

## By Anita Stuhmcke

**B**ioomedical law in Australia is evolving at a rapid rate, but has tended to develop in a piecemeal and often ad hoc way. In particular, the disparity in the legal treatment of reproductive health between Australian jurisdictions is at best inequitable and at worst, shameful.

Whether the law is the most effective vehicle to regulate areas such as reproductive rights is itself debatable. The right of individuals to exercise choice over whether, how and with what means they will reproduce cuts across ethical, cultural, moral, philosophical, social, economic and religious dimensions – and raises recurring substantive issues of legal governance for policymakers and regulators.

The articles in this edition cover issues surrounding parenthood, family and individual autonomy, and push forward discussion in this challenging and ever-accelerating regulatory area of reproductive health.

Isabel Karpin and Belinda Bennett examine preimplantation genetic diagnosis and pose the question for regulators as to the role such technology should play with respect to sex selection, selection to avoid a serious genetic condition, and saviour siblings. Loane Skene discusses questions that clients may raise concerning their rights with respect to the storage and use of their own human bodily material and genetic information. Kaushalya Mataraaratchi identifies recent developments with respect to legislative amendment in all Australian jurisdictions (except Western

Australia) to allow therapeutic cloning to extract stem cells from human embryos. Linda Kirkman has herself navigated the much-discussed area of surrogacy and provides a cultural and normative view of IVF intra-family surrogacy that is also a very personal account. Kristin Savell discusses prenatal testing and the increasing challenges it poses for women and their doctors, while Isabel Andrews addresses adoption and the impact of changes in regulatory policy.

In two articles with a NSW focus, Julie Hamblin describes the recent *Assisted Reproductive Technology Act 2007* (NSW) (passed but not yet in force), while Ranjini Acharya suggests legislative reform in NSW to clarify issues surrounding sterilising minors with intellectual disabilities. Moving to Victoria, Louis Johnson, Tracy Setter and Helen Kane identify how government structures may assist to tell children conceived through donor sperm of their genetic origin. In his regular medical law column, David Hirsch examines the recent tort decision in the ACT, where a couple sued in negligence for the implantation of two embryos in an IVF procedure rather than one.

This edition of *Precedent* is not to be missed. I thank each author for their contribution to the debate in this most human, yet most complex, area of regulation. ■

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