

South Australia

# Assisted Reproductive Treatment Act 1988

An Act to regulate assisted reproductive treatment.

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### Legislative history

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Assisted Reproductive Treatment Act 1988*.

### **3—Interpretation**

In this Act, unless the contrary intention appears—

***assisted insemination*** means assisted reproductive treatment (not being an in vitro fertilisation procedure or a surgical procedure) in which human sperm are introduced, by artificial means, into the human female reproductive system;

***assisted reproductive treatment*** means any medical procedure directed at fertilisation of a human ovum by artificial means and includes an in vitro fertilisation procedure;

***authorised person*** means a person authorised by the Minister to exercise the powers of an authorised person under this Act;

***donor conception register***—see section 15;

***human reproductive material*** means—

- (a) a human embryo;
- (b) human semen;
- (c) a human ovum;

***in vitro fertilisation procedure*** means any of the following procedures—

- (a) the removal of a human ovum for the purpose of fertilisation within or outside the body;
- (b) the storage of any such ovum prior to fertilisation;
- (c) the fertilisation by artificial means of any such ovum within or outside the body;
- (d) the culture or storage of a fertilised ovum outside the body;
- (e) the transference of a fertilised or unfertilised ovum into the human body;

***lawful surrogacy agreement*** means a lawful surrogacy agreement under the *Surrogacy Act 2019*;

***registered objector***—see section 8(3).

### **4—Act binds Crown**

This Act binds the Crown.

### **4A—Welfare of child paramount**

The welfare of any child to be born as a consequence of the provision of assisted reproductive treatment in accordance with this Act must be treated as being of paramount importance, and accepted as a fundamental principle, in respect of the operation of this Act.

## Part 2—Registration

### 5—Authorisation and registration required to provide assisted reproductive treatment

- (1) A person must not provide assisted reproductive treatment unless the person is authorised to do so in accordance with the regulations and registered under this Part.  
Maximum penalty: \$120 000.
- (2) Subsection (1) does not apply in relation to assisted reproductive treatment consisting of—
  - (a) assisted insemination provided by a health professional approved by the Minister for the purposes of this subsection; or
  - (b) assisted insemination provided other than for fee or reward.
- (3) An approval under subsection (2)(a) may be conditional or unconditional.
- (4) The Minister may, by notice in writing given to a health professional approved under subsection (2)(a), vary or cancel the approval on any grounds the Minister thinks fit.
- (5) A health professional who is approved under subsection (2)(a) and who contravenes or fails to comply with a condition of the approval is guilty of an offence.  
Maximum penalty: \$120 000.
- (6) In this section—

*health professional* means—

  - (a) a medical practitioner; or
  - (b) any other person who belongs to a profession, or who has an occupation, declared by the regulations to be a profession or occupation within the ambit of this definition.

### 6—Eligibility for registration

- (1) A person is eligible for registration under this Part if the person, on application to the Minister, satisfies the Minister that he or she—
  - (a) is a fit and proper person to be registered; and
  - (b) holds any licence, accreditation or other qualification required by the regulations for the purposes of registration; and
  - (c) satisfies any other requirements prescribed by the regulations.
- (2) The fact that an applicant for registration has a religious objection to the provision of assisted reproductive treatment to another on the basis of the other's sexual orientation or gender identity, or marital status, is not, of itself, grounds for finding that a person is not fit and proper to be registered.

### 7—Application for registration

- (1) An application for registration under this Part must—
  - (a) be made to the Minister in the manner and form approved by the Minister; and

- (b) be accompanied by the prescribed fee.
- (2) An applicant for registration must, if the Minister so requires, provide the Minister with specified information to enable the Minister to determine the application.

## 8—Registration

- (1) The Minister must keep a register of persons authorised to provide assisted reproductive treatment under this Act (the *Register*).
- (2) The Register must include, in relation to each person on the Register—
  - (a) the person's full name or business name and business address; and
  - (b) details of any condition of registration; and
  - (ba) if the person notifies the Minister that the person has a religious objection to the provision of assisted reproductive treatment to another on the basis of the other's sexual orientation or gender identity, or marital status—that fact; and
  - (c) any other information prescribed by the regulations,and may include such other information as the Minister thinks fit.
- (3) A person referred to in subsection (2)(ba) may, for the purposes of this or any other Act, be referred to as a *registered objector*.

