Terms of Reference

The Review of the Human Reproductive Technology Act 1991 (HRT Act) to consider such matters as appear to be relevant to the operation and effectiveness of this Act including:

- Research and experimentation on gametes, eggs in the process of fertilisation and embryos. In particular consider the current disparity between the HRT Act and relevant Commonwealth legislation and need to adopt nationally consistent legislation regarding excess assisted reproductive technology (ART) embryo research and prohibited practices.
- Genetic testing of embryos, saviour siblings, mitochondrial donation and gene editing technology.
- Posthumous collection, storage and use of gametes and embryos, including the consent required, conditions for use, and any impact on other legislation such as the Human Tissue and Transplant Act 1982, Artificial Conception Act 1985, Births Deaths and Marriages Registration Act 1998, Administration Act 1903 and Family Provision Act 1972.
- Rights to storage of gametes and embryos including –
  - rights upon separation or divorce, or the death or the physical or mental incapacity of an individual, or one or both members of a couple.
  - rights of third parties such as subsequent spouses, and the rights of other relatives.
- The storage of gametes, eggs in the process of fertilisations and embryos (including the duration of storage and procedures for extension of storage periods).
- The Chief Executive Officer’s (CEO) power to issue directions, the power to make a Code of Practice, regulations and guidelines, and the scope and effect of the existing directions and regulations under the HRT Act.
- The effectiveness of powers of enforcement and disciplinary provisions under the HRT Act and the adequacy of offences and penalties.
- Whether there should be a process of review or appeal of decisions made (by the Reproductive Technology Council (Council)) under the HRT Act.
- The impact on the HRT Act of relevant Commonwealth and State legislation, and aspects of legislation of other jurisdictions which could be incorporated into the HRT Act.
- The effectiveness of the current licensing regimen, including fee structure, reporting requirements, powers of inspection and powers of obtaining information.
- Management of information / the Reproductive Technology Registers, including;
  - Confidentiality of information,
  - Use of data for research,
  - Use of data for purposes of national data collection and;
  - Access to information about donation, genetic parentage and donor conception,
  - The Voluntary Register (donor-assisted conception).
- The effectiveness of the operation of the Council and committees of the Council;
• The need for the continuation of the functions conferred, on the Council and on the CEO respectively by the *HRT Act*.

The review of the *Surrogacy Act 2008* to include the effectiveness and operation of the *Act* with particular reference to:

• Interaction with the *HRT Act*;
• The need for provision as to the administration of the *Surrogacy Act* and any functions to be conferred on the Minister, Council, CEO and assisting staff/persons, respectively by this Act;
• The effectiveness of the current regime, reporting requirements, powers of inspection and investigation, powers of obtaining information;
• The effectiveness of powers of enforcement and disciplinary provisions under the *Surrogacy Act*, the adequacy of offences, penalties and timeframe for bringing proceedings;
• The impact on the *Surrogacy Act* of relevant Commonwealth and State legislation and aspects of legislation of other jurisdictions, which could be incorporated into the Act, including consideration of harmonisation of domestic surrogacy legislation;
• The need for continued prohibition on commercial surrogacy;
• International commercial surrogacy arrangements;
• International trade in gametes and embryos;
• The effectiveness of the operation of the Council and committees of the Council;
• Whether there should be a process of review or appeal of decisions made (by Council) under the *Surrogacy Act*. 