

## Tribunal upholds patient Review Panel refusal to provide IVF treatment to couple

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A couple, with the pseudonyms RGJ and OMU, sought IVF treatment as RGJ had Polycystic Ovarian Syndrome and they had struggled to conceive. However, they were refused treatment because OMU had been convicted of a violent offence, which triggered a presumption against treatment under the *Assisted Reproductive Treatment Act 2008* (Vic) (Act).

The Victorian Civil and Administrative Tribunal (VCAT) reviewed the merits of the decision of the Patient Review Panel to deny treatment. VCAT found that, because of the historical threat to inflict serious injury, there was a barrier to treatment under the Act. Allowing treatment was held to be inconsistent with the best interests of the child who would be born because there would be a significant risk of harm arising from the violence and conflict the couple had experienced in their relationship.

In making their determination, VCAT emphasised that they were “not making a value judgment about RGJ and OMU as people or as potential parents” or “predicting that a child born to RGJ and OMU would be harmed”. However, VCAT was nevertheless obliged to refuse IVF treatment by putting the welfare and interests of the potential child at the forefront of their inquiry.

You can read VCAT's full reasons for the decision [here](#).

### People that can help



**Stella Richards**

Lawyer

+61 3 8637 9404

[SRichards@rk.com.au](mailto:SRichards@rk.com.au)

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