

House of Assembly—No 38

As laid on the table and read a first time, 27 October 2004

South Australia

**Reproductive Technology (Clinical Practices)
(Prohibition of Publication of Certain Material)
Amendment Bill 2004**

A BILL FOR

An Act to amend the *Reproductive Technology (Clinical Practices) Act 1988*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Reproductive Technology (Clinical Practices) Act 1988*

- 4 Insertion of section 18A
 - 18A Prohibition of publication of certain material
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Reproductive Technology (Clinical Practices) (Prohibition of Publication of Certain Material) Amendment Act 2004*.

5 **2—Commencement**

This Act will come into operation 2 months after assent.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 **Part 2—Amendment of *Reproductive Technology (Clinical Practices) Act 1988***

4—Insertion of section 18A

After section 18 insert:

18A—Prohibition of publication of certain material

- 15 (1) Subject to this section, a person must not, by means of a prescribed medium—
 - (a) offer to provide human reproductive material; or
 - (b) provide information about where human reproductive material may be obtained,
 - 20 with a view to facilitating or promoting the use of that material to achieve pregnancies by artificial means.
- Maximum penalty: \$10 000.

- 5
- (2) Subsection (1) does not apply to, or in relation to—
- (a) the holder of a licence under this Act, or under a corresponding law, or any activity undertaken for the purposes of an artificial fertilization procedure authorised under this Act, or under a corresponding law; or
 - (b) a person by reason only of the person being—
 - 10 (i) the publisher of a newspaper or some other publication issued periodically; or
 - (ii) an Internet content host or Internet service provider; or
 - (c) any circumstances prescribed by the regulations for the purposes of this subsection.

15 (3) This section applies both inside and outside the State.

(4) This section applies outside the State to the full extent of the extraterritorial legislative power of the Parliament.

(5) In this section—

Internet content host has the same meaning as in Schedule 5 of the *Broadcasting Services Act 1992* of the Commonwealth;

20 *Internet service provider* has the same meaning as in Schedule 5 of the *Broadcasting Services Act 1992* of the Commonwealth;

prescribed medium means—

- (a) a newspaper or some other publication issued periodically; or
- (b) a website on the internet.