## 9—Conditions of registration

- (1) The Minister must, by notice in writing given to a person registered under this Part, impose conditions of the following kinds on the person's registration:
  - (a) a condition requiring the person to hold, while the person is registered under this Part, a specified licence, accreditation or other qualification that is in force;
  - (b) a condition setting out the kinds of assisted reproductive treatment the person may provide and any requirements that must be complied with in the provision of such treatment;
  - (ba) subject to subsection (1a), a condition prohibiting the person from refusing to provide assisted reproductive treatment to another on the basis only of the other's sexual orientation or gender identity, marital status, or religious beliefs;
  - (c) a condition preventing the provision of assisted reproductive treatment except in the following circumstances:
    - (i) if it appears to be unlikely that, in the person's circumstances, the person will become pregnant other than by an assisted reproductive treatment;
    - (iii) if there appears to be a risk that a serious genetic defect, serious disease or serious illness would be transmitted to a child conceived naturally;
    - (iv) if—
      - (A) the human reproductive material—

- in the case of human semen or a human ovum—was collected from a person who has died (the *donor*); or
  - in the case of a human embryo—was created from gametes of a person who has died (the *donor*); and
- (B) before the donor died, the donor consented to the use of the human reproductive material after their death in the provision of the proposed assisted reproductive treatment; and
- (C) if the donor gave any directions in relation to the use of the human reproductive material—the directions have, as far as is reasonably practicable, been complied with; and
- (D) the assisted reproductive treatment is provided for the benefit of a person who, immediately before the death of the donor, was living with the donor on a genuine domestic basis (whether the treatment is carried out on that person or on another person for the purposes of a lawful surrogacy agreement);
- (iva) for the purposes of a lawful surrogacy agreement;
- (v) in any other circumstances prescribed by the regulations;
- (d) a condition requiring the person to ensure that the regulations are complied with;
- (e) any other condition required by the regulations,
- and may impose any other condition the Minister thinks fit.
- (1a) Section 9(1)(ba) does not apply to a registered objector but, in that case, it is instead a condition of the registered objector's registration that the registered objector take steps to refer the person seeking assisted reproductive treatment to another person who is registered under this Part.
- (2) The Minister may, by notice in writing given to a person registered under this Part, vary the conditions of the person's registration by the addition, substitution or deletion of 1 or more conditions.
- (3) A person who is registered under this Part and who contravenes or fails to comply with a condition of the person's registration is guilty of an offence.
- Maximum penalty: \$120 000.

## **10—Suspension or cancellation of registration**

- (1) The Minister may suspend or cancel a person's registration under this Part if the Minister is satisfied that the person has contravened, or failed to comply with, a condition of that registration.
- (2) A person must be given a reasonable opportunity to make submissions in relation to the matter before action is taken under subsection (1).

## 11—Removal from Register

- (1) The Minister must, on application by a person registered under this Part, remove the person from the Register.
- (2) The Minister must remove from the Register a person—
  - (a) who ceases to hold a licence, accreditation or other qualification required for registration under this Part; or
  - (b) who ceases for any other reason to be entitled to be registered; or
  - (c) whose registration has been suspended or cancelled under this Act.
- (3) The Minister may act under subsection (2) without giving prior notice to the person.

## 12—Reinstatement on Register

- (1) A person who has been removed from the Register under this Act—
  - (a) on the person's application; or
  - (b) under section 11 (other than a person whose registration has been suspended under this Act),may apply to the Minister at any time for reinstatement on the Register.
- (2) A person whose registration under this Part has been suspended may apply to the Minister for reinstatement on the Register (but not, in the case where the person's registration has been suspended for a specified period, until after the expiration of that period).
- (3) An application for reinstatement must—
  - (a) be made to the Minister in the manner and form determined by the Minister; and
  - (b) be accompanied by the prescribed reinstatement fee.
- (4) An applicant for reinstatement must, if the Minister so requires, provide the Minister with specified information to enable the Minister to determine the application.
- (5) The Minister may refuse to reinstate the applicant on the Register until any proceedings in relation to the applicant under this Act, or a law of another State or a Territory of the Commonwealth providing for the registration or some other form of accreditation of persons who provide assisted reproductive treatment, have been finally disposed of.

