

Assisted Reproductive Treatment Regulations

Proposed amendments to the Assisted Reproductive Treatment Regulations | Community Consultation Summary Report | November 2024

Overview

New Assisted Reproductive Treatment (ART) Regulations are required to support the administration of the *Assisted Reproductive Treatment Act 1988* (including requirements of ART clinic registration) and to facilitate the operation of a publicly accessible South Australian Donor Conception Register (DCR).

In November 2021, a South Australian DCR was established in accordance with amendments to the ART Act at that time.

Currently, only SA Health's DCR Delivery Unit and ART clinic staff are permitted to access the DCR. If a person wants to access information about a donor or donor-conceived person they are biologically connected to, they can only seek this information from the ART clinic responsible for the donor conception treatment.

In March 2024, the South Australian Parliament passed the *Assisted Reproductive Treatment (Posthumous Use of Material and Donor Conception Register) Amendment Act 2024* (the ART Amendment Act). Once proclaimed, the ART Amendment Act will make the DCR accessible to donor-conceived people aged 18 years and above, donors, and parents of donor-conceived children where the donor conception treatment was undertaken in South Australia.

The ART Regulations will support the amendments made by the ART Amendment Act and ensure that people can access the DCR in a safe manner.

Community Consultation Process

A comprehensive consultation process was undertaken with key stakeholders and the community over a four-week period from 12 August 2024 to 8 September 2024. Consultation was conducted via the YourSAy website.

The consultation process was promoted via email and through the YourSAy social media pages (Facebook and X (formally known as Twitter)).

An SA Health media release "Consultation on new donor conception regulations" resulted in an editorial in The Advertiser on 12 August 2024.

Stakeholders including key advocacy groups, industry representatives and individuals who have expressed an interest in being kept informed of the progress of the DCR were advised via email of the consultation process and provided with details on how to contribute feedback.

Corporate communication was also distributed via shareable newsletter content to Local Health Networks for metropolitan and regional SA Health staff, general public and stakeholder awareness.

The aim of the consultation was to engage with stakeholders and community members to:

- > Inform them about the proposed amendments to the ART Regulations
- > Generate discussion, comments and feedback on the proposed regulations.



Results of Community Consultation

SA Health was encouraged by the level of engagement via the YourSAY site with 522 visits to the public consultation page, with a maximum of 48 visitors per day.

Five people submitted a confidential question via the YourSAY website and nine written submissions were also received.

Consistent with previous feedback on the ART Amendment Act, most submissions were supportive of an accessible DCR.

Feedback was received on several topics which included:

- > access to information by mature minors (someone who is under the age of 18 years);
- > whether postal or nominated contact address could be accessed;
- > who should have access to funded counselling services and the skills required to provide the relevant counselling services; and
- > access to information by descendants and other relatives.

Some of the feedback received highlighted the need for greater clarity in some of the proposed regulations and definitions and also sought clarity on the role of an ART provider and the disclosure of information once the regulations are in place.

Feedback was also received on the format of birth certificates following the proclamation of the ART Amendment Act; this feedback was shared with the Registrar of Births, Deaths and Marriages for their consideration.

Where to from here?

The SA Health DCR Delivery Unit has completed its review of comments and feedback received during the community consultation process and minor amendments to the proposed Assisted Reproductive Technology Regulations 2024 have been made.

Whilst a common theme in the feedback was for a regulation to be made to allow for access by mature minors, this has not been adopted. Since 2004, donors of human reproductive material are required, at the time of donation, to provide consent to the disclosure of their information to their offspring once they turn 18 years old. Generally, additional consent will be required to release information prior to an offspring turning 18 years of age. The ART Amendment Act provides that the Minister may authorise disclosure of information contained in the DCR in exceptional circumstances. Requests to access information from mature minors will be considered on a case-by-case basis.

The disclosure of a donor's nominated contact or postal address was also requested in a few submissions. The DCR Delivery Unit considered this further, however, no change has been made to the regulations on this point. The policy position for not disclosing address details via the DCR was put in place to balance the concerns of all DCR users. If users are open to face-to-face contact this can be facilitated via email or phone communication without the need to disclose address details. Address details may be disclosed between parties outside of the DCR process if they so wish.

Whilst not a matter for the regulations, feedback around access to counsellor services and the skill set required for the provision of the services was also considered by the DCR Delivery Unit, along with the feedback on the role of ART clinics in providing information to donors; donor conceived people and recipients once the regulations are in place. This feedback has helped inform the additional resource library documentation which will be made available to the general public and ART Clinics via the internet.

The Assisted Reproductive Technology Regulations 2024 will be made available on the South Australian Legislation website (www.legislation.sa.gov.au) once approved.