

South Australia

Assisted Reproductive Treatment Regulations 2010

under the *Assisted Reproductive Treatment Act 1988*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Act does not require provision of assisted reproductive treatment
- 5 Authorisation to provide assisted reproductive treatment
- 6 Requirements for registration
- 7 Register
- 8 Further conditions of registration

Schedule 1—Revocation of *Reproductive Technology (Code of Ethical Clinical Practice) Regulations 1995*

1—Short title

These regulations may be cited as the *Assisted Reproductive Treatment Regulations 2010*.

2—Commencement

These regulations will come into operation on the day on which section 8 of the *Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Act 2009* comes into operation.

3—Interpretation

In these regulations—

Act means the *Assisted Reproductive Treatment Act 1988*;

NHMRC means the National Health and Medical Research Council established under the *National Health and Medical Research Council Act 1992* of the Commonwealth;

NHMRC guidelines means the *Ethical Guidelines on Assisted Reproductive Technology (2007)* published by the NHMRC, as in force from time to time;

registration, in relation to a person, means registration under Part 2 of the Act;

RTAC means the Reproductive Technology Accreditation Committee of the Fertility Society of Australia;

RTAC licence means a licence to provide assisted reproductive treatment (however described) issued by RTAC.

4—Act does not require provision of assisted reproductive treatment

Nothing in the Act requires a registered person to provide assisted reproductive treatment to another person (whether or not assisted reproductive treatment may, pursuant to section 9(1)(c) of the Act, be provided in the particular circumstances of the person's case).

5—Authorisation to provide assisted reproductive treatment

For the purposes of section 5(1) of the Act, a person is authorised to provide assisted reproductive treatment if the person holds a current RTAC licence.

6—Requirements for registration

For the purposes of section 6(b) of the Act, a current RTAC licence is required for the purposes of registration.

7—Register

For the purposes of section 8(2)(c) of the Act, the following information is prescribed:

- (a) the address of each premises at which the person provides assisted reproductive treatment;
- (b) the date on which the person's RTAC licence expires;
- (c) the URL of any website maintained by or on behalf of the person in relation to the provision of assisted reproductive treatment.

8—Further conditions of registration

- (1) For the purposes of section 9(1)(c)(v) of the Act, assisted reproductive treatment may be provided in circumstances where—
 - (a) a woman who would be the mother of any child born as a consequence of the assisted reproductive treatment; or
 - (b) a man who is living with a woman (on a genuine domestic basis as her husband) who would be the mother of any child born as a consequence of the assisted reproductive treatment,
is suffering from an illness or other medical condition that may result in, or the appropriate treatment of which may result in, the woman or man becoming infertile at a future time.
- (2) For the purposes of section 9(1)(e) of the Act, the Minister must impose the following conditions on the registration of a person:
 - (a) a condition requiring the person to comply with the NHMRC guidelines;
 - (b) a condition requiring the person to provide specified information to the Minister from time to time in a manner and form determined by the Minister.
- (3) In the event of an inconsistency between a provision of the NHMRC guidelines and a condition imposed on the registration of a person (whether under the Act or otherwise), the provision of the NHMRC guidelines is, to the extent of the inconsistency, void and of no effect.

- (4) For the purposes of section 18 of the Act—
- (a) a condition imposed on the registration of a person (whether under the Act or otherwise); or
 - (b) a provision of the NHMRC guidelines,
that requires or authorises a person—
 - (c) to disclose the identity of a donor of human reproductive material; or
 - (d) to divulge confidential information obtained (whether by that person or some other person) for the purpose, or in the course, of providing assisted reproductive treatment,
- will be taken to be a requirement or authorisation under the Act.

Schedule 1—Revocation of *Reproductive Technology (Code of Ethical Clinical Practice) Regulations 1995*

The *Reproductive Technology (Code of Ethical Clinical Practice) Regulations 1995* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 1 July 2010

No 166 of 2010

HEAC-2009-00074