

# Infertility (Medical Procedures) (Amendment) Bill

## EXPLANATORY MEMORANDUM

### Outline

The purpose of this Bill is to enable the Standing Review and Advisory Committee established under the *Infertility (Medical Procedures) Act* 1984 to approve research proposals involving the fertilisation of a human ovum from the point of sperm penetration prior to but not including the point of syngamy.

The Bill requires that in addition to the prior approval of the Committee, such procedure must not be carried out unless the ova used is from a married woman and unless the woman and her husband are involved in an IVF programme. It also requires that there be a likelihood that the procedure will produce information or establish knowledge about procedures that could be used to enable a woman in an IVF programme to become pregnant.

### Clause Notes

*Clause 1* describes the purpose of the Act.

*Clause 2* provides for the commencement of the Act on a day to be proclaimed.

*Clause 3* identifies the *Infertility (Medical Procedures) Act* 1984 as the Principal Act.

*Clause 4* makes a number of amendments to various sections of the Principal Act as follows:

*Sub-clause (1)* substitutes a new sub-section for section 6 (5) of the Principal Act. Section 6 (5) prohibits the removal of ova from the body of a woman to be fertilised outside the body of the woman except for the implantation in that woman, or another woman, of embryos derived from the ova. The substituted sub-section excludes from the scope of the provision any procedure approved and carried out in accordance with proposed section 9A.

*Sub-clause (2)* inserts a new section 9A into the Principal Act. The new section requires the approval of the Standing Review and Advisory Committee to a procedure which involves the fertilisation of a human ovum from the point of sperm penetration prior to but not including the point of syngamy. It also specifies, among other things, that the ova used in the procedure must be the ova of a married woman, that both the woman and her husband consent in writing to the procedure, that the couple are being treated in an IVF programme, that the procedure is likely to produce information about procedures which would enable a woman in an IVF programme to become pregnant, and that donor semen not be used unless the donor and any spouse have been counselled and consent to such use.

*Sub-clause (3)* and (4) make consequential amendments to other sections of the Principal Act. The overall effect is to apply the existing provisions of the Principal Act relating to the conduct of relevant procedures, and the keeping of appropriate records, to the procedure referred to in proposed section 9A.

