



# Online Submission Form for the review of the Assisted Reproductive Treatment Act 1988 (SA)

## Contact Details

Confidential No

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## Preliminary Data

What is your association to assisted reproductive treatment?:

Embryologist

If you belong to a company or organisation – what is the name of that  
organisation?: Flinders Fertility

Do you make this submission in your individual or professional  
capacity?: Individual

If you live outside of Australia which country do you live in?: Australia

1. Please comment upon the requirement within the Act that the welfare of any child born as a consequence of assisted reproductive treatment (A.R.T.) is treated as being of paramount importance, and accepted as a fundamental principle, in respect of the operation of the Act, as well as in the provision of assisted reproductive treatment.:

**2. Please comment upon the replacement of the previous licensing scheme with a registration scheme for A.R.T. clinics**

**3. Please comment on the dissolution of the SA Council on Reproductive Technology and its Code of Ethical Clinical Practice.:**

**4. Please comment on the effectiveness and operation of the legislation regarding access to assisted reproductive treatment in South Australia. In particular, the conditions set out in the Act and in the regulations that relate to the circumstances in which, and to whom, A.R.T. may be provided.:**

Currently the Assisted Reproductive Treatment Act restricts access to ART for people without an infertility category. For female same sex couples this means that the person seeking treatment needs to have an infertility issue even though the couple cannot become pregnant together.

Same sex female couples should have access to the anonymous sperm donors available at ART clinics. Arrangements for sperm donors outside of ART clinics do not offer the same legal and health protections (blood and gene screening) as donors sourced through an ART provider. These issues are the same for single women without an infertility category who should also

be granted access to these donors and ART services. Same sex male couples should also be allowed to access ART services in South Australia. If they can make arrangements for a surrogate and donated oocytes they should not be discriminated against and should be allowed to access the necessary ART services to have a child. To address these issues the laws governing access to ART in South Australia need to be changed to be more in line with Victoria which has non-discrimination on the basis of sexual orientation and marital status as a guiding principle. If a woman is unlikely to become pregnant other than by an ART procedure it makes sense that she is

allowed access to these services. Females without an infertility indication should be allowed to store their gametes/eggs (a procedure often referred to as 'social egg freezing'). Currently males are able to freeze their sperm for future use however females without an infertility indication are not able to access the same service. This law is inconsistent state to state. Women should have the same rights to make these reproductive choices no matter where they live. The egg freezing procedure does not need to be government funded however women who are prepared to outlay the considerable cost should be allowed to access the service if they choose.

**5. Please comment on the effectiveness and operation of the Act in relation to it providing for the establishment of a donor conception**

**register.:**

**6. Please comment on the effectiveness and operation of provisions within the Act for record keeping and confidentiality.:**

**Any Other Matter:**



Government of South Australia

