



New South Wales

Assisted Reproductive Technology Amendment Regulation 2011

under the

Assisted Reproductive Technology Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Assisted Reproductive Technology Act 2007*.

CARMEL TEBBUTT, MP
Minister for Health

Explanatory note

The object of this Regulation is to provide for the registration and disclosure of information in relation to surrogacy arrangements in accordance with amendments made to the *Assisted Reproductive Technology Act 2007* by the *Surrogacy Act 2010*.

This Regulation provides for:

- (a) the information about surrogacy arrangements that must be recorded in the central register kept under the *Assisted Reproductive Technology Act 2007*, and
- (b) the information kept in the central register that may be disclosed to persons affected by surrogacy arrangements, and
- (c) the fee charged in connection with the central register.

This Regulation is made under the *Assisted Reproductive Technology Act 2007*, including the sections referred to in this Regulation and section 71 (the general regulation-making power).

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Clause 1 Assisted Reproductive Technology Amendment Regulation 2011

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1 Name of Regulation

This Regulation is the *Assisted Reproductive Technology Amendment Regulation 2011*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Assisted Reproductive Technology Regulation 2009

[1] Clause 15 Information to be entered in central register

Omit “ART donor” from clause 15 (1).

[2] Clause 16 Disclosure of information from central register

Omit “ART donor”.

[3] Clause 17 Fees for applications or notices

Insert “Division 2 of” before “Part 3”.

[4] Part 3A

Insert after Part 3:

Part 3A Surrogacy information

**17A Information about surrogacy arrangements to be entered in
central register**

- (1) For the purposes of section 41B (1) of the Act, the Director-General is to enter the following information in the central register in relation to each surrogacy arrangement:
 - (a) the full name of any child born as a result of the surrogacy arrangement,
 - (b) the date and place of birth of any child born as a result of the surrogacy arrangement,
 - (c) the sex of any child born as a result of the surrogacy arrangement,
 - (d) the following information in relation to each person who is a gamete provider or birth parent under the surrogacy arrangement:
 - (i) the full name of the person,
 - (ii) the residential address of the person,
 - (iii) the date and place of birth of the person,
 - (iv) the ethnicity and physical characteristics of the person,
 - (v) any medical history or genetic test results in relation to the person or members of the person’s family that are relevant to the future health of a child born as a

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result of the surrogacy arrangement or the child's descendants,

- (e) the following information in relation to each person who is a biological sibling of a child born as a result of a surrogacy arrangement:
 - (i) year of birth,
 - (ii) sex.
- (2) The following information about a person who is born as a result of a surrogacy arrangement and whose parentage is transferred by a parentage order is also to be entered in the central register, if the information is provided on a voluntary basis:
 - (a) the residential address of the person,
 - (b) any medical history or genetic test results in relation to the person that are relevant to the future health of a birth parent or gamete provider under the surrogacy arrangement or the birth parent or gamete provider's descendants.
- (3) Information is provided on a voluntary basis only if it is voluntarily provided by the person born as a result of a surrogacy arrangement and the person is an adult.
- (4) Information about a surrogacy arrangement is to be entered in the central register only if a child is born as a result of the surrogacy arrangement.

17B Disclosure of information to person about birth parents

For the purposes of section 41F (1) of the Act, the following information held on the central register about each birth parent of a person must be disclosed to the person:

- (a) residential address,
- (b) date and place of birth,
- (c) ethnicity and physical characteristics,
- (d) any medical history or genetic test results in relation to the birth parent or members of the birth parent's family that are relevant to the future health of the person or the person's descendants.

Note. Section 41F of the Act also requires the name of the birth parent to be provided. Information may be disclosed under section 41F only to a person who is an adult.

17C Disclosure of information to person about gamete providers

For the purposes of section 41F (2) of the Act, the following information held on the central register about each person who is

a gamete provider under a surrogacy arrangement must be disclosed to a person whose parentage is transferred as a result of a parentage order made in relation to the surrogacy arrangement:

- (a) residential address,
- (b) date and place of birth,
- (c) ethnicity and physical characteristics,
- (d) any medical history or genetic test results in relation to the gamete provider or members of the gamete provider's family that are relevant to the future health of the person or the person's descendants.

Note. Section 41F of the Act also requires the name of the gamete provider to be provided. Information may be disclosed under section 41F only to a person who is an adult.

17D Disclosure of information to person about biological siblings

For the purposes of section 41F (3) (a) of the Act, the following non-identifying information held on the central register about each person who is a biological sibling of a person whose parentage is transferred as a result of a parentage order must be disclosed:

- (a) year of birth,
- (b) sex.

17E Disclosure of information to birth parent and gamete provider

For the purposes of section 41G (1) (a) of the Act, the following non-identifying information held on the central register about each person whose parentage is transferred as a result of a parentage order must be disclosed:

- (a) year of birth,
- (b) sex.