## 13—Appeals

- (1) An appeal lies to the Supreme Court against the following decisions:
  - (a) a refusal by the Minister to approve a health professional for the purposes of section 5(2);
  - (b) a decision by the Minister to vary or cancel the approval of a health professional under section 5(4);
  - (c) a refusal by the Minister to register a person under this Part;
  - (d) a decision by the Minister to impose, substitute or delete a condition of registration under this Part;

- (e) a decision by the Minister to suspend or cancel the registration of a person;
  - (f) a refusal by the Minister to reinstate a person on the Register.
- (2) Subject to any contrary order of the Supreme Court, an appeal cannot be commenced after 1 month from the day on which the appellant receives notice of the decision against which the appeal lies.
- (3) On an appeal, the Supreme Court may—
- (a) annul, vary or reverse the decision subject to the appeal; and
  - (b) make any consequential or ancillary orders the Supreme Court thinks fit.

#### **14—Related matters**

- (1) The Register must be kept available for inspection by any person during ordinary office hours at a place or places determined by the Minister and the Register, or extracts of the Register, may be made available to the public by electronic means.
- (2) A person may, on payment of the prescribed fee, obtain a copy of any part of the Register.
- (3) A certificate stating that a person was, or was not, registered on the Register at a particular date, or during a particular period, and purporting to be signed by the Minister will, in the absence of proof to the contrary, be accepted in legal proceedings as proof of the registration, or of the fact that the person was not so registered, on the date, or during the period, stated in the certificate.

### **Part 3—Donor conception register**

#### **14A—Application of Part**

This Part applies in relation to assisted reproductive treatment whether provided before or after the commencement of this Part.

**Note—**

The rights of access to information and obligations to provide information under this Part apply despite any previous obligation to maintain secrecy or other restriction on the disclosure of information.

#### **15—Donor conception register**

- (1) The Minister must keep a register of donors of human reproductive material used in, or in relation to, assisted reproductive treatment provided in accordance with this Act and resulting in the birth of a child (the *donor conception register*).
- (2) The donor conception register must contain, in relation to each donor on the register, the following information (if known):
- (a) the donor's full name and nominated contact address; and
  - (b) the full name and nominated contact address of the person to whom assisted reproductive treatment using the donor's human reproductive material was provided; and
  - (c) the full name of any child born as a consequence of such assisted reproductive treatment; and

- (ca) information provided under section 15B; and
  - (d) any other information required by the regulations,
- and may include any other information that the Minister thinks fit.
- (3) The Minister may include on the donor conception register any particulars provided by the Registrar of Births, Deaths and Marriages under section 15B(3) (including, to avoid doubt, information that does not relate to assisted reproductive treatment provided in accordance with this Act).
  - (4) If the Minister is satisfied, based on any information received by the Minister, that an entry in the donor conception register is not correct, the Minister must correct that entry.
  - (4a) Subject to subsections (4d) and (8), a person is only entitled to have access to information contained in the donor conception register in accordance with the regulations or an authorisation of the Minister under subsection (4b).
  - (4b) The Minister may, by instrument in writing, authorise the disclosure of information, or a class of information, contained in the donor conception register to a person or class of person specified in the instrument of authorisation.
  - (4c) An authorisation under subsection (4b) may be subject to conditions specified in the instrument of authorisation.
  - (4d) A person engaged in connection with the administration of this Part may disclose particular information contained in the donor conception register if the person believes on reasonable grounds that the disclosure is necessary to address a serious and imminent risk to the health, safety or welfare of any person.
  - (5) A certificate stating that a donor was, or was not, registered on the donor conception register in relation to the birth of a specified child, and purporting to be signed by the Minister will, in the absence of proof to the contrary, be accepted in legal proceedings as proof of the registration, or of the fact that the person was not so registered.
  - (6) Any person (not being a registered provider of assisted reproductive treatment) may provide information of a prescribed kind to the Minister for inclusion in the donor conception register.
  - (7) A registered provider of assisted reproductive treatment must provide the Minister with information required by the Minister for inclusion in the donor conception register in the manner and form determined by the Minister.  
Maximum penalty: \$120 000.
  - (8) Nothing in this section entitles a person to obtain information contained in the donor conception register if the Minister has determined, in the Minister's absolute discretion, that disclosure of the information would—
    - (a) be an unjustifiable intrusion on the privacy of the person to whom the information relates; or
    - (b) give rise to a serious risk to the health, safety or welfare of any person; or
    - (c) be inappropriate because the information may be unreliable or misleading.
  - (9) The Minister must establish and maintain written guidelines regarding the exercise of the Minister's discretion under subsection (8).

