign-based entities.

Please refer to the number of examples where the scope of the Bill can expand to include specific clauses concerning healthcare and medical research:

We note that **Section 7 (h)** on

*“What Are State/Territory Entities” specifically excludes hospitals. It would be remiss to not include hospitals in the list. There are known cases of Australia’s major research hospital facilities entering into agreements with foreign entities that were suspected to violate Australian ethical guidelines on medical practices and research.*

This exemption may have serious implications, such as Australian government-funded research facilities, hospitals, and state health departments, which have entered into arrangements with Chinese hospitals. The most serious concern, in this case, is that there have not been due diligence checks regarding the vast number of unethical transplantation practices. This compromises Australia’s notable medical and ethical standards, thus directly undermining the very nature of Australia’s sovereignty.

Source: [Report](#) for a detailed listing of hospitals and transplant centres in China. This research document operates in principle similar to The China Defence Universities Tracker produced by the Australian Strategic Policy Institute (ASPI).

## Recommendation 1

The following amendment to Section 7 of the Bill, as follows:

1. Remove current section 7 (h)
2. Add the clause that would include:

***A medical or research facility, which does not exclude hospitals, that falls under State/Territory law.***

The following three examples highlight instances where agreements with foreign entities should have received greater scrutiny.

#### Example 1:

### **Undisclosed ties and agreements between Sydney's Westmead Hospital and Changsha hospitals (Xiangya hospitals especially)**

- i. In 2013, after attending a [forum](#) promoting China's transplant system reforms, Australia's leading transplant surgeons Dr. Phillip O'Connell and Dr. Jeremy Chapman signed a "letter of intent" between Westmead and The Third Xiangya Hospital of Central South University, for both parties to "regularly conduct academic exchange conferences, engage in personnel exchange visits, and undertake advanced study and remote education in medical treatment, surgical demonstrations, and medical consultation," according to a report on the hospital's website.
- ii. In 2014, the relationship was further developed, whereby Dr. O'Connell, the president of The Transplantation Society (TTS) at the time, traveling to participate in a xenotransplantation [conference](#) on Oct 16 in China, followed by a delegation of 14 specialists from The Third Xiangya Hospital [visiting Westmead](#) in Australia from Oct. 27 to 30.

Note: Xenotransplantation refers to the controversial process of transplanting cells or tissues between different species, typically from animals to humans. In 2004 a five-year moratorium was in place banning such clinical trials in Australia. Yet it remains to be verified if the Westmead researcher (Dr. Yi Shounan) continued to publish about xenotransplantation in collaboration with Xiangya Hospital in China. This indicates it is plausible that Australian research regulation could have been breached.

- iii. In 2014 a meeting at Westmead included Dr. Chapman and Dr. Chen Fangping, president of Third Xiangya, signing another pact, this time a "supplementary agreement" to the 2013 letter of intent. It included "selecting a team of nurses and management staff to visit Westmead for advanced study," and "other content" aimed at "deepening cooperation" between the parties. A photograph of Chapman meeting Chen is highlighted in a report on the hospital website. (source: Appendix 1 for further details, *The Epoch Times* investigative report)
- i. Transplantation links with China are also highlighted because of well-documented research that prisoners of conscience are killed specifically for the purpose of organ removal.

*The Australian* obtained a copy of Westmead's 2011 **memorandum of understanding**

with the Second Xiangya Hospital in Changsha. It outlines an aspiration to establish a “sister hospital relationship” encouraging “interactive exchange of information” and “collaborative technology transfer”. (Source: Appendix 2 for further details, The Australian report)

## Example 2:

### **Former NSW Health Minister Skinner’s visit to Chinese Hospitals in 2016**

The former NSW Health Minister The Hon Jillian Skinner travelled to China in April 2016 on a trade mission with a delegation of 26 Australian representatives, who included government officials, health professionals, and researchers. This exercise certainly justifies the relevance of including medical, research and hospitals to be included in the nation’s interest in relation to sovereignty.

Source: <https://www.health.nsw.gov.au/ministers/Documents/skinner-travel-to-china-2016.pdf>

#### **Key Concerns:**

- i. During the visit, the Australian delegation led by Minister Skinner included two hospitals, which have been documented to be involved in systematic kill-on-demand unethical organ procurement for the purpose of transplantation.
- ii. The two hospitals visited:

***Qilu Hospital in Shandon Province***

***Huashan Hospital in Shanghai***

- iii. The NSW Health Department in such circumstances would have benefited from due diligence and awareness of risks associated with engagements with the Chinese health system.

Source: Appendix 3 for a detailed analysis of the ethical concerns regarding the NSW Health Department’s cooperation with Chinese Hospitals

## Example 3:

### **2017 MOU between NSW Health and Guangdong Health and Family Planning Commission**

Premier Gladys Berejiklian and Minister for Health Brad Hazzard signed a new Memorandum of Understanding between NSW Health and the Guangdong Health and Family Planning Commission during a trade visit to the Chinese province of Guangdong.

