

House of Assembly—No 92

As received from the Legislative Council and read a first time, 15 October 2020

South Australia

**Assisted Reproductive Treatment (Review
Recommendations) Amendment Bill 2020**

A BILL FOR

An Act to amend the *Assisted Reproductive Treatment Act 1988*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Assisted Reproductive Treatment (Review Recommendations) Amendment Act 2020*.

2—Commencement

This Act comes into operation—

- 10 (a) immediately after Schedule 1 clause 4 of the *Surrogacy Act 2019* comes into operation; or
- (b) on the day on which it is assented to by the Governor,
whichever occurs second.

3—Amendment provisions

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

15 Part 2—Amendment of *Assisted Reproductive Treatment Act 1988*

4—Amendment of section 3—Interpretation

Section 3—after the definition of *registered objector* insert:

20 *Registrar* means the Registrar of Births, Deaths and Marriages within the meaning of the *Births, Deaths and Marriages Registration Act 1996*.

5—Amendment of section 4A—Health and welfare of child paramount

Section 4A—before "welfare" insert:

health and

6—Amendment of section 15—Donor conception register

5 (1) Section 15(1)—delete "Minister" and substitute:

Registrar

(2) Section 15(2)—delete "Minister" and substitute:

Registrar

(3) Section 15(3)—delete "Minister" and substitute:

10 Registrar

(4) Section 15(5)—delete "Minister" and substitute:

Registrar

(5) Section 15(6)—delete "Minister" wherever occurring and substitute in each case:

Registrar

15 **7—Insertion of section 15A**

Before section 16 insert:

15A—Birth certificates

20 If assisted reproductive treatment provided in accordance with this Act results in the birth of a child, a birth certificate issued by the Registrar for the child may, at the option of the person to whom the certificate is issued, include a statement indicating that the child's father was a donor under this Act.

8—Insertion of section 16A

After section 16 insert:

25 **16A—Preservation of records**

(1) A person in possession of a record or document relating to the provision of assisted reproductive treatment (other than a record or document to which section 16 applies) must ensure that the record or document is retained in accordance with any requirement set out in the regulations.

Maximum penalty: \$50 000.

(2) This section applies in relation to a record or document whether created before or after the commencement of this section.

9—Amendment of section 20—Regulations

35 Section 20(2)(d)—delete "Minister" and substitute:

Registrar