



18 April 2016

DC:sr

Associate Professor Sonia Allen
A.R.T Act Review
Policy and Intergovernment Relations Unit
SA Health

By email: HealthPolicyLegislation@sa.gov.au

Dear Associate Professor Allen,

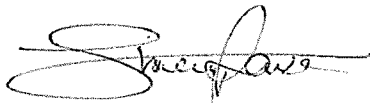
Review of the Assisted Reproductive Treatment Act 1988

1. Thank you for your letter dated 15 February 2016 inviting the Society's contribution to the review of the *Assisted Reproductive Treatment Act 1988* (SA).
2. The comments expressed in this submission have been informed by our Children and the Law Committee.
3. The Society limits its comments to certain aspects of the review, as follows.
4. With regard to Fact Sheet 3, "Registration Scheme for A.R.T Clinics", the Society submits that the current scheme for registration of clinics appears to be sufficient.
5. The Society is unaware of the numbers of clinics that have been penalised for non-conformance with registration requirements. If there is information to suggest that there are a significant number of clinics failing to meet the registration requirements, the Society suggests a review of the maximum penalty in order to produce a more successful deterrent to the operation of unregistered clinics.
6. With respect to private arrangements (or A.R.T administered outside of unregistered clinics), the Society is aware that the lack of regulation can result in very complex and protracted legal proceedings about parentage where a relationship breaks down or other dispute arises.
7. Regulation of private arrangements would be difficult, perhaps impossible, to implement. However, consideration of how to provide information on legal implications is warranted.
8. Fact Sheet 5 is titled "Access to Assisted Reproductive Treatment". The Fact Sheet refers to the South Australian Law Reform Institute's (SALRI) review of surrogacy and A.R.T laws in the context of its reference to remove discrimination on the grounds of gender, sexual orientation, gender identity and intersex status from all South Australian laws.
9. The Society supports SALRI's recommendation in its Audit Report that the Act be amended to ensure that same-sex couples are not excluded from accessing A.R.T.

10. The Society emphasises that extending access to A.R.T to same-sex couples would be consistent with the laws and practices in other States and with the removal of laws and practices which have the effect of discriminating against people in same-sex relationships.
11. With regard to Fact Sheet 6, "Donor Conception Register", the Society does not oppose the establishment of a donor-conception register. However, the issue of confidentiality and security of personal information is of paramount importance.
12. It should be noted that the existence of a register may deter donors if there is no guarantee of anonymity.
13. Information recorded on the register should be kept to a minimum: name, address, blood type and perhaps details of any significant and relevant health disorders/issues. Access should be restricted to donors, recipients and donor-conceived persons.
14. Information should not be released unless agreed to by those three main parties, although an exemption may be warranted for disclosure to medical specialists treating the donor-conceived person in life-or-death situations.

I trust that this assists. The Society would be pleased to provide any further assistance with your review.

Yours sincerely



per: David R A Caruso

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