The MOU, which focuses on enhancing cooperation in medical research and innovation, was agreed to on the Premier’s first trade mission to China.

Source: [https://www.health.nsw.gov.au/news/Pages/20171206\\_00.aspx](https://www.health.nsw.gov.au/news/Pages/20171206_00.aspx)

This categorically highlights the relevance of the current proposed legislation with the recommended clause inclusion, which would provide endorsement for greater scrutiny when engaging with Chinese

health entities due to well-documented instances of medical malpractice within the transplantation field.

NOTE: Guangdong has 17 known hospitals that are listed as approved transplant centres. They are considered high-risk locations where organ harvesting has been known to occur. This is a similar issue that was highlighted to the former Health Minister Skinner in 2016.

Source: See Appendix 4 - List of hospitals in the Guangdong Province that are alleged to perform unethical transplants

## Further Recommendations

### 2) Medical training and research

Universities and hospital exchange programs for medical training should be carefully examined to avoid potential malpractice and breaches of medical standards. The memo mentioned below directly addresses the sovereignty concerns, hence putting in measures that prioritise Australia's medical standards and intellectual/research reputation. This, therefore, justifies the importance of the inclusion of healthcare and medical research in the proposed legislation.

Source: Appendix 5 - Queensland memo regarding the training of Chinese transplant doctors

### 3) Hospital Mergers

The acquisition of Australian hospitals by foreign entities is of concern due to the vast differences in ethical standards between countries. It is also of concern as sensitive personal records are involved, with private data theft being a consideration. It has been reported that 4.5 million medical records have been hacked and compromised in the US, which is of serious concern in the cyber-security space.

#### i. What Does Beijing Want with Your Medical Records?

*Wall Street Journal*

source : <https://www.wsj.com/articles/what-does-beijing-want-with-your-medical-records-11561069899>

#### i. Chinese Hackers May Have Stolen Your Medical Records

*The Washington Post*

source: <https://www.washingtonpost.com/news/morning-mix/wp/2014/08/19/chinese-hackers-may-have-stolen-your-medical-records/>

#### ii. Hospital acquisition in Australia by Luye Medical Group

source: [https://www.luyemedical.com/press\\_releases/luye-medical-completed-](https://www.luyemedical.com/press_releases/luye-medical-completed-)

acquisition-of-australias-third-largest-private-hospital-group-health-care-a-milestone-in-the-globalization-of-medical-industry-of-china/#:~:text=Luye%20Medical%20completed%20acquisition%20of,industry%20of%20China%20%2D%20Luye%20Medical&text=The%20largest%20overseas%20acquisition%20to,roadmap%20of%20Luye%20Medical%20Group.

#### 4) **Sister cities relationships**

Sister cities have been a popular method of establishing closer relationships with foreign countries and cities. However, such arrangements should not come at the cost of negating Australian sovereignty. The relationships require further examination to ensure the national interests of Australia are paramount.

Note: some areas have considered disengaging from their sister city agreements with China until serious human rights violations have been investigated – this example is related to Example 3 above which stipulates issues associated with Guangdong Province and the unethical practice of forced organ harvesting.

source: <https://www.bristolpost.co.uk/news/bristol-news/bristol-told-de-twin-chinas-2117845>

- 5) More awareness is required so private operators such as consultancies, lobby groups i.e. those who provide legal and commercial advice beyond the medical domain be informed about this **bill and be across how to address potential risks to Australia's sovereignty. The following links** show examples of how information can be conveyed without disclaimers regarding political and economic sensitivities.

<https://www.skynews.com.au/details/6159623173001>

<https://home.kpmg/au/en/home/insights/2018/01/demystifying-chinese-investment-in-australian-healthcare.html>

#### **Conclusion:**

This submission mainly focuses on the medical/research perspective within the context of the Australian Foreign Relations (States and Territories) Bill 2020. There is a need to ensure that any agreements and relationships within the healthcare and medical domain need to be carefully considered and they do not contravene Australian regulations and standards.

It is noteworthy to clarify that DAFOH encourages ethical and legitimate engagement of medical and health professionals. In other words, collaborations and agreements can also be ethical with foreign relations, all can coexist simultaneously.

Moreover, during these unprecedented yet challenging times of COVID-19, DAFOH urges caution with engagement with i) entities and their associated risks which compromise ethics (as in the case of hospital agreements where medical transplant abuse is a known factor), ii)

hospital acquisitions (where cybersecurity and medical records hacking is a serious threat to the safety of Australian citizens) and iii) State as well as Federal Health Departments agreements with implications for Australian citizens.

We welcome further discussion and any questions that will be of value to the Senate Foreign Affairs, Defence, and Trade Legislation Committee. Please kindly note our confidential contact names and details need to be redacted for privacy purposes.

Thank you for the opportunity to provide a submission. We look forward to seeing the passing of this legislation.

