

**What Does WA's
*Human
Reproductive
Technology Act*
Mean For You?**

**Reproductive
Technology
Council**

HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991

OVERVIEW

This Act of WA's Parliament came into operation on 8 April 1993. It establishes a system of licensing of IVF clinics and sperm banks by the Commissioner of Health, on the advice of the WA Reproductive Technology Council. In addition doctors who perform artificial insemination are required to apply for an exemption from the licensing requirement, and undertake to comply with set standards of practice.

The Reproductive Technology Council is also established by the Act. Its major tasks are to develop and implement the standards of practice with which licensees are to comply; to monitor and evaluate their compliance; to advise the Commissioner on licensing applications; to assess applications by licensees to carry out research; and to promote informed public debate about reproductive technology.

The Act introduces a number of offences. These include enforcing the licensing system, and prohibiting unpermitted embryo experimentation and diagnostic testing, and the sale of human reproductive material. A number of other offences enforce the confidentiality of data that are to be recorded by licensees and registered by the Commissioner of Health. These registers are to facilitate the monitoring and evaluation of the technologies and ensure that children born as a result of donation of eggs, sperm or embryos will have available at least non-identifying information on their biological parentage. This Act does not provide for access to identifying information for these children and the Act is also silent on the issue of surrogacy, as both these issues are to be covered in later legislation.

The *Human Reproductive Technology Amendment Act 1996* allows the Council to grant extensions to the 3 year storage of embryos set by the principal Act, on a case by case basis for special reasons.

FOR PARTICIPANTS

For those who need to undergo treatment, to alleviate their infertility or because of the risk of transmission of a genetic abnormality to their children, the Act ensures that clear and objective information about reproductive technology procedures (such as IVF or GIFT) is available. It also ensures that adequate counselling is available, to assist their personal decision-making. Standards of practice, set and monitored by WA's Reproductive Technology Council as part of the enforceable system of licensing of IVF clinics and sperm banks, helps promote treatments that are safe and effective.

The Act also specifies a number of principles, so that the potentially contentious issue of who has rights to deal with and dispose of eggs, sperm and embryos is clarified.

WA's Reproductive Technology Council has representation of those undergoing treatment, so that their interests are taken into account in any decisions made by Council.

FOR LICENSEES

The Commissioner of Health may issue licences to those wishing to carry out artificial fertilisation procedures such as IVF or GIFT, or store human reproductive material. These licences also allow research that is approved by Council. Doctors performing artificial insemination are required to apply for an exemption from the licensing requirement, and regulations exclude those acting on the instructions of a licensee (such as a nurse) from any requirement to be licensed. Those licensed, or with exemptions, are required to comply with a variety of requirements established by the Act or its subsidiary legislation, such as conditions of licence, directions from the Commissioner of Health, or the Code of Practice. An appeal system is established by the Act, against decisions made by the licensing authority, including failed applications or the imposition of penalties.

Expertise in reproductive technology is represented on the Reproductive Technology Council, so that the views of licensees are taken into account in any decisions made by Council.

GENERAL PUBLIC

The objects of the Act require that "equity, welfare and general standards prevailing in the community are taken into account in the practice of reproductive technology", and that a forum is provided for community debate on the issues raised by these technologies. The Reproductive Technology Council has a role in

promoting this public debate. The Council must also consult with those in the general community who are interested, in the formulation of the standards of practice for those licensed under the Act.

Furthermore, there is a diversity of interests required by the Act to be represented on the Reproductive Technology Council.

WHO IS TO BE ON WA'S REPRODUCTIVE TECHNOLOGY COUNCIL?

In completing the Council the Minister is to try to achieve gender balance, and to ensure adequate representation of the interests of women, of parents, of the children born of reproductive technology and of participants, as well as expertise in reproductive technology, experience in public health matters and relevant ethical guidance. There is to be on Council no more than one person who has a pecuniary or beneficial interest in the practice of a licensee.

The Reproductive Technology Council consists of 10 nominated members and an ex officio member, who is employed by the Health Department of WA. Of the 10 nominated members, seven are selected by the Minister from panels presented by relevant organisations. Four of these nominating organisations are named in the Act: the Australian Medical Association; the Royal Australian College of Obstetricians and Gynaecologists; the Department for Family and Children's Services; and the Law Society of Western Australia. Nominations are also to come from three other organisations representing the interests of the participants and expertise in reproductive technology and public health.

ORDER FORM

I would like copies of the following WA Reproductive Technology Council publications:

1. Questions and Answers about the donation of human reproductive material.
2. Donor Insemination (DI): The Facts (leaflet).
3. Sperm Donation: The Facts (leaflet).
4. Infertility Counselling: Approved Counsellors (leaflet).
5. Summary of the *WA Human Reproductive Technology Act (1991)*.
6. What does the *Human Reproductive Technology Act* mean for you?

Name: _____

Address: _____

Mail this request to:

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*Copies of the Act itself are available from the State Law Publisher, 10 William Street,
PERTH WA 6000*

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