LEGISLATIVE COUNCIL

INFERTILITY TREATMENT AMENDMENT BILL 2007

(Amendments and New Clauses to be proposed in Committee by MS PEULICH)

1. Clause 4, lines 9 to 11, omit all words and expressions on these lines and insert the following—

"(a) the creation of a single cell containing 2 pro-nuclei following the fertilisation of a human oocyte by a human sperm; or".

2. Clause 4, lines 17 and 18, omit "the primitive streak appears" and insert "it forms a blastocyst".

3. Clause 7, line 34, omit "or" and insert "and".

4. Clause 7, page 6, lines 1 to 5, omit all words and expressions on these lines.

5. Clause 10, lines 19 to 22, omit all words and expressions on these lines.

6. Clause 10, line 23, omit "(e)" and insert "(d)".

7. Clause 10, lines 29 to 33 and page 9, lines 1 to 5, omit all words and expressions on these lines.

8. Clause 10, page 9, lines 6 and 7, omit ", (c) and (d)" and insert "and (c)".

9. Clause 12, page 10, lines 15 to 33, omit all words and expressions on these lines.

10. Clause 14, omit this clause.

11. Clause 15, omit this clause.

12. Clause 38, page 20, lines 17 to 27, omit all words and expressions on these lines and insert the following—

"(1) A person commits an offence if the person uses precursor cells taken from a human embryo or a human fetus, intending to create a human embryo, or intentionally develops or uses an embryo so created.".

13. Clause 38, page 21, line 2, after "develops" insert "or uses".

14. Clause 38, page 21, lines 3 to 6, omit all words and expressions on these lines.

15. Clause 38, page 21, line 7, omit "(4)" insert "(3)".

16. Clause 38, page 21, lines 11 to 19, omit all words and expressions on these lines.

17. Insert the following New Clauses to follow clause 20—

'A Research

(1) In section 22(1)(f) of the Principal Act for "Division 2" **substitute** "Divisions 2 and 4A".

(2) In section 22(3) of the Principal Act after "sperm" **insert** "or the use of another cell for the creation of a human embryo".

(3) In section 22(3) of the Principal Act for "Division 4" **substitute** "Divisions 4 and 4A".

B Division 4 of Part 3 heading

In the heading to Division 4 of Part 3 of the Principal Act after "**gametes**" **insert** "**or other cells**".

C Consent to research

(1) In the heading to section 34 of the Principal Act after "**gametes**" **insert** "**or other cells**".

(2) In section 34 of the Principal Act after "use of a gamete" **insert** ", or another cell for the creation of a human embryo,".

(3) In section 34(a) of the Principal Act after "gamete" (wherever occurring) **insert** "or other cell".

D Requirements as to consent

In section 35(1)(b) and (c) of the Principal Act after "gamete" (wherever occurring) **insert** "or other cell".

E Additional requirements for certain research

After Division 4 of Part 3 of the Principal Act **insert** the following—

"Division 4A—Additional requirements for research involving gametes and other cells

35AA Definitions

In this Division—

dependent relationship means a relationship where unequal power exists between the persons in the relationship including a relationship between—

(a) students and teachers; and

(b) employees and their employers or supervisors; and

(c) persons with chronic conditions or disabilities and their carers; and

(d) patients and health care professionals;

National Statement means the NHMRC National Statement on Ethical Conduct in Research Involving Humans, as in force from time to time.

35AB Obtaining a gamete for research

(1) A gamete may be obtained for research only in accordance with the National Statement.

(2) If the obtaining of a gamete for research requires the person donating the gamete to undergo a medical procedure, the person carrying out the medical procedure must not be a person involved in conducting the research.

(3) Donation of a gamete for research must be voluntary and free from exploitation and coercion.

(4) If the donation by a person of a gamete for research involves more than low risk from non-therapeutic procedures, the person donating the gamete must not be in a dependent relationship with the person or other body conducting the research.

(5) For the purposes of subsection (4), research involves low risk only if the only foreseeable risk is one of discomfort.

35AC Information to be given to person donating a gamete or other cell

A person must be given the following information before consenting, or being asked to consent, to the obtaining or use of a gamete, or the obtaining or use of any other cell for the creation of a human embryo, for research—

(a) a statement that consent to the obtaining or use of the gamete or other cell for research is voluntary;

(b) a description of the research for which the gamete or other cell and any products derived from it will be used and any likely benefits from the research, including an estimate of when the benefits might be realised;

(c) a statement of the potential risks of obtaining and donating the gamete or other cell, including details of any risks to the future fertility of the person;

(d) a description of the procedures for obtaining the gamete or other cell from the person;

(e) a statement about how the person may withdraw from the obtaining or the use of the gamete or other cell, including details of any risks that may arise or additional procedures that may be required as a result of the withdrawal;

(f) information about counselling services available to the person;

(g) a statement about how the person's privacy will be protected;

(h) a statement about the potential financial interests of researchers in the outcome of the research program, including any future

financial gains the researchers may receive if the research gives rise to a commercial product;

(i) any other information the National Statement requires the person to be given.".'.

18. Insert the following New Clause to follow clause 38—

'**F Adverse events register**

After section 62 of the Principal Act insert the following—

"62A Adverse Events Register

(1) The designated officer of a licensed centre must keep an Adverse Events Register for that centre at the centre or at another place that is specified in the licence for the centre.

Penalty: 50 penalty units.

(2) The designated officer must ensure that there is recorded in the Adverse Events Register information, as required by subsection (3), about adverse events arising from the donation of gametes and embryos for research including data about, and a description of the outcomes of, the donation of gametes and embryos and the procedures involved in the donation.

Penalty: 50 penalty units.

(3) The information must be recorded in the Adverse Events Register in a way that will allow it to be used—

(a) by the licensed centre to provide information to persons who are donors or prospective donors of gametes and embryos to assist the persons in making decisions about consenting to donations and inform the persons about the possible side-effects of making donations; and

(b) to facilitate long term studies by the licensed centre of donors of gametes or embryos, including long term adverse outcomes and subsequent effects on fertility; and

(c) to facilitate long term studies by the Authority and the NHMRC of the health of donors and persons who have undergone treatment procedures.

(4) The designated officer must, by 31 July in each year, forward a copy of the Adverse Events Register for the previous year to the Authority for inclusion in the Authority's report to the Minister under section 137.".'.