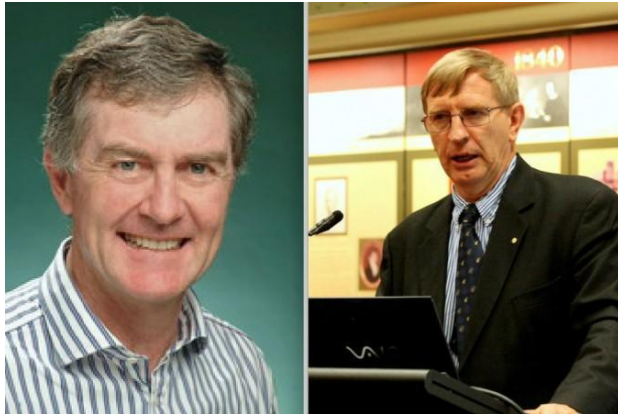
## APPENDIX 1 - Investigative Report, The Epoch Times

[https://www.theepochtimes.com/international-transplant-leaders-failed-to-disclose-connection-to-china-research\\_2140130.html](https://www.theepochtimes.com/international-transplant-leaders-failed-to-disclose-connection-to-china-research_2140130.html)

### International Transplant Leaders' Undisclosed Ties to China Raise Ethical Questions

**Doctors who have praised reform in China failed to disclose ties to Chinese medical institutions**

By [Matthew Robertson](#), [Epoch Times](#) | August 17, 2016 | Last Updated: August 23, 2016



HONG KONG – Two key leaders in international organ transplantation have for several years been involved in an undisclosed, cooperative relationship with Chinese transplantation centers, raising questions about whether the two Australian doctors have failed to make public a potential conflict of interest, according to recently uncovered documents.

Dr Jeremy Chapman and Dr Philip O'Connell, both based at Westmead Hospital in Sydney, Australia, are respectively the former (2008–2010) and current (2014–present) presidents of The Transplantation Society (TTS), the international body representing the profession.

The interactions took place while the two played decisive roles in determining how the international transplantation community would respond to disturbing evidence that Chinese hospitals have been engaged in the large-scale killing of prisoners of conscience, whose organs are harvested for profit, [according to independent researchers](#).



Dr Ming Yingzi, a controversial Chinese transplant doctor (C), performs a surgery in this file photo. (Third Xiangya Hospital)



Chapman is also the chair of the scientific program for TTS's major biennial conference, held this year in Hong Kong from Aug. 18. The program has been criticized for including numerous doctors with histories of abusive practice in China, which critics say whitewashes China's record.

### Undisclosed Partnership

Since 2005, Westmead Hospital, a teaching hospital of Sydney Medical School, has had a relationship with The Third Xiangya Hospital, affiliated with Central South University in Changsha, Hunan, in central China. The earliest contact involved a visiting professorship for a key Westmead researcher; it continued [in 2008](#) with a joint declaration of research standards. In 2012, Chapman and O'Connell [attended](#) a forum at The Second Xiangya Hospital, affiliated with the same Chinese university.

In November 2013, after attending a [forum](#) promoting China's transplant system reforms, O'Connell and Chapman signed a "letter of intent" between Westmead and The Third Xiangya Hospital of Central South University, for both parties to "regularly conduct academic exchange conferences, engage in personnel exchange visits, and undertake advanced study and remote education in medical treatment, surgical demonstrations, and medical consultation," according to a report on the hospital's website.



(Front, L-R) Dr. Philip O'Connell, Dr. Jeremy Chapman and hospital President Dr. Chen Fangping signing a letter of intent at The Third Xiangya Hospital in Changsha, China, in November 2013. (The Third Xiangya Hospital of Central South University)

In 2014, the relationship got closer, with O'Connell, then president of TTS, traveling to participate in a xenotransplantation [conference](#) on Oct. 16, followed by a delegation of 14 specialists from The Third Xiangya Hospital [visiting Westmead](#) from Oct. 27 to 30. Xenotransplantation refers to transplanting cells or tissues between different species, typically from animals to humans.

A meeting at Westmead included Chapman and Chen Fangping, president of Third Xiangya, signing another pact, this time a "supplementary agreement" to the 2013 letter of intent. It included "selecting a team of nurses and management staff to visit Westmead for advanced study," and "other content" aimed at "deepening cooperation" between the parties. A photograph of Chapman meeting with Chen is highlighted in a report on the hospital website.



Dr. Chapman of Westmead and Dr. Chen of The Third Xiangya Hospital shake hands after signing a “supplementary agreement” of cooperation in 2014. (The Third Xiangya Hospital of Central South University)

Among those who received the guests was a fellow Chinese researcher, [Dr. Shounan Yi](#), whose presence provides a clue to the substance of the relationship between the two institutions.

### **Xenotransplantation**

Since 2004, research on xenotransplantation has been restricted in Australia by a moratorium.

