



New South Wales

# Assisted Reproductive Technology Amendment (Disclosure of Information) Regulation 2016

under the

Assisted Reproductive Technology Act 2007

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

JILLIAN SKINNER, MP  
Minister for Health

## Explanatory note

The objects of this Regulation are:

- (a) to require the Secretary of the Ministry of Health (the *Secretary*), before disclosing, without consent, information held on the central register about a person who was born as a result of ART treatment using a donated gamete to a sibling of the person or to the donor of the gamete, to take into account a report prepared by a medical practitioner with expertise in mental health or by a registered psychologist, and
- (b) to require an ART provider who receives an application for information under Part 3A of the *Assisted Reproductive Technology Act 2007* to respond to that application within 28 days, and
- (c) to require an ART provider, when giving the Secretary information about a donor under that Part, to also give the Secretary identifying information about each woman who has undergone ART treatment using a gamete donated by the donor and about each offspring born as a result of that ART treatment, and
- (d) to permit the Secretary to require a person to give the Secretary information about any woman who has undergone ART treatment using a gamete donated by a specified donor and about any offspring born as a result of that ART treatment.

This Regulation is made under the *Assisted Reproductive Technology Act 2007*, including sections 40A (3), 41U (1) and (3) (b), 41V (1) (d) and 71 (the general regulation-making power).

## **Assisted Reproductive Technology Amendment (Disclosure of Information) Regulation 2016**

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### **1 Name of Regulation**

This Regulation is the *Assisted Reproductive Technology Amendment (Disclosure of Information) Regulation 2016*.

### **2 Commencement**

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

### **3 Amendment of Assisted Reproductive Technology Regulation 2014**

Insert after clause 23:

#### **23A Secretary must take psychological report into account: section 40A (3)**

In forming an opinion under section 40A of the Act that contact between the applicant and the person whose information is to be disclosed is justified, the Secretary must take into account a report:

- (a) that has been prepared by a medical practitioner with expertise in mental health or by a registered psychologist, and
- (b) that considers whether the contact between those persons is justified to protect the welfare and best interests of those persons.

#### **23B Time within which notice to applicant must be given: section 41U (1)**

The time prescribed is 28 days.

#### **23C Information to be given to Secretary: section 41U (3) (b)**

An ART provider must, when giving the Secretary information about a donor under section 41U of the Act, also give the Secretary any identifying information that the ART provider has about each woman who has undergone ART treatment using a gamete donated by the donor and about each offspring born as a result of that ART treatment.

#### **23D Information that Secretary can require: section 41V (1) (d)**

The Secretary may require a person to give the Secretary any information (including identifying information) about any woman who has undergone ART treatment using a gamete donated by a specified donor and about any offspring born as a result of that ART treatment.