- (10) The Minister must ensure that guidelines established and maintained under subsection (9) are published on a website determined by the Minister.
- (11) A person who is dissatisfied with a decision of the Minister under subsection (8) may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision.
- (12) In this section—  
*donor* means a person who provided human reproductive material for the purposes of assisted reproductive treatment on the understanding that they would not be a parent or legal guardian of a child born as a consequence of the treatment.

### **15A—Authorisation of entities**

- (1) The Minister may, by notice in the Gazette, authorise an entity to do any of the following:
  - (a) to assist the Minister in obtaining any information for the purposes of this Part;
  - (b) to provide counselling or support services;
  - (c) to facilitate the exchange of information between, or contact between, donors and other persons involved in donor conception;
  - (d) to perform a function of a kind prescribed by the regulations.

**Note—**

The Minister may also delegate functions under this Part to an entity authorised under this section (see section 19).

- (2) An authorisation made by notice under this section may be subject to conditions specified in the notice.
- (3) The Minister or any other person engaged in connection with the operation of this Act may disclose information obtained while so engaged (including information contained in the donor conception register) to an entity authorised under this section to enable that entity to exercise a function under this section.

### **15B—Notice requiring provision of information etc**

- (1) The Minister may, by notice in writing, for the purpose of preparing and maintaining the donor conception register, require a person or a public authority to provide the Minister with such information as the Minister may require.
- (2) A person must not—
  - (a) without reasonable excuse, refuse or fail to comply with a notice given to the person under subsection (1); or
  - (b) knowingly or recklessly provide false or misleading information to the Minister for the purposes of this Part (whether in response to a notice under subsection (1) or otherwise).

Maximum penalty: \$10 000.

- (3) The Minister may, by notice in writing, require the Registrar of Births, Deaths and Marriages to provide information, or specified kinds of information, in relation to donors (within the meaning of the *Births, Deaths and Marriages Registration Act 1996*) recorded in the Register maintained under the *Births, Deaths and Marriages Registration Act 1996*.
- (4) No obligation to maintain secrecy or other restriction on the disclosure of information applies to the Registrar of Births, Deaths and Marriages or any other person or public authority for the purposes of complying with a notice under this section.
- (5) In this section—

*public authority* means—

  - (a) an agency or instrumentality of the Crown; or
  - (b) a person or body prescribed by the regulations.

### **15C—Freedom of Information Act 1991 does not apply**

The donor conception register, and any other document held for the purposes of this Part that relates to a particular person, are not subject to access under the *Freedom of Information Act 1991*.

### **15D—Liability**

- (1) A registered provider of assisted reproductive treatment or other person required or permitted to provide information under this Part does not incur any civil or criminal liability in respect of providing that information honestly and in good faith.
- (2) No civil or criminal liability attaches to a person engaged in the administration of this Act, for an honest act or omission in the performance, exercise or discharge, or purported performance, exercise or discharge, of a function under this Act in connection with this Part.
- (3) No civil or criminal liability attaches to the Crown for any act or omission in relation to the performance, exercise or discharge, or purported performance, exercise or discharge, of a function in connection with this Part.

## **Part 4—Miscellaneous**

### **16—Record keeping**

- (1) A person who is registered under Part 2 must make such records, and keep such documents, as may be required by the regulations in relation to the provision of assisted reproductive treatment by the person.

Maximum penalty: \$50 000.
- (2) A health professional who is approved under section 5(2)(a) to provide assisted insemination must make such records, and keep such documents, as may be required by the regulations in relation to assisted insemination provided in pursuance of the approval.