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The first contact between Yi Shounan and Third Xiangya took place in May 2005, when Yi took a position as a visiting professor there, according to a [history](#) of the hospital (he held the [same post](#) again in 2012). Wayne Hawthorne, an associate professor at Westmead, joined him a month later for three days of meetings.

Yi continued to research and publish on xenotransplantation over the years, including a number of joint publications with O’Connell and Hawthorne, as well as with Prof. Wang Wei, the resident xenotransplantation expert at Third Xiangya.

In 2011, during a stint there, Yi published [research](#) that it appears could not have been performed at the time in Australia due to ethics rules: the injection of pig [islet](#) cells into 22 patients with [diabetes](#), a potentially lucrative treatment. The experimental procedure involves placing islet cells from the pancreases of pig fetuses into the host. The islets then produce insulin and regulate blood glucose.

“This is a gigantic market,” wrote Sina Finance, a major Chinese web portal, in a [May 2016 story](#). “Even if there were 10,000 cases a year, that would mean a billion RMB in income.”

Yi is quoted in the article, commenting on recent research: “This makes us see hope for a breakthrough in the industrialization of xenotransplantation in China.”

But in Yi’s impressive list of [publications](#), this particular study is nowhere to be found. (Yi also filed a [patent](#) application in 2010, with Wang of Third Xiangya, for a related medical technique.) Yi did not immediately respond to an email enquiring as to the reason for the omission.

The Westmead-Xiangya connection is not noted in any of O’Connell’s publications on xenotransplantation. Chapman has published four papers on transplantation issues in China ([1](#), [2](#), [3](#),

4), some of which are broadly supportive of the official views of reform there, and the relationship with Xiangya is not disclosed.

Chapman and O'Connell did not immediately respond to an email with a series of questions about the connections between Westmead and Third Xiangya.

### Conflict of Interest Concerns

The coincidence of the failure to disclose these relationships, involving potentially profitable research that could not be done in Australia, and the apathetic, sometimes hostile stance of TTS figures to evidence of widespread transplant abuse in China, has troubled observers.

The complex web of relationships, joint research projects, and grip-n-grins between Westmead and Third Xiangya doctors was pieced together by Arne Schwarz, an independent researcher based in Germany who provided the material in a dossier to a number of journalists.

Schwarz is responsible for the research behind pharmaceutical company Roche receiving a "[Hall of Shame](#)" award in 2010 for its clinical transplant trials in China and has followed transplant abuse in China for many years.



Arne Schwarz, an independent researcher of organ trafficking, attends a conference in Germany in September 2012. Schwarz uncovered undisclosed evidence of cooperation between leading surgeons and a Chinese hospital. (Jason Wang/Epoch Times)

He said that he began looking into potential conflicts of interest involving TTS leadership this June.

### Related Coverage

- [Report Reveals Vast State-Run Industry to Harvest Organs in China](#)

His curiosity was piqued by a dismissive remark made by Chapman following the publication of a nearly 700-page report on organ transplant abuse in China by independent researchers. The formidable report contained over 2,000 footnotes, over [90 percent](#) of which are traceable back to hospital websites in China, and marshalled evidence indicating that the country's transplant system operates at a scale far larger than previously understood.

The report now stands as the single largest collection of information on China's transplant industry. Its researchers – David Kilgour, David Matas, and Ethan Gutmann – concluded that somewhere between 60,000 and 100,000 transplants are likely conducted in China annually; they believe that most of these organs come from practitioners of Falun Gong, a persecuted spiritual practice.

Chapman, however, in an interview with [The Globe and Mail](#), dismissed the sources in the report as "all Falun Gong."



The Third Xiangya Hospital, affiliated with Central South University, in Changsha, Hunan Province.  
(hns5j.com)

When he read Chapman's quote, "I couldn't believe my eyes," Schwarz said. He then became curious as to whether there was more than met the eye to Chapman's relationship with China. So he began searching, and discovered the previously unknown set of relationships and interests.

The material was only discoverable through targeted Chinese-language queries; none of it had been reported previously in English, and it is not mentioned on Westmead's website.

A number of Chapman's colleagues were previously unaware of, and surprised by, the information. "That cooperation was never disclosed to The Transplantation Society's Ethics Committee," said Dr. Jacob Lavee, an outgoing member of the committee who is critical of what he considers the society's lax stance toward transplant abuse in China.

"Present and past presidents of The Transplantation Society have significant influence on how the international transplantation community deals with the unethical transplantation system in China," Schwarz wrote in an email.

(L-R) David Matas, David Kilgour, and Ethan Gutmann, researchers of organ transplantation abuse in China, speak about their recent report in Ottawa, Canada, in June 2016. (Jonathan Ren/NTD Television)

He added: "If their judgment of the Chinese transplant practices is biased by vested interests in China, it can't be trusted any longer."

As Schwarz kept tugging on the ball of yarn, he found more and more that seemed questionable: the undisclosed meetings, promises of cooperation, joint research projects, and patents in potentially lucrative clinical procedures.

