

LEGISLATIVE COUNCIL

Read 1° 13 October 1987

(Brought in by the Honourable D. R. White)

(No. 2)

A BILL

to amend the *Infertility (Medical Procedures) Act* 1984 and for other purposes.

Infertility (Medical Procedures) (Amendment) Act 1987

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is to make provision for the regulation of certain procedures involving human gametes.

5 Commencement.

2. This Act comes into operation on a day to be proclaimed.

Principal Act.

3. In this Act, the *Infertility (Medical Procedures) Act* 1984 is called the Principal Act.

No. 10163 as
amended by
No. 10262

10 Amendment of Principal Act.

4. (1) In section 6 of the Principal Act, for sub-section (5) substitute—

15 “(5) Where ova are removed from the body of a woman, a person shall not cause or permit fertilisation of any of those ova to commence outside the body of the woman except—

1—[145]—750/13.10.1987—2455/85—(Revision No. 2) (922)

(a) for the purposes of the implantation of embryos derived from those ova in the womb of that woman or another woman in a relevant procedure in accordance with this Act; or

(b) for the purposes of a procedure to which section 9A applies that is approved and carried out in accordance with that section.

5

Penalty: 100 penalty units or imprisonment for four years.”.

(2) After section 9 of the Principal Act insert—

Research on process of fertilisation before syngamy.

10

“9A. (1) A procedure to which this section applies is an experimental procedure involving the fertilisation of a human ovum from the point of sperm penetration prior to but not including the point of syngamy.

(2) A procedure to which this section applies—

15

(a) must be approved by the Standing Review and Advisory Committee before it is commenced; and

(b) must not be carried out unless—

(i) the ova used in the procedure are the ova of a married woman; and

20

(ii) the woman and her husband are undergoing, in relation to the carrying out of a fertilisation procedure, examination or treatment of a kind referred to in section 10, 11, 12 or 13; and

(iii) the woman and her husband have each consented in writing to the use of the woman’s ova in a specific approved experimental procedure; and

25

(iv) a medical practitioner by whom or on whose behalf the procedure is to be carried out is satisfied that the woman and her husband have received counselling in relation to the procedure, including counselling in relation to prescribed matters, from an approved counsellor; and

30

(v) a medical practitioner by whom or on whose behalf the procedure is to be carried out is satisfied that the carrying out of the procedure is reasonably likely to produce information or establish knowledge indicating procedures (including fertilisation procedures) that might be carried out for the purpose of enabling a woman who has undergone examination or treatment of a kind referred to in section 10, 11, 12 or 13 to become pregnant.

35

40

(3) A person must not use semen produced by a man (in this sub-section called “the donor”) for the purposes of a procedure to which this section applies unless—

- (a) the donor and his spouse are undergoing, in relation to the carrying out of a fertilisation procedure, examination or treatment of a kind referred to in section 10, 11, 12, or 13; and
- 5 (b) the donor and (unless he no longer has a spouse) his spouse have each consented in writing to the use of the semen in a specific approved experimental procedure; and
- 10 (c) a medical practitioner by whom or on whose behalf the procedure is to be carried out is satisfied that the donor and the spouse (if any) have received counselling in relation to the procedure including counselling in relation to prescribed matters from an approved counsellor; and
- 15 (d) a medical practitioner by whom or on whose behalf the procedure is to be carried out is satisfied that the carrying out of the procedure is reasonably likely to produce information or establish knowledge indicating procedures (including fertilisation procedures) that might be carried out for the purpose of enabling a woman who has undergone examination or treatment of a kind referred to in section
- 20 10, 11, 12 or 13 to become pregnant.

Penalty: 25 penalty units or imprisonment for one year.”.

(3) The Principal Act is amended as follows:

- (a) In section 3, after the definition of “Approved counsellor” insert—
- 25 “ “Approved experimental procedure” means an experimental procedure directly related to the alleviation of infertility and approved by the Standing Review and Advisory Committee in accordance with sections 6 (3) and 29 (6) (b) and (ba).”;
- 30 (b) In section 3 (1), in the definition of “Fertilisation procedure” for paragraph (a) substitute—
- “(a) a procedure to which section 10, 11, 12, or 13 applies; or”;
- 35 (c) In section 3 (1), in the definition of “Relevant procedure” after “section” insert “9A,”;
- (d) In section 3 (1), after the definition of “Relevant procedure” insert—
- “ “Syngamy” means the alignment on the mitotic spindle of the chromosomes derived from the pronuclei.”;
- 40 (e) In section 7 (2), after “section” insert “9A,”.

(4) In section 29 of the Principal Act—

(a) after sub-section (6) (b) insert—

“(ba) to consider requests for approval of and, if it sees fit, to approve a procedure to which section 9A applies; and”;
and

(b) in sub-section (8), after “section 6 (3)” insert “or a procedure to which section 9A applies”.

5