Maximum penalty: \$50 000.

- (2a) A person who is in possession of any records or other documents relating to the provision (whether before or after the commencement of this subsection) of assisted reproductive treatment must keep those records or documents in accordance with the regulations.  
Maximum penalty: \$50 000.
- (3) A person who is required to make a record or keep a document under this section must retain the record or document in accordance with any requirement set out in the regulations.  
Maximum penalty: \$50 000.
- (4) The Minister may, on the Minister's own motion or on application (made in a manner and form determined by the Minister) by a person who is required to make a record or keep a document under this section, authorise the transfer of any such documents to another person.
- (5) An authorisation under subsection (4)—
- (a) must be given by instrument in writing; and
  - (b) may be subject to such conditions as the Minister thinks fit and specifies in the authorisation; and
  - (c) must be given to any person transferring the documents and to the person to whom the documents are to be transferred pursuant to the authorisation.
- (6) A person transferring documents pursuant to an authorisation of the Minister under subsection (4), and any person to whom such documents are transferred, must comply with the conditions specified in the authorisation.  
Maximum penalty: \$50 000.

## 17—Powers of authorised persons

- (1) An authorised person may at any reasonable time—
- (a) enter and inspect any premises on which assisted reproductive treatment is provided; and
  - (b) inspect any equipment on the premises; and
  - (c) put questions to any person on the premises; and
  - (d) require any person who is apparently in a position to do so, to produce records relating to assisted reproductive treatment; and
  - (e) examine those records and take extracts from, or make copies of, any of them.
- (2) A person who—
- (a) obstructs an authorised person acting in the exercise of a power conferred by this section; or
  - (b) fails to answer an authorised person's questions to the best of his or her information and belief; or
  - (c) being in a position to produce records fails to do so when required by an authorised person,

is guilty of an offence.

Maximum penalty: \$10 000.

- (3) Confidential information may be disclosed to an authorised person under this section without breach of any principle of professional ethics.

## 18—Confidentiality

- (2) A person must not divulge any personal information obtained (whether by that person or some other person) for the purpose, or in the course, of providing assisted reproductive treatment except—

- (aa) as required or authorised by or under this or any other Act; or
- (a) in order to provide that treatment; or
- (c) with the consent of the person to whom the information relates.

Maximum penalty: \$10 000 or imprisonment for 6 months.

- (2a) A person engaged or formerly engaged in connection with the operation of this Act must not disclose personal information obtained while so engaged except—

- (a) in the case of information obtained in connection with the operation of Part 3—to the extent that they may otherwise be authorised or required to disclose that information under that Part; or
- (b) in any other case—
  - (i) as required or authorised by or under this or any other Act; or
  - (ii) in the administration of this Act; or
  - (iii) with the consent of the person to whom the information relates.

Maximum penalty: \$10 000 or imprisonment for 6 months.

- (3) Nothing in this section prevents information (being information that does not disclose the identity of a person) being used to enable the Minister to accumulate statistical information and to enable the Minister to authorise use of the statistical information for the purposes of research or education.

- (4) In this section—

***personal information*** means information or an opinion, whether true or not, relating to an individual or the affairs of an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

## 19—Delegation

- (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—

- (a) to a particular person or body; or
- (b) to the person for the time being holding or acting in a particular office or position.

- (2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

- (3) A delegation—
  - (a) may be absolute or conditional; and
  - (b) does not derogate from the power of the delegator to act in a matter; and
  - (c) is revocable at will by the delegator.

## 20—Regulations

- (1) The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), those regulations may—
  - (a) prescribe forms of consent for the purposes of this Act;
  - (b) require persons registered under Part 2 of this Act to furnish periodic returns of information;
  - (c) impose penalties (not exceeding \$10 000) for breach of, or non-compliance with, a regulation;
  - (d) require a person to provide information to the Minister for purposes related to the preparation and maintenance of the donor conception register;
  - (e) confer a discretionary power on the Minister or any other person or body.
- (3) A regulation may incorporate, or operate by reference to, any code or standard (as in force at the date of the regulation, or as in force from time to time) prepared or approved by a body or authority referred to in the regulation.