"Wow," he wrote, recalling his thinking. "I understood why Chapman was so furious about the Kilgour-Gutmann-Matas report."

In some ways, however, xenotransplantation research is only a sideshow to some of the more serious goings-on at Third Xiangya.

### Seven Transplants in a Day

Changsha is a relatively underdeveloped city in China, but it boasts three top grade hospitals – Xiangya, Second Xiangya, and Third Xiangya – all of them affiliated with Central South University.

Third Xiangya is a highly industrious transplant center.

In 2001 – a year of “rapid development” in China’s organ transplant industry, according to Third Xiangya’s [website](#) – authorities invested 100 million RMB (about \$15 million) in constructing a 150-bed transplant center there, which quickly became the best in the province.

Statistics show that the number of death row prisoners the official source for transplantation organs – was in a decline while all this investment and development took place, indicating that organ sources should have been less, not more, abundant.

Seven organ transplants at Third Xiangya Hospital on a special day when Huang Jiefu showed up! How is this possible without a bank of living donors?

– Arne Schwarz, independent researcher on organ transplant practices in China

Third Xiangya quickly became a “national research base” for transplant technology and now performs large numbers of solid organ transplants (kidneys, heart, lung, liver), according to its website.

According to [research](#) by the World Organization to Investigate the Persecution of Falun Gong, a nongovernmental network of researchers, the facility once performed seven transplants in a single day, when Huang Jiefu, China’s top transplant official, was visiting. This information has since been [deleted](#) from the hospital’s website.

“Seven organ transplants at Third Xiangya Hospital on a special day when Huang Jiefu showed up for an anniversary ceremony!” an incredulous Schwarz declared. “How is this possible without a bank of still living donors?”

Ye Qifa, the deputy director of Third Xiangya and the executive director of China’s national organ procurement network, will be presenting at TTS’s Congress in Hong Kong on Aug. 18.

Alongside this, there are particular doctors at Xiangya who have engaged in questionable conduct, according to records online.

### A Dubious Record

Perhaps the most prominent is [Dr. Ming Yingzi](#), a transplant surgeon at Third Xiangya who is hailed as a rising star in the transplant profession by Chinese reports. According to a highly flattering 2014 [biography](#) of her on the hospital’s website, Ming’s team has performed around 1,000 solid organ transplants over the years. She “carries on her back a heavy icebox, fetching organs from everywhere,” the article says.

Given the realities of organ transplantation in China, almost all of these organs likely came from prisoners of conscience, who were killed for on-demand transplantation surgery, existing research indicates.

When she visited Taiwan in 2009, a large meeting of transplant recipients she had serviced was convened, where she was hailed as a “saviour.” She’s personally performed 500 kidney transplants and 200 liver transplants, her [profile](#) says.

But she is also the subject of a lengthy prosecution in China for allegedly misappropriating 150,000 yuan (\$22,000) paid by a patient for a kidney. Her lawyer in court acknowledged that she indeed received the money, that it was for a kidney, and that no receipt was produced, according to a [local](#)

[journalist](#). She says that she then gave the money to either the Red Cross, or a local organ procurement organization.

“She’s been changing her story,” said Jiang Jiasong, the lawyer for the plaintiff, in a telephone interview. “She’s never produced any evidence. ... I asked her which organ procurement organization she gave the money to, and she refused to answer.”

It is likely that none of this was clear to O’Connell and Chapman. Ming’s biography on the Third Xiangya website provides what is almost certainly an apocryphal account of an interaction between the three. It says that when the two Australians were leaving Changsha in 2014, both of them gave her the “thumbs up” and made the remark, “Your achievements are astounding! We hope that you’ll become a leader in China’s new generation of organ transplant doctors!”

Westmead has been quiet about the relationship, brokered by Chapman and O’Connell, between it and Xiangya, and there is no mention of it on its website.

When asked for copies of the agreements between the institutions, and comment on the appropriateness of the relationship, Emma Spillett, senior corporate communications specialist at Westmead, part of the Western Sydney Local Health District, said “Thanks for your enquiry. We will get back to you ASAP.”

Three hours later she wrote back: “Western Sydney Local Health District will not be commenting on this matter.”



## APPENDIX 2 - The Australian Report, 2016

### Westmead Hospital rejects China-link transplant 'benefits'

*The Australian*, 7 September 2016

A Sydney teaching hospital has rejected claims that it benefited from its association with a Chinese hospital linked with transplants involving executed prisoners' organs.

Westmead Hospital, which is aligned with the University of Sydney, says it trained staff at the central Chinese hospital in safe "xenotransplantation" research techniques – after learning that they planned to pursue such studies – because it wanted to help avert catastrophe.

Westmead renal unit head Jeremy Chapman said the training met World Health Organisation objectives and was in line with work provided gratis elsewhere in Asia.

"We are doing this on our own time to provide for a better implementation of clinical practice around the world," said Professor Chapman, who has been ranked the world's best kidney transplant specialist.

