



Australian Government
National Health and Medical Research Council



Committee Secretary
Senate Standing Committee on Community Affairs Legislation Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms Radcliffe

Re: Inquiry into the Australian Institute of Health and Welfare Amendment (Assisted Reproductive Treatment Statistics) Bill 2019

Thank you for the opportunity to provide a submission to the Senate Standing Committee on Community Affairs Legislation Committee inquiry into the Australian Institute of Health and Welfare Amendment (Assisted Reproductive Treatment Statistics) Bill 2019.

I commend the introduction of this Bill as drafted. As the Australian community's reliance on assisted reproductive technology (ART) increases, it is imperative that mechanisms be developed to assist individuals and couples to make informed decisions about their involvement in ART activities. National data collection and the publication of statistics on the use of ART have the potential to:

- empower individuals and couples involved, or considering involvement, in ART activities to participate actively in decision-making about their involvement
- assist clinics and clinicians to fulfil their ethical obligation to support informed decision-making
- assist with the management of expectations and therefore protect the wellbeing of all parties
- support effective and efficient practice and minimise interventions not supported by evidence of successful clinical outcomes.

Through the work of the Australian Health Ethics Committee,¹ the National Health and Medical Research Council has championed the need for, and benefits of, national data collection on the use of ART since the *Ethical Guidelines on Assisted Reproductive Technology* were first released in 1996. Each subsequent review of these guidelines has further highlighted this need. The most recent version of the guidelines was issued in April 2017 as the *Ethical guidelines on the use of assisted reproductive technology in clinical practice and research, 2017*.²

The 2017 ART guidelines were developed around a set of guiding principles that align with community expectations that ART activities will be conducted in a manner that shows respect, minimises potential harms and supports the ongoing wellbeing of all parties, including persons born as a result of ART. The Bill's objective, to have ART clinics report a set of nationally consistent performance statistics to the Australian Institute of Health and Welfare (AIHW) and for the AIHW to publish these statistics in a way that meaningfully informs decision-making, is consistent with the principles in the ART guidelines.

The Committee may receive submissions that argue against the introduction of national data collection which is disclosed at the institutional level due to concerns for equity of access — that is, concerns that ART clinics will tighten their eligibility criteria and only provide services to those with high potential for success, thereby increasing their published success rates. Some prospective users of ART, including older individuals or those with complex infertility, may therefore be unable to find a clinic willing to assist them. However, the intention of the Bill to take account of patient demographics should help to alleviate the potential for inequity of access, by enabling clinics to specialise in these complex cases, without fear of being compared to another clinic which does not provide such services.

¹ <https://www.nhmrc.gov.au/about/nhmrc-committees/australian-health-ethics-committee-ahec>

² <https://www.nhmrc.gov.au/guidelines-publications/e79>



An alternative view is that a tightening of ART eligibility criteria may be beneficial. The ethical principle of effectiveness requires that waste is reduced, practices that clearly do not work are not used, and proven measures that are likely to succeed are implemented. Effectiveness is linked to the concept of efficiency, which requires that limited resources be used in the most productive manner possible.

Thank you for the opportunity to provide comment. NHMRC hopes that this information assists you with the inquiry into the Australian Institute of Health and Welfare Amendment (Assisted Reproductive Treatment Statistics) Bill 2019. If you require additional information on the ART guidelines, please do not hesitate to contact [REDACTED] Strategic Projects and Support Section via ethics@nhmrc.gov.au.

Yours sincerely

Professor Anne Kelso AO
Chief Executive Officer

4 September 2019