## 21—Review of operation of Act

- (1) The Minister must, as soon as practicable after the fifth anniversary of the commencement of this section, conduct a review of the operation and effectiveness of this Act as amended by the *Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Act 2009*.
- (2) The Minister, or any person conducting the review on behalf of the Minister, must maintain the confidentiality of information provided to the Minister in the course of the review (but nothing in this section prevents information (being information that does not disclose the identity of a person) being used to enable the Minister to accumulate and publish statistical information for the purposes of a report under this section).
- (3) The Minister must prepare a report based on the review and must, within 12 sitting days after the report is prepared, cause copies of the report to be laid before each House of Parliament.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Formerly

*Reproductive Technology Act 1988*

*Reproductive Technology (Clinical Practices) Act 1988*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1988	10	<i>Reproductive Technology Act 1988</i>	10.3.1988	1.4.1988 ( <i>Gazette 31.3.1988 p765</i> ) except ss 14(1), 14(2)(a), (b) & (d), 14(3) & 14(4)—31.7.1989 ( <i>Gazette 20.7.1989 p116</i> ) and except s 14(2)(c)—1.8.1996 ( <i>Gazette 1.8.1996 p223</i> )
2000	34	<i>South Australian Health Commission (Administrative Arrangements) Amendment Act 2000</i>	6.7.2000	Sch 1 (cl 15)—6.7.2000 ( <i>Gazette 6.7.2000 p5</i> )
2003	18	<i>Research Involving Human Embryos Act 2003</i>	19.6.2003	Sch (cll 2—8)—18.12.2003 ( <i>Gazette 18.12.2003 p4526</i> )
2009	43	<i>Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Act 2009</i>	1.10.2009	Pt 2 (ss 4—14) & Sch 1 (Pt 2)—1.9.2010 ( <i>Gazette 1.7.2010 p3338</i> )
2009	64	<i>Statutes Amendment (Surrogacy) Act 2009</i>	26.11.2009	Pt 4 (ss 19 & 20)—26.11.2010: s 2
2015	15	<i>Family Relationships (Surrogacy) Amendment Act 2015</i>	16.7.2015	Sch 1 (cl 1)—16.7.2015
2017	6	<i>Statutes Amendment (Surrogacy Eligibility) Act 2017</i>	15.3.2017	Pt 2 (ss 4—7)—21.3.2017 ( <i>Gazette 21.3.2017 p926</i> )
2019	31	<i>Surrogacy Act 2019</i>	7.11.2019	Sch 1 (cll 2 & 3)—1.9.2020 ( <i>Gazette 18.6.2020 p3392</i> ); Sch 1 (cl 4)—7.11.2021 (s 7(5) <i>Acts Interpretation Act 1915</i> )

2024	8	<i>Assisted Reproductive Treatment (Posthumous Use of Material and Donor Conception Register) Amendment Act 2024</i>	28.3.2024	Pt 2 (ss 3 to 8)—26.2.2025 ( <i>Gazette</i> 28.11.2024 p4271)
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## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 43/2009 s 4	1.9.2010
Pt 1		
s 1	substituted by 18/2003 Sch cl 2	18.12.2003
	amended by 43/2009 s 5	1.9.2010
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	18.12.2003
s 3		
<i>artificial fertilisation procedure</i>	<i>deleted by 43/2009 s 6(1)</i>	1.9.2010
<i>artificial insemination</i>	<i>deleted by 43/2009 s 6(2)</i>	1.9.2010
assisted insemination	inserted by 43/2009 s 6(2)	1.9.2010
assisted reproductive treatment	inserted by 43/2009 s 6(2)	1.9.2010
authorised person	amended by 34/2000 Sch 1 cl 15(a)	6.7.2000
<i>the code of ethical practice</i>	<i>deleted by 43/2009 s 6(3)</i>	1.9.2010
<i>the Commission</i>	<i>deleted by 34/2000 Sch 1 cl 15(b)</i>	6.7.2000
donor conception register	inserted by 43/2009 s 6(3)	1.9.2010
lawful surrogacy agreement	inserted by 31/2019 Sch 1 cl 2	1.9.2020
<i>recognised surrogacy agreement</i>	<i>inserted by 64/2009 s 19</i>	26.11.2010
	<i>amended by 15/2015 Sch 1 cl 1</i>	16.7.2015
	<i>deleted by 31/2019 Sch 1 cl 2</i>	1.9.2020
registered objector	inserted by 6/2017 s 4	21.3.2017
<i>reproductive technology</i>	<i>deleted by 43/2009 s 6(4)</i>	1.9.2010
s 4A	inserted by 43/2009 s 7	1.9.2010
<i>Pt 2 before substitution by 43/2009</i>		
s 10		

