

# Information for Parents on the Assisted Reproductive Technology Act 2007

## The Assisted Reproductive Technology Act 2007

In NSW a number of children are born every year as a result of ART treatment using donated gametes (sperm and ova). Until recently there was no process to support the disclosure of information about the people involved in this process and many gamete donors were anonymous. This has created a situation in which many individuals are unable to identify a biological parent and obtain information about their genetic heritage and background, which has been distressing for some and occasionally created medical and social dilemmas for both individuals and their parents.

The *Assisted Reproductive Technology Act 2007* (ART Act) and *Assisted Reproductive Technology Regulation 2014* (ART Regulation) were developed to address this issue and a range of other matters in the area of ART. The ART Act established an ART Central Donor Register (Register) to contain information about donors and children born as a result of ART treatment using donated gametes.

Information on the Register, including identifying information about the donor, can be accessed by individuals conceived as a result of ART treatment using donated gametes once they turn 18 years of age. The ART Act also allows parents to access certain non-identifying information about their child's donor.

## When did the Register start?

The Register commenced on 1 January 2010 when the ART Act commenced. Where conception, using donated gametes, occurred on or after 1 January 2010 it is mandatory for certain information including information about the donor, to be provided to the NSW Ministry of Health for inclusion on the Register within two months of the birth of the child.

The ART Act also established a Voluntary Register to contain information about children born as a result of ART treatment using donated gametes prior to the commencement of the ART Act on 1 January 2010.

## What information is included on the Register?

The Register includes the following information about a donor:

- the donor's full name,
- the residential address of the donor,
- the date and place of birth of the donor,
- the ethnicity and physical characteristics of the donor,
- any medical history or genetic test results of the donor or the donor's family that are relevant to the future health of:
  - a person undergoing ART treatment involving the use of the donated gamete;
  - any offspring born as a result of that treatment;
  - any descendents of any such offspring;
- the name of each ART provider who has previously obtained a donated gamete from the donor and the date on which the gamete was obtained,
- the sex and year of birth of any offspring of the donor.

The Register includes the following information about all children born as a result of ART treatment using donated gametes:

- the child's full name, sex and date of birth, and
- the name of the woman who gave birth to the child, and
- the full name and date and place of birth of the donor of the gamete.

The information on the Register only reflects the circumstances of the donor, and any offspring of the donor, as at the time the donor donated his or her gametes, unless the donor provides updated information to the Register.

### **Who can access information on the Register?**

#### ***Adult donor conceived individuals can have access to:***

- a) the full name of the donor,
- b) the residential address of the donor,
- c) the date and place of birth of the donor,
- d) the ethnicity and physical characteristics of the donor,
- e) any medical history or genetic test results of the donor or the donor's family that are relevant to the future health of:
  - i) a person undergoing ART treatment involving the use of the donated gamete, or
  - ii) any offspring born as a result of that treatment, or
  - iii) any descendent of any such offspring,
- f) the name of the ART provider who provided the above information; and
- g) the sex and year of birth of each other offspring of the donor.

#### ***Other adult offspring of the donor (not through donation) can have access to:***

- a) the sex and year of birth of each other offspring of the donor.

#### ***Parents of a child born as a result of donation can have access to:***

- a) the ethnicity and physical characteristics of the donor,
- b) any medical history or genetic test results of the donor or the donor's family that are relevant to the future health of:
  - i) a person undergoing ART treatment involving the use of the donated gamete, or
  - ii) any offspring born as a result of that treatment, or
  - iii) any descendent of any such offspring,

- c) the sex and year of birth of each other offspring of the donor.

The donor can have access to:

- a) the sex and year of birth of each offspring of the donor.

The information on the Register reflects the circumstances of the donor, and any offspring of the donor, as at the time the donor donated his or her gametes, unless the donor or offspring provide updated information to the Register.

### **Do I have to tell my child that she or he was born as a result of ART treatment?**

The ART Act does not require parents to inform their child about the details of his or her conception. However, the ART Act does require ART providers to inform the Register about the birth of every donor conceived child and to provide information about both the child and the donor to the NSW Ministry of Health for inclusion on the Register within two months of the birth. Donor conceived individuals have a legal right to access identifying and non-identifying information about the donor held on the Register once the individual turns 18.

As such, it is recommended that parents discuss with their children how their children were conceived and the rights of their children to access the information held on the Register.

#### **Contact details**

Email: [artphcu@doh.health.nsw.gov.au](mailto:artphcu@doh.health.nsw.gov.au)

Telephone: (02) 9424 5955

**SHPN** (PHC)140378



**Health**