

# Hot topic: *Re Cresswell* – death and reproductive technology

## Overview

In a recent landmark decision, *Re Cresswell* [2018] QSC 142, the Queensland Supreme Court granted permission for the use of sperm harvested from the applicant's deceased partner 48 hours after his death, to start a family. This is the first case in Queensland approving the removal of sperm from a deceased who had neither been married to the applicant nor expressly consented to the proposed use.

The court held that use of the sperm for assisted reproductive treatment (IVF) was a "medicinal purpose" or "therapeutic purpose" under the *Transportation and Anatomy Act 1979* (Qld). Its removal was accordingly permitted under section 22 as the deceased's parents had consented as senior next of kin. The applicant's resulting prima facie possessory rights were recognised as property rights in the court's discretionary jurisdiction.

1.5 CPD Points



12.20pm **Registration**

12.30pm Join and engage with a panel of a Queen's Counsel, fertility law practitioner and academic specialising in health law, as they discuss the *Re Cresswell* [2018] case and its broader implications.



- Analysis of the case, the parties, role of the AG, and legal interpretations applied
- Where the decision sits in relation to similar cases in other jurisdictions
- Prospects of appeal
- Effects on various areas of law and practice, including for family and succession law
- Implications for practitioners

**Darlene Skennar QC**, Barrister, Chancery Barristers

**Stephen Page**, Partner, Harrington Family Lawyers; Accredited Specialist (Family Law) and Blogger, 'The Australian Surrogacy and Adoption Blog'

**Dr Malcolm Smith**, Senior Lecturer, School of Law, Australian Centre for Health Law Research, Queensland University of Technology and Senior Adviser, Corrs Chambers Westgarth

Host: **Matt Dunn**, General Manager, Policy, Public Affairs and Governance, Queensland Law Society

2pm **Close**