"They quickly learned proper laboratory and animal research techniques. That was our goal. It was also to ensure those undertaking (the research) should fully understand the potential ramifications."

Westmead has been accused of quietly pursuing links with hospitals in Changsha to boost its knowledge of xenotransplantation, the transfer of tissues from one species to another.

Pig-to-human xenotransplantation in particular could deliver extraordinary benefits, offering unlimited supplies of replacement organs and insulin-producing cells.

In 2004 Australian authorities placed a moratorium on research involving xenotransplantation into human subjects, over fears it could spark a pandemic. These fears are receding with the advent of new gene editing technology.

Transplantation links with China also are fraught because of claims the country is using organs from executed criminals – despite officially banning the practice last year – and from political prisoners killed specifically for the purpose.

*The Australian* has obtained a copy of Westmead's 2011 memorandum of understanding with the Second Xiangya Hospital in Changsha. It outlines an aspiration to establish a "sister hospital relationship" encouraging "interactive exchange of information" and "collaborative technology transfer".

"It doesn't specifically exclude transplantation but I specifically excluded transplantation," Professor Chapman said. "I've spent all my life trying to avoid academic recognition for people that participate in transplantation of executed (people's) organs."

He said a 2011 paper on xenotransplantation by four Changsha researchers and Westmead's Shounan Yi, who also works in Changsha, had incorrectly carried Dr Yi's Westmead affiliation.

"I'm not pleased that he put his Westmead address on but it did not come through Westmead," Professor Chapman said.

"We did not see the paper and we did not participate in the research at any time."

He emphatically denied suggestions that Westmead had benefited from Changsha xeno-transplantation research. "There are no intellectual property stories here. There's no money; there's no fees, there's no honoraria."

German researcher Arne Schwarz, who has been investigating the relationship, said Westmead and Changsha's Central South University had collaborated on at least six joint publications.

He said a 2012 paper in a journal of the American Diabetes Association had been authored by seven Westmead staff including Dr Yi, who listed an affiliation with Second Xiangya Hospital.

Mr Schwarz said Westmead had co-operated with two Changsha hospitals on research into the future feasibility of clinical xenotransplantation trials. "It has participated in and benefited from the clinical trial published by Shounan Yi."

Macquarie University medical ethicist Wendy Rogers, who was a member of the Australian Health Ethics Committee when it considered xenotransplantation guidelines, said Westmead appeared to be blaming "the most junior member of staff" by claiming the 2011 paper was Dr Yi's mistake.

Dr Rogers said her biggest concern was the way the Chinese hospital, which had a history of doing a high volume of transplants – including during a period when organs only came from executed prisoners – had exploited the association. "You can see how the Chinese use these kinds of relationships for propaganda. Jeremy Chapman's just been voted the world's foremost expert in kidney transplantation, and here he is on their website. It's conferring enormous credibility and prestige on their transplant program."

Professor Chapman said the Chinese online portrayal of the relationship with Westmead was "irritating". But he said the benefits of the relationship outweighed the drawbacks.

He said he was not aware of any research in Changsha using unethically harvested organs but could not rule it out. "Can we guarantee that it's not happening? No, of course we can't."



### APPENDIX 3 - Ethical Concerns Regarding Former NSW Minister's Trade Mission to China, April 2016

#### Overview:

The NSW Health Minister Skinner travelled to China in April 2016 on a trade mission with a delegation of 26 Australian representatives, who included government officials, health professionals, and researchers. The key purpose of the visit was to:

- Learn more about the Chinese healthcare system and the commercial opportunities that exist in one of the fastest-growing healthcare markets in the world;
- showcase the State's expertise in healthcare, education and medical research across the public and private sectors with the aim of developing new commercial partnerships;
- engage with the Chinese government sector with the aim of entering into formal agreements to support long term cooperation in areas of common interest and mutual benefit;
- support NSW based private hospital operators, universities and technology/innovation companies explore and formalise commercial partnerships with peer entities in China;
- explore the level of interest and potential amongst Chinese companies to invest in NSW infrastructure and services;
- participate in the Australia Week in China events in Shanghai to highlight and promote commercial business opportunities at both a state and national level.

#### Key Concerns:

- During the visit, the Australian delegation led by Minister Skinner included 2 hospitals, which are highly suspected in engaging in systematic kill-on-demand unethical organ procurement for the purpose of transplantation.
- The 2 hospitals visited were :
  - a. Qilu Hospital in Shandon Province*
  - b. Huashan Hospital in Shanghai*
- The NSW Health Department should exhibit more caution when engaging with the Chinese health system, which has been under international scrutiny for its unethical transplantation practices.
- In particular, the NSW Health Department should exercise a greater degree of selectivity when deciding which hospitals are visited for the purpose of learning, engagement and signing of formal partnerships/agreements.

