

## **Legislative Assembly Committee on Law and Safety: Inclusion of Donor Details on the Register of Births**

### **NSW Government Response**

*RECOMMENDATION 1: That the NSW Government work with state and territory governments to develop a nationally consistent system for the registration, management and release of information in relation to donor conception.*

The NSW Government supports this recommendation in principle.

The NSW Government recognises there are benefits to a nationally consistent system for the registration, management and release of donor information. While the NSW Government encourages Australian states and territories that have not legislated to regulate donor conception to do so, it also acknowledges the regulation of such matters in other states and territories is ultimately a matter for those jurisdictions.

The harmonisation of laws governing donor conception information has been an item on the Standing Council of Law and Justice's agenda (formerly the Standing Committee of Attorneys-General) since April 2009. The NSW Government will participate in further discussion of this item if it is progressed.

#### *RECOMMENDATIONS 2 to 6*

Recommendations 2 to 4 recommend a mechanism for recording when a person is donor conceived on the birth register, and the issue of an addendum disclosing that further information is available when a donor conceived adult applies for a birth certificate. Recommendation 5 relates to where donor information should be held. Recommendation 6 relates to participants in private donor conception arrangements voluntarily registering their details on the donor register.

These issues are connected with the terms of reference of the Law and Safety Committee Inquiry into *Managing Information Related to Donor Conception*, which will examine issues regarding retrospectivity, where donor conception information should be maintained, and whether counselling or other services should be provided to support those people seeking access to donor information. For example, the mechanism of recording whether a person is donor conceived on the birth register and the proposed addendum to be issued with birth certificates may be affected by which entity is maintaining donor information, and the level of support services provided by that entity.

Furthermore, the Registry of Births, Deaths and Marriages is currently conducting a review of the content of birth certificates, and the Minister for Health is currently conducting a statutory review of the *Assisted Reproductive Technology Act 2007* which is due for completion in December 2013. The processes and outcomes of these reviews may also be relevant to the NSW Government's consideration of recommendations 2 to 6.

The NSW Government will consider recommendations 2 to 6 with its response to the Law and Safety Committee Inquiry into *Managing Information Related to Donor Conception*.