

House of Representatives
Supplementary Order Paper

Tuesday, 5 October 2004

Human Assisted Reproductive Technology Bill

Proposed amendments

Dr Paul Hutchison, in committee, to move the following amendments:

Clause 42

To omit the words “This Part” (line 30 on page 42), and substitute the words “Except for **section 61A**, this Part”.

New clauses 61A and 61B

To insert, after clause 61 (after line 6 on page 52), the following clauses:

61A Voluntary register to be maintained by Registrar-General

- (1) This section applies to—
 - (a) any donor who has, before the commencement of this Part, donated a donated embryo or a donated cell; and
 - (b) any donor offspring formed from a donated embryo or a donated cell that has been donated before that commencement.
- (2) A donor to whom this section applies may give to the Registrar-General, on a form provided by the Registrar-General for the purpose, the following information:
 - (a) the donor’s name:
 - (b) the donor’s gender:
 - (c) the donor’s address:
 - (d) the date, place, and country of the donor’s birth:
 - (e) the donor’s height:
 - (f) the colour of the donor’s eyes and hair:
 - (g) the donor’s ethnicity and any relevant cultural affiliation:

- (h) in the case of a Maori donor, the donor's whanau, hapu, and iwi, to the extent that the donor is aware of those affiliations:
 - (i) any aspects, considered significant, of the medical history of—
 - (i) the donor; and
 - (ii) the donor's parents and grandparents; and
 - (iii) the donor's children (if any); and
 - (iv) the donor's siblings (if any):
 - (j) the name of the provider who received any donated embryo or donated cell from the donor:
 - (k) any number or other symbol used by the provider to identify the donor, if known.
- (3) The following persons may give to the Registrar-General, on a form provided by the Registrar-General for the purpose, the information specified in **subsection (4)**:
- (a) a donor offspring who is 18 years or older and to whom this section applies:
 - (b) the guardian of a donor offspring, being a donor offspring who is under 18 years and to whom this section applies.
- (4) The the following information is the information referred to in **subsection (3)**:
- (a) the donor offspring's name:
 - (b) the date and place of the donor offspring's birth:
 - (c) the donor offspring's address:
 - (d) if the information is given by the guardian, the guardian's name and address:
 - (e) the donor offspring's gender:
 - (f) the donor offspring's ethnicity and any cultural affiliation:
 - (g) in the case of a Maori donor offspring, the donor offspring's whanau, hapu, and iwi, to the extent that those affiliations are known:
 - (h) any aspects, considered significant, of the medical history of the donor offspring:
 - (i) the name of the provider who received the donated embryo or donated cell concerned:
 - (j) any number or other symbol used by the provider to identify the donor offspring, if known.
- (5) The Registrar-General must accept, on a form provided by the Registrar-General for the purpose, information—
- (a) from a donor that updates information provided by the donor under **subsection (2)**:
 - (b) from a donor offspring who is 18 years or older that updates information provided by the donor offspring or by the guardian of the donor offspring under **subsection (3)**:

- (c) from a guardian of a donor offspring who is under 18 years that updates information provided by the guardian under **subsection (3)**.
- (6) Any person who provides information under this section may also request the Registrar-General to restrict the access to the information in the manner specified in the request.
- (7) A donor offspring about whom information has been given by a guardian under **subsection (3)** may, at any time after turning 18, do either or both of the following—
 - (a) request the Registrar-General to restrict the access to that information:
 - (b) vary or revoke any request made by the guardian under **subsection (6)**.
- (8) The Registrar-General may, subject to any request made under **subsection (6)**, give each of the following persons access to information about a donor provided under **subsection (2)** and **subsection (5)**:
 - (a) the donor:
 - (b) any person whom the Registrar-General believes on reasonable grounds to be—
 - (i) the offspring of the donor; and
 - (ii) 18 years or older:
 - (c) any person whom the Registrar-General believes on reasonable grounds to be the guardian of a person who is—
 - (i) the offspring of the donor; and
 - (ii) under 18 years.
- (9) The Registrar-General may, subject to any request made under **subsection (6)** or **subsection (7)(a)**, give each of the following persons access to information about a donor offspring provided under **subsection (3)** and **subsection (5)**:
 - (a) the donor offspring, if he or she is 18 years or older:
 - (b) the guardian of the donor offspring, if the donor offspring is under 18 years:
 - (c) a person whom the Registrar-General believes on reasonable grounds to be the donor of the donor offspring.
- (10) The Registrar-General may decline to give access to information under this section if satisfied, on reasonable grounds, that the disclosure is likely to endanger any person.
- (11) The Registrar-General, when giving access to information under this section to a person, must advise the person of the desirability of counselling.

61B Application of this Part to section 61A

The provision of this Part, other than this section and **sections 42, 44, 50, 61, 62, and 63**, do not apply to **section 61A**.

Clause 62(2)

To omit the expression “**and 58**” (line 15 on page 52), and substitute the expression “**58, and 61A**”.

Explanatory note

This Supplementary Order Paper supersedes Supplementary Order Paper No 248.

The principles of the Bill explicitly state that donor offspring be made aware of their genetic origins and be able to access information about their origins.

In keeping with the principles, and with similar legislation in Australia, this Supplementary Order Paper proposes a voluntary register so that donors and donor offspring may voluntarily register information that is in keeping with the intent of Part 3. This enables a voluntary, retrospective register which helps consistency with the principles of the Bill but does not violate agreements of anonymity that donors may have entered into at the time of donation.