<i>s 10(1)</i>	<i>amended by 34/2000 Sch 1 cl 15(c)</i>	6.7.2000
	<i>(a)(ii) deleted by 18/2003 Sch cl 3(1)</i>	18.12.2003
	<i>(b)(ii) deleted by 18/2003 Sch cl 3(2)</i>	18.12.2003
	<i>amended by 18/2003 Sch cl 3(3)</i>	18.12.2003
<i>s 11</i>		
<i>s 11(3)</i>	<i>substituted by 34/2000 Sch 1 cl 15(d)</i>	6.7.2000
Pt 2	substituted by 43/2009 s 8	1.9.2010
<i>s 6</i>		
<i>s 6(1)</i>	<i>s 6 redesignated as s 6(1) by 6/2017 s 5</i>	21.3.2017
<i>s 6(2)</i>	<i>inserted by 6/2017 s 5</i>	21.3.2017
<i>s 8</i>		
<i>s 8(2)</i>	<i>amended by 6/2017 s 6(1)</i>	21.3.2017
<i>s 8(3)</i>	<i>inserted by 6/2017 s 6(2)</i>	21.3.2017
<i>s 9</i>		
<i>s 9(1)</i>	<i>amended by 64/2009 s 20</i>	26.11.2010
	<i>amended by 6/2017 s 7(1)—(3)</i>	21.3.2017
	<i>(c)(ii) deleted by 6/2017 s 7(2)</i>	21.3.2017
	<i>amended by 31/2019 Sch 1 cl 3</i>	1.9.2020
	<b>amended by 8/2024 s 3</b>	<b>26.2.2025</b>
<i>s 9(1a)</i>	<i>inserted by 6/2017 s 7(4)</i>	21.3.2017
<i>Pt 3 before substitution by 43/2009</i>		
<i>s 13</i>		
<i>s 13(1)</i>	<i>amended by 34/2000 Sch 1 cl 15(e)</i>	6.7.2000
<i>s 13(2)</i>	<i>amended by 34/2000 Sch 1 cl 15(f)</i>	6.7.2000
<i>s 13(3)</i>	<i>amended by 34/2000 Sch 1 cl 15(g)</i>	6.7.2000
<i>s 13(7)</i>	<i>amended by 34/2000 Sch 1 cl 15(h)</i>	6.7.2000
<i>s 13(8)</i>	<i>amended by 34/2000 Sch 1 cl 15(i), (j)</i>	6.7.2000
<i>s 14</i>	<i>deleted by 18/2003 Sch cl 4</i>	18.12.2003
<i>s 15</i>	<i>substituted by 34/2000 Sch 1 cl 15(k)</i>	6.7.2000
<i>s 15(1)</i>	<i>substituted by 18/2003 Sch cl 5</i>	18.12.2003
<i>s 16</i>		
<i>s 16(1)</i>	<i>amended by 34/2000 Sch 1 cl 15(l)</i>	6.7.2000
<i>s 16(4)</i>	<i>deleted 18/2003 Sch cl 6</i>	18.12.2003
Pt 3	substituted by 43/2009 s 8	1.9.2010
<b>s 14A</b>	<b>inserted by 8/2024 s 4</b>	<b>26.2.2025</b>
<i>s 15</i>		
<i>s 15(1)</i>	<i>amended by 31/2019 Sch 1 cl 4(1)</i>	7.11.2021
<i>s 15(2)</i>	<i>amended by 31/2019 Sch 1 cl 4(2)</i>	7.11.2021
	<b>amended by 8/2024 s 5(1)—(3)</b>	<b>26.2.2025</b>
<b>s 15(3) and (4)</b>	<b>substituted by 8/2024 s 5(4)</b>	<b>26.2.2025</b>
<b>s 15(4a)—(4d)</b>	<b>inserted by 8/2024 s 5(4)</b>	<b>26.2.2025</b>
<b>s 15(6) and (7)</b>	<b>substituted by 8/2024 s 5(5)</b>	<b>26.2.2025</b>

