Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Regulation 2025

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (Human Rights Act) I, Tim Nicholls, Minister for Health and Ambulance Services, provide this human rights certificate with respect to the *Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Regulation 2025* (Regulation) made under the *Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003* (Act).

In my opinion, the Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the Human Rights Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Act aims to address concerns, including ethical concerns, about scientific developments in human reproduction and the use of human embryos. The Act achieves this objective by prohibiting human cloning and certain other practices associated with assisted reproductive technology (ART) and regulating activities that involve the use of certain human embryos created by ART or by other means.

The Act was made as part of an inter-governmental agreement in 2002 between the Commonwealth, State and Territory governments to introduce nationally consistent legislation to prohibit human cloning and other unacceptable practices, and to regulate research involving excess ART embryos. The Act aligns with two Commonwealth Acts: *Prohibition of Human Cloning for Reproduction Act 2002* (Cth) and *Research Involving Human Embryos Act 2002* (Cth). All State and Territory governments except the Northern Territory have enacted corresponding legislation that facilitates the national regulatory scheme.

The *Research Involving Human Embryos and Prohibition of Human Cloning Regulation 2015* (2015 Regulation) was made to prescribe matters that support the effective operation of the Act. The 2015 Regulation is due to expire on 1 September 2025, pursuant to section 54 of the *Statutory Instruments Act 1992.*

The purpose of the Regulation is to remake the 2015 Regulation to ensure the legislative scheme can continue in effect.

The Regulation supports the effective operation of the Act by prescribing:

- the Reproductive Technology Accreditation Committee of the Fertility Society of Australia and New Zealand as the body responsible for accrediting entities to carry out ART; and

- guidelines that support key definitions and the licensing system in the Act authorising activities involving the use of human embryos.

The Regulation does not include any policy changes. Minor and technical changes have been made to ensure the Regulation remains current, relevant, and in line with contemporary drafting standards, and to improve clarity and readability.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, there are no human rights engaged or limited by the Regulation.

Conclusion

I consider that the *Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Regulation 2025* is compatible with the Human Rights Act because it does not engage or limit human rights.

TIM NICHOLLS MP
MINISTER FOR HEALTH
AND AMBULANCE SERVICES

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