Hospital	No of beds	Staff	Capacity
<b>Huashan</b>	The hepatobiliary surgery department has 67 open beds	The hepatobiliary surgery department at Huashan Hospital includes 5 professors (chief physicians), 3 associate professors (associate chief physicians),	Wang Zhengxin, director of its liver transplant center, specializes in complicated liver transplants, transplants involving liver cancer, postoperative management, and living-donor transplantation. He has completed nearly 800 liver transplants.
<b>Qilu</b>	The transplantation department currently has over 170 open beds	49 physicians, including 17 professors, 11 associate professors, 5 doctoral advisors, and 14 master's advisors. More than 80% of its physicians hold PhDs.	

### Huashan Hospital – detailed concerns

#### Overview:

The hepatobiliary surgery department at Huashan Hospital includes 5 professors (chief physicians), 3 associate professors (associate chief physicians), and 67 open beds. Wang Zhengxin, director of its liver transplant center, specializes in complicated liver transplants, transplants involving liver cancer, postoperative management, and living-donor transplantation. He has completed nearly 800 liver transplants.<sup>1</sup>

#### Case study - April 2016

A liver failure patient received a liver transplant in the same day when he was transferred into Huashan Hospital in April 2016.

According to a fundraising website in mainland China, on April 28, 2016, a severe liver failure patient was transferred from The 5<sup>th</sup> Shanghai People Hospital into Shanghai Huashan Hospital. The family was offered a liver transplant upon arrival for a cost of 600,000RMB (\$AUD 119,000). At 22:30 pm on the same day, the patient was sent into the operating room, at 1:00 am on April 29, a matched liver was

<sup>1</sup> Wang Zhengxin, General Surgery Department at Huashan Hospital Affiliated with Fudan University  
<http://www.haodf.com/doctor/DE4r08xQdKSLVibo0k6N34PvWMSU.htm#>  
<https://web.archive.org/web/20150406204020/http://www.haodf.com/doctor/DE4r08xQdKSLVibo0k6N34PvWMSU.htm>  
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delivered to the operating room. At 8:00 am, the liver transplant surgery was successfully finished.

This appears to indicate that:

1. the patient was offered the transfer only upon having a confirmed donor at Huashan
2. the transplant was only offered after the family agreed to pay 600,000RMB
3. the operation of removal of the liver from the "dead" donor and transplantation occurred within 24 hours.

<https://archive.is/s6IND>

(Further details of the case - see appendix A)

### Qilu hospital- detailed concerns

#### Overview:

The hospital's general surgery department started conducting liver transplants in the 1980s. Such operations became routine at this hospital in May 2005, two years after its liver transplantation department was established. The hospital has edged into the top ranks in China and leads in quantity and quality of transplantation in Shandong Province. It has accomplished two "national firsts" and five "provincial firsts."<sup>2</sup>

The transplantation department currently has over 170 open beds and 49 physicians, including 17 professors, 11 associate professors, 5 doctoral advisors, and 14 master's advisors. More than 80% of its physicians hold PhDs.<sup>3</sup>

#### Case study:

Kidney Supply Chain Overwhelmed – Transplant center at Qilu Hospital

(page 314 of the new report – [Update to Bloody Harvest and The Slaughter](#))

*"If I'm not at the hospital, I'm at the kidney procurement place. If I'm not at the kidney procurement place, I'm on the way between the hospital and the kidney procurement place."* - from the office of Dr Jun Tian and Dr Dong Laidong. This was the portrayal of the busy lifestyle of the transplant team at

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<sup>2</sup>Qilu Hospital of Shandong University Liver Transplant Center

<https://web.archive.org/web/20160125060311/http://www.qiluhospital.com/site61/ksjs/1902.shtml>

241-山东大学齐鲁医院肝脏移植中心

<sup>3</sup>Introduction to General Surgery Department of Qilu Hospital of Shandong University

<http://www.haodf.com/faculty/DE4rO-XCoLUnJ59Fh7UcoLDoWk/jieshao.htm>

<https://web.archive.org/web/20150410124123/http://www.haodf.com/faculty/DE4rO-XCoLUnJ59Fh7UcoLDoWk/jieshao.htm>

241A-山东大学齐鲁医院普外科介绍

Qilu Hospital of Shandong University. Members of the team were often unable to go home for one or two weeks at a time. On December 26, 2010, a report on its official website stated:<sup>4</sup>

“Due to the current international criticism of organ sourcing in China, the number of usable cadaveric donor kidneys have decreased significantly, causing an increase in uncertain factors and intense competition. However, due to the tireless efforts of Director Dong Laidong of the Organ Transplant Supply Department and Director Tian Jun of the Blood Purification Department, the number of cadaveric kidney transplants well surpassed that of last year, and the wait time for kidney transplants have not increased noticeably.”