s 15(8)	substituted by 31/2019 Sch 1 cl 4(3)	7.11.2021
	<b>substituted by 8/2024 s 5(5)</b>	<b>26.2.2025</b>
<b>s 15(9)—(12)</b>	<b>inserted by 8/2024 s 5(5)</b>	<b>26.2.2025</b>
<b>ss 15A—15D</b>	<b>inserted by 8/2024 s 6</b>	<b>26.2.2025</b>
Pt 4		
s 16	inserted by 43/2009 s 9	1.9.2010
<b>s 16(2a)</b>	<b>inserted by 8/2024 s 7(1)</b>	<b>26.2.2025</b>
<b>s 16(4)—(6)</b>	<b>inserted by 8/2024 s 7(2)</b>	<b>26.2.2025</b>
s 17		
s 17(1)	amended by 18/2003 Sch cl 7(1), (2)	18.12.2003
	amended by 43/2009 s 10(1), (2)	1.9.2010
s 17(2)	amended by 43/2009 s 10(3)	1.9.2010
s 18		
<i>s 18(1)</i>	<i>amended by 43/2009 s 11(1)—(4)</i>	<i>1.9.2010</i>
	<b>deleted by 8/2024 s 8(1)</b>	<b>26.2.2025</b>
s 18(2)	amended by 18/2003 Sch cl 8(1), (2)	18.12.2003
	amended by 43/2009 s 11(5)—(10)	1.9.2010
	<b>amended by 8/2024 s 8(2), (3)</b>	<b>26.2.2025</b>
	<b>(b) deleted by 8/2024 s 8(4)</b>	<b>26.2.2025</b>
<b>s 18(2a)</b>	<b>inserted by 8/2024 s 8(5)</b>	<b>26.2.2025</b>
s 18(3)	inserted by 43/2009 s 11(11)	1.9.2010
<b>s 18(4)</b>	<b>inserted by 8/2024 s 8(6)</b>	<b>26.2.2025</b>
s 19	substituted by 34/2000 Sch 1 cl 15(m)	6.7.2000
s 20		
s 20(2)	amended by 43/2009 s 12(1)—(3)	1.9.2010
<i>s 20(4)</i>	<i>deleted by 43/2009 s 12(4)</i>	<i>1.9.2010</i>
s 21	inserted by 43/2009 s 13	1.9.2010
<i>Sch before deletion by 43/2009</i>		
<i>scl (2)</i>	<i>substituted by 34/2000 Sch 1 cl 15(n)</i>	<i>6.7.2000</i>
<i>Sch</i>	<i>deleted by 43/2009 s 14</i>	<i>1.9.2010</i>

## Transitional etc provisions associated with Act or amendments

### ***Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Act 2009, Sch 1***

#### **1—Existing licensees**

- (1) A person who, immediately before the commencement of this clause, held a licence under Part 3 of the *Reproductive Technology (Clinical Practices) Act 1988* (as in force immediately before the commencement of this clause) will be taken to be registered under Part 2 of that Act (as enacted by this Act).

- (2) Any licence condition to which the licence was subject under section 13(3)(a) and (e) of the *Reproductive Technology (Clinical Practices) Act 1988* (as in force immediately before the commencement of this clause) will be taken to continue to apply as a condition of registration under Part 2 of that Act (as enacted by this Act).

## 2—Record keeping

A person who held a licence under Part 3 of the *Reproductive Technology (Clinical Practices) Act 1988* (as in force immediately before the commencement of this clause) must keep any record required to have been made or kept as a condition to which the licence was subject under section 13(3)(d) of that Act (as in force immediately before the commencement of this clause) as if the record were a record required to be made or kept under that Act after the commencement of Part 2 of this Act.

## Historical versions

Reprint No 1—6.7.2000

18.12.2003

1.9.2010

26.11.2010

16.7.2015

21.3.2017

1.9.2020

7.11.2021