

LEGISLATIVE COUNCIL

ASSISTED REPRODUCTIVE TREATMENT FURTHER AMENDMENT BILL 2013

(Amendments and New Clauses to be moved by Mr JENNINGS)

1. Clause 2, line 7, omit "subsection (2) and insert "subsections (2) and (3)".
2. Clause 2, after line 8 insert—

"(...) Section 23 comes into operation on the day after the day on which this Act receives the Royal Assent."
3. Clause 6, lines 23 and 24, omit "**may be given to Registrar by individuals**" and insert "**to be given to Registrar**".
4. Clause 6, line 26, before "natural person" insert "registered ART provider, clinic, agency, medical practice or a".
5. Clause 6, line 28, omit "may" and insert "must".
6. Clause 6, after line 31 insert—

"Penalty: 60 penalty units."
7. Clause 10, after line 24 insert—

'(a) after "a donor treatment procedure," **insert** "regardless of when the gametes used in the procedure were donated,"';
8. Clause 10, lines 28 to 30, omit all words and expressions on these lines and insert—

'(c) for paragraph (b) **substitute**—
"(c) the applicant was born as a result of a pre-1988 donor treatment procedure, and the Registrar has made reasonable attempts to notify the donor of the application.".'
9. Clause 16, page 12, lines 3 to 8, omit all words and expressions on these lines.
10. Heading to clause 23, omit "**section 121A**" and insert "**sections 121A and 121B**".
11. Clause 23, line 5, after "section" insert "and section 121B".
12. Clause 23, line 23, omit '**2013**.'" and insert "**2013**".
13. Clause 23, after line 23 insert—

'121B Prohibition on falsification of or interfering with identifying records
A person must not falsify or interfere with an identifying record.
Penalty: 60 penalty units.".'
14. Clause 24, page 16, line 4, omit "6 months" and insert "3 months".

NEW CLAUSES

15. Insert the following New Clause to follow clause 10—

'A New sections 59A and 59B inserted

After section 59 of the Principal Act **insert**—

"59A Contact veto by pre-1988 donor or person born as a result of a pre-1988 donor treatment procedure

- (1) A person who donated gametes before 1 July 1988 may give the Registrar a contact veto that states that the person does not wish to be contacted by a person born as a result of a treatment procedure using the donor's gametes.
- (2) A person born as a result of a pre-1988 donor treatment procedure may give the Registrar a contact veto that states that the person does not wish to be contacted by the donor of the gametes used in the treatment procedure.
- (3) A contact veto lapses 5 years after it is given to the Registrar, unless it is earlier renewed or withdrawn.

59B Disclosure of identifying information if contact veto given to Registrar

- (1) This section applies if—
 - (a) the Registrar receives an application under section 56 for information relating to a person who has given a contact veto; and
 - (b) the contact veto states the person does not wish to be contacted by the applicant; and
 - (c) the contact veto is currently in force under section 59A.
- (2) The Registrar must not disclose identifying information to the applicant unless the applicant has received at least one counselling session about the implications of the contact veto from a counsellor—
 - (a) who provides counselling on behalf of a registered ART provider; or
 - (b) who provides counselling on behalf of the Authority."

16. Insert the following New Clause to follow clause 14—

'B Consent

For section 67(2) of the Principal Act **substitute**—

- "(2) If the person required to give consent—
- (a) is dead; or
 - (b) cannot be found after the Registrar has made all enquiries that are reasonable in the circumstances of the case—

the consent may be given by the senior available next of kin of that person, within the meaning of the **Human Tissue Act 1982**.".'

17. Insert the following New Clause after clause 23—

'C New section 123A inserted

After section 123 of the Principal Act **insert—**

"123A Contact contrary to current contact veto prohibited

(1) In this section—

current contact veto means a contact veto currently in force under section 59A;

relevant donor means a person specified in a current contact veto as a person by whom a person born as a result of a pre-1988 donor treatment procedure does not wish to be contacted;

relevant donor-conceived person means a person specified in a current contact veto as a person by whom a person who donated gametes before 1 July 1988 does not wish to be contacted.

(2) A person who donated gametes before 1 July 1988 and who knows that he or she is a relevant donor must not intentionally—

(a) contact or attempt to contact the person born as a result of the pre-1988 donor treatment procedure; or

(b) procure another person to contact or arrange contact with the person born as a result of a pre-1988 donor treatment procedure—

unless the contact is a continuation of, or of a similar kind to, contact that the person had had with the person born as a result of a pre-1988 donor treatment procedure before the person knew of the current contact veto.

Penalty: 60 penalty units.

(3) A person born as a result of a pre-1988 donor treatment procedure and who knows that he or she is a relevant donor-conceived person must not intentionally—

(a) contact or attempt to contact the person who donated gametes before 1 July 1988; or

(b) procure another person to contact or arrange contact with the person who donated gametes before 1 July 1988—

unless the contact is a continuation of, or of a similar kind to, contact that the person had had with the person who donated

gametes before 1 July 1988 before the person knew of the current contact veto.

Penalty: 60 penalty units."!