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<sup>4</sup> Our Hospital's Cadaveric Kidney Transplant Numbers Greatly Exceed Last Year's Qilu Hospital. December 26, 2010. [www.qiluhospital.com](http://www.qiluhospital.com)

<http://www.qiluhospital.com/site57/ksxw/15301.shtml>

<https://archive.is/67ofi>

我院尸体肾移植数目大幅超越去年

## APPENDIX 3A:

Source: Easy Fundraising Website

Status: ID has been submitted, a medical certificate has been submitted

Patient name: Lu Sanjiafu (鲁三家福)

Beneficiary: Lu Xiaolian (鲁晓倩)

Relationship: father and daughter



### The hospitalization payment receipt on April 28, 2016 from Huashan Hospital

### The hospitalization document of The 5<sup>th</sup> Shanghai People's Hospital upon the patient left the hospital on April 28, 2016

The excerpts of the brief of the fundraising project:

On April 24, 2016, we were told by the doctors of 5<sup>th</sup>Shanghai People's Hospital, "Your father has got severe liver failure, he must be hospitalized immediately, otherwise there is risk of life."

The doctors said, they would take conservative treatment for the first step, if the situation could not turn better, he had to transfer to another hospital for a liver transplant.

Unfortunately, in the following several days, the Father's situation got worsened very quickly, and the doctors issued the medical crisis notice to his family. The family tried every means to contact the transplant hospitals. At last, with someone's help, the patient was accepted by Shanghai Huashan Hospital on April 28.

“Luckily, just upon being moved into Huashan Hospital, the doctors immediately talked with us, there was a matched liver source that day. If we agreed, they would arrange the transplant surgery right away. The transplant cost would need at least 600,000RMB.”

The patient's family signed the agreement with the hospital, and then began to borrow and raise money immediately... Finally, they managed to get the money and paid for the surgery...

At 22:30 pm on April 28, the patient was sent into the operating room. At 1:00 am on August 29, a matched liver was delivered to the operating room ... At 8:00 am, the liver transplant surgery was successfully finished.

#### APPENDIX 4 - List of hospitals in the Guangdong Province that are alleged to perform unethical transplants

GUANGDONG		
	<b>Hospitals admitted into the Pilot Transplant Programme</b>	
	Foshan People's Hospital**	liver, kidney, heart
	Second Affiliated Hospital of Sun Yat-sen University	liver, kidney, heart
	Guangzhou First People's Hospital	liver, kidney, heart
	Shenzhen People's Hospital	liver, kidney
	The 2nd People's Hospital of Shenzhen	liver, kidney
	Dongguang People's Hospital	liver, kidney
	Jiangmen Central Hospital	liver, kidney
	Guangdong Provincial Hospital of Traditional Chinese Medicine	kidney
	Yuebei People's Hospital	kidney
	First Affiliated Hospital of Sun Yat-sen University	liver, kidney, heart, pancreas, small intestine, lung*
	Guangdong General Hospital	kidney, heart, liver*
	The Second People's Hospital of Guangdong	kidney, liver*
	Zhujiang Hospital of Southern Medical University	kidney, liver*, heart*, lung*
	First Affiliated Hospital of Guangzhou Medical University	lung, liver*, kidney*
	Second Affiliated Hospital of Guangzhou Medical University	kidney, liver*
	The Third Affiliated Hospital of Guangzhou Medical University	kidney, liver*
	The First Affiliated Hospital of Jinan University	kidney, liver*



APPENDIX 5 Memo regarding training of Queensland Doctors

LAID UPON THE TABLE OF THE HOUSE  
THE CLERK OF THE PARLIAMENT



Hon Stephen Robertson MP  
Member for Stretton



Queensland  
Government

Minister for Health

MI141725  
MO: 0/06/00828

01 DEC 2006

Mr Neil Laurie  
The Clerk of the Parliament  
Queensland Parliamentary Service  
Parliament House  
George Street  
BRISBANE QLD 4000

5/12/06



Dear Mr Laurie

Thank you for your letter dated 1 November 2006, regarding petition number 733-06 in support of the Coalition to investigate the persecution of Falun Gong to investigate forced organ harvesting allegations and the illegal detention of Falun Gong practitioners in detention centres, labour camps, prisons and hospitals in China.

I am aware of the allegations of organ harvesting by the Chinese Government from Falun Gong practitioners, and thank the petitioners for alerting me to their concerns. There is one issue in the petition which I can respond to – that of participation by Queensland medical organisations in Government of China sponsored organ transplant research.

Queensland's two major transplant hospitals, The Prince Charles Hospital and the Princess Alexandra Hospital, are both aware of the allegations made about Chinese organ transplantation practices. I am pleased to inform you that The Prince Charles Hospital have a policy of not training any Chinese surgeon in any transplant surgical technique. Similarly, the Princess Alexandra Hospital does not undertake any sponsored organ transplant research or training with China.

Should you have any queries regarding my advice to you, Ms Karen Ryan, Acting Manager, Policy and Legislation Branch, will be pleased to assist you and can be contacted on telephone 3234 0852.

Yours sincerely

STEPHEN ROBERTSON MP

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