

**LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS**

**QUESTIONS PRIOR TO HEARING (ROUND 1)**

**WA Health**

**Hon Nick Goiran MLC asked:**

- 1) I refer to the power under s.158 of the Public Health Act 2016 to enforce a direction to undergo medical observation, examination, treatment or vaccination and I ask:

- (a) On how many occasions was this power used during the reporting period; and

Answer: Zero

- (b) On how many occasions has this power been used since it came into operation on 20 September 2017?

Answer: Zero

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# LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

## QUESTIONS PRIOR TO HEARING (ROUND 1)

### Western Australian Reproductive Technology Council

#### Hon Nick Goiran MLC asked:

1. I refer to the statement in the Executive Summary on page 1, that states "this year Council reviewed the Terms of Reference of its committees and agreed to discharge the following committees: The Counselling Committee; the Embryo Storage Committee; Licensing and Administration Advisory Committee; and Scientific Advisory Committee", and I ask:

(a) Why are these committees no longer deemed necessary; and

Answer: The Committees of the Western Australian Reproductive Technology Council (Council) are established under section 10(1) of the *Human Reproductive Technology Act 1991* (Act): "The Council may from time to time appoint committees of such members, or such members and other persons, as it thinks fit and may discharge, continue, reconstitute or alter any committee so appointed."

The Council undertook a review of the committees in 2019-2020. As part of that process, the committees were asked to review their terms of reference and to consider the benefits of their continued operation. Council members agreed there was little value in continuation of these committees as most members of these committees were members of Council. The committees were discharged following that review.

(b) Will the roles of these committees be carried out in some other way?

Answer: The functions of the committees will be exercised by the Council.

2. I refer to the report by the United Nations Special International Rapporteur for Children which was presented to the Human Rights Council on the sale and exploitation of children mentioned on page 19 of the Annual Report, and I ask:

(a) Has the West Australian Reproductive Technology Council considered this report;

Answer: No.

(b) If yes, what were the findings of the West Australian Reproductive Technology Council; and

Answer: Not applicable.

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- (c) If yes to a), has it made any recommendations to the Minister for Health in relation to the enforcement of the Surrogacy Act 2008?

Answer: Not applicable.

3. I refer to the footnote on page 27 of the Annual Report in reference to 'Counselling' that states "Reporting of individuals / couples receiving counselling in this annual cycle identified that the comparative data from the clinics in previous years had been overestimated", and I ask:

- (a) What does this mean and what implications does this have;

Answer: The Reproductive Technology Unit in the Department of Health identified that fertility clinics had incorrectly reported the numbers of individuals/couples receiving counselling in previous years pursuant to the *Human Reproductive Technology Act 1991* Directions. The fertility clinics are now aware how to correctly report counselling data.

- (b) The Human Reproductive Technology Act 1991 defines counselling services to include — (i) the screening or assessment of potential participants; (ii) the provision of information; and (iii) generally, assisting participants to address personal issues arising from infertility and its treatment. If counselling in previous years has been overestimated, does this mean that individuals and / or couples have missed out on necessary screening and /or information;

Answer: No. The issue was a counting error related to data collection and the numbers of people receiving counselling has not changed.

- (c) Given that there appears to have been an issue with counselling delivery, why was the 'Counselling Committee' discharged on 19 May 2020; and

Answer: There have not been any issues with delivery of counselling services.

- (d) What mechanism is now used for the provision of oversight of counselling services?

Answer: The usual mechanisms through licensing of clinics would address concerns should they arise.

4. I refer to Table 6 on page 28 of the report which displays Embryo Dispersal and that 61 embryos were transferred to clinics outside WA and 59 embryos were transferred from interstate, and I ask:

- (a) For what reasons are embryos transferred interstate;

Answer: Embryos are transferred interstate for reasons such as patients relocating to another state including where they may intend to continue treatment using those embryos.

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- (b) What do the regulations specify for consent regarding interstate transfer; and

Answer: The *Human Reproductive Technology Regulations 1993* do not deal with interstate transfer of embryos. As a matter of practice, fertility clinics obtain written authority from participants to move embryos between clinics.

- (c) Must consent for transfer be sought from both parties genetically contributing to the fertilised embryo?

Answer: No. It is the participants for whom an embryo is developed who provide consent for transfer of embryos interstate, irrespective of who genetically contributed to the fertilised embryo.

5. I note that Section 24 of the Human Reproductive Technology Act 1991 refers to storage of any human gametes, human egg undergoing fertilisation or human embryo, and I refer to page 12 of the Annual Report where it states the West Australian Reproductive Technology Council approved 21 applications for the storage of gametes beyond the authorised 15 year storage limit, and I ask:

- (a) Why were such a significant number approved;

Answer: The number of approvals has increased from 17 to 21 since the prior financial year. With an increase in population and in people seeking treatment, the number of approvals to extend gamete storage has also increased over time as more gametes are stored for current and future fertility treatments.

- (b) What are the risks of storing gametes beyond the 15 year time frame?

Answer: The current evidence is that gametes stored beyond 15 years are safe to use in fertility treatments.

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### QUESTIONS PRIOR TO HEARING (ROUND 1)

#### Child and Adolescent Health Service

##### Hon Tincknell asked:

- 1) With reference to child immunisation numbers (page 41 – Child and Adolescent Health Service Annual Report 2019-2020) the number of children immunised is 20,167, this is a fall of 36,251 from the 2018/19 annual report.

Similarly, the number of students immunised fell from 149,554, as reported in the 2018/19 annual report, to 65,789 in this year's annual report. Is there an explanation for these falls?

Answer: Upon review, it has been identified that the infographic in the 2018/2019 Annual Report (pg 35.) was incorrectly labelled. The figure 149,554 in fact represents the total vaccinations through both the Childhood and School Based Immunisation programs, not the number of students immunised. There were 56,418 students immunised and 18,369 children immunised in 2018/2019.

There were 60,167 students immunised in 2019/2020, which is a modest increase on the 56,481 students immunised in 2018/2019. There were 20,167 children immunised in 2019/2020, which is a modest increase on the 18,369 children immunised in 2018/2019. There were 151,034 vaccinations through both the Childhood and School Based Immunisation programs, which is a modest increase on the 149,554 vaccinations delivered in 2018/2019.

##### Additional information:

On the same infographic (pg. 35 2018/2019 Annual Report) there are also errors in regards to the "89,036 vaccinations administered" and "56,418 children immunised".

The 89,036 represents the total School Based Immunisation Program vaccinations (only) and 56,418 are the students vaccinated, not children.

The infographic on page 35 of the CAHS Annual Report 2018/19 has now been updated. refer attached PDF.

This update is reflected in the online version of the CAHS Annual Report 2018/19 <https://www.cahs.health.wa.gov.au/About-Us/Annual-Reports>

This update will also be corrected in the Parliament as soon as practicable.

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