

LEGISLATIVE ASSEMBLY

ASSISTED REPRODUCTIVE TREATMENT BILL 2008

(Amendments and New Clauses to be moved by Mr Hudson in substitution for Amendments and New Clauses previously circulated)

1. Clause 39, omit this clause.
2. Clause 40, after line 26, insert—
 "(ba) that the surrogate mother—
 (i) has previously carried a pregnancy and given birth to a live child;
 and
 (ii) still has the care of that child;"
3. Clause 40, page 33, line 20, omit all words and expressions on this line.
4. Clause 41, omit this clause.
5. Clause 42, omit this clause.
6. Clause 43, lines 27 and 28, omit "if the surrogate mother's oocyte is to be used in the conception of the child,".
7. Clause 46, lines 9 to 14, omit paragraph (a) and insert—
 "(a) the treatment procedure is carried out on the deceased person's partner;
 and".
8. Clause 59, lines 7 to 27, omit all words and expressions on these lines and insert—
 "person if the applicant—
 (a) is an adult; or
 (b) is a child and—
 (i) the person's parent or guardian has consented to the making of the application; or
 (ii) a counsellor has provided counselling to the person and advised the Registrar, in writing, that the person is sufficiently mature to understand the consequences of the disclosure.".
9. Clause 124, lines 12 to 20, omit paragraph (e).
10. Clause 147, page 99, lines 14 to 16, omit all words and expressions on these lines.
11. Clause 147, page 99, lines 25 to 27, omit all words and expressions on these lines.
12. Clause 147, page 100, line 29, omit "II, III or V" and insert "II or III".

13. Clause 147, page 101, lines 9 and 10, omit "a procedure" and insert "artificial insemination".
14. Clause 147, page 102, lines 12 to 17, omit paragraph (b).
15. Clause 147, page 102, line 18, omit "(c)" and insert "(b)".
16. Clause 147, page 102, line 21, omit "(d)" and insert "(c)".
17. Clause 147, page 102, line 26, omit "(e)" and insert "(d)".
18. Clause 147, page 102, line 27, omit "order." and insert "order; and".
19. Clause 147, page 102, after line 27 insert—

"(e) that the commissioning parents, the surrogate mother and, if her partner is a party to the surrogacy arrangement, her partner have received counselling and information in accordance with section 23A."
20. Clause 147, page 103, line 10, omit "(d)" and insert "(c)".
21. Clause 147, page 103, lines 11 to 32 and page 104, lines 1 to 24, omit all words and expressions on these lines.
22. Clause 147, page 104, after line 24 insert—

"23A Counselling requirements

 - (1) For the purposes of section 22(1)(f), the commissioning parents, the surrogate mother and, if her partner is a party to the surrogacy arrangement, her partner must—
 - (a) receive counselling about the social and psychological implications of making the substitute parentage order; and
 - (b) receive counselling about the implications of the relinquishment of the child and the relationship between the surrogate mother and the child once the substitute parentage order is made; and
 - (c) obtain information about the legal consequences of making the substitute parentage order.
 - (2) A person must receive counselling under this section from a counsellor within the meaning of section 61(3) of the **Assisted Reproductive Treatment Act 2008**."
23. Clause 147, page 117, lines 21 to 35 and page 118, lines 1 to 24, omit all words and expressions on these lines.
24. Clause 147, page 118, lines 26 and 27, omit "37, 38 or 39" and insert "37 or 38".
25. Clause 147, page 119, line 5, omit "37, 38 or 39" and insert "37 or 38".
26. Clause 150, after line 13 insert—

"donor treatment procedure means a donor treatment procedure within the meaning of the **Assisted Reproductive Treatment Act 2008**;

27. Clause 150, line 14, omit "*parent*" and insert "*parent*".
28. Clause heading to clause 153, omit this heading and insert—
"New sections 17A and 17B".
29. Clause 153, page 125, line 13, omit 'pregnancy.'" and insert "pregnancy."
30. Clause 153, page 125, after line 13 insert—
'17B Birth registration of child conceived by a treatment procedure
 - (1) If a birth registration statement specifies the child was conceived by a donor treatment procedure, the Registrar must mark the words "closed—donor conceived" against the entry about the child's birth in the Register.
 - (2) If the Registrar issues a certificate certifying particulars contained in an entry about the birth of a person conceived by a donor treatment procedure, an addendum to the certificate must state that further information is available about the entry."
31. Clause 154, after line 28 insert—
"(2) If the Registrar issues a certificate certifying particulars contained in an entry about the birth of a person who is the subject of a substitute parentage order, an addendum to the certificate must state that further information is available about the entry."
32. Clause 154, line 29, omit "(2)" and insert "(3)".

NEW CLAUSES

33. Insert the following New Clause before clause 42—
"A Surrogate mother's oocyte must not be used
A surrogate mother's oocyte must not be used to conceive a child under a surrogacy arrangement."
34. Insert the following New Clause before clause 44—
"B Registered ART provider not to carry out treatment procedure for surrogacy arrangement
A registered ART provider must not carry out a treatment procedure on a woman for the purposes of the woman being a surrogate mother under a surrogacy arrangement.
Penalty: 240 penalty units or 2 years imprisonment or both."
35. Insert the following New Clause to follow clause 151—

'C How to have the birth of a child registered

After section 14 of the **Births, Deaths and Marriages Registration Act 1996** insert—

"(2) Without limiting the particulars that may be prescribed under subsection (1), a birth registration statement must specify if the child was conceived by a donor treatment procedure.".