

SUMMARY

Progress in the Legislation of Assisted Reproductive Technology in Victoria, Australia: Guaranteeing Donor-Conceived Offspring's Right to Know Their Origin

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With the recent rapid increase in the number of families created through assisted reproductive technology (ART), the right of offspring born through the use of donated gametes (donor-conceived offspring) to know their origin is becoming a worldwide issue. Jurisdictions that have abolished the anonymity of gamete donors are gradually increasing, but is the offspring's right to know actually being protected by the legislation?

The present study focuses on Victoria, Australia, which has one of the world's most progressive legislative systems in terms of offspring's rights, and analyzes the development and characteristics of the legislation surrounding ART in Victoria in order to clarify the problems concerning assurance of offspring's right to know his or her origin. Victoria has led the world in legislating the *Infertility (Medical Procedures) Act 1984* (1984 Act), which offers offspring the right to access information that will identify donors with the donor's consent, and the subsequent *Infertility Treatment Act 1995*, which removed the requirement for the donor's consent, but many parents still experience difficulty in telling offspring about their origin. With this problem in mind, the *Assisted Reproductive Treatment Act 2008* (2008 Act) gave offspring under 18 years old the right to know about their origin; the method enabling offspring to know about their donor-conceived origin was by an addendum attached to their birth certificate. These innovations in the 2008 Act can be interpreted as a legal attempt to guarantee offspring's right to grow up knowing about their origin. However, even by the implementation of the 2008 Act, the right of offspring born before the enforcement of the 1984 Act has not been covered. The Victorian Law Reform Committee therefore recommended in 2012 that donor-conceived offspring be retrospectively granted the right to know their origin. In response, the Victorian Government passed the *Assisted Reproductive Treatment Further Amendment Bill 2013*, allowing offspring born under conditions of donor anonymity to have access to identifying information about the donor with the donor's consent.

A major law reform concerning ART has thus taken place in Victoria almost every decade, and the history of these legislative reforms demonstrates a continuing move toward further ensuring offspring's right to know their origin. The case of Victoria has been a model for other states in Australia, especially New South Wales, and has set a precedent for jurisdictions around the world, including Japan. An analysis of legislative changes in Victoria can function to facilitate discussion of the problems surrounding the introduction of legislation regulating ART in Japan.