

Export of Human Reproductive Material from Western Australia

Export from Western Australia

It is not allowable under WA's Human Reproductive Technology Act (Act) for a clinic licensed under the Act to export donated gametes or embryos where donation is involved from this state without the approval of the WA Reproductive Technology Council. Regulations that allow for export of donated human reproductive material place certain conditions on this export, and this is only permissible to a particular person who has been approved by the Council. The export must not be undertaken without this approval.

All consents, including that given by the donor, must also be appropriate. This may be particularly relevant for export to Victoria, where the donor must consent to having identifying information placed on the Victorian Donor Register to which the child has a right of access. There may also be ramifications under legislation of other countries or Australian states and these should be addressed by the clinic in consultation with the SA medical practitioners.

WA clinics are covered by licensing requirements of the WA Act, and must apply in writing to the Council for approval to export the donated gametes or embryos where donation is involved. Any application to the Council from the clinic must include a copy of a written undertaking between the person outside the State who seeks to obtain the donated human reproductive material (preferably the treating medical practitioner) and the sperm bank.

Below is a copy of a suitable form of words for the undertaking between the person to whom the semen is to be exported and the WA Sperm Bank. Please pay particular attention to the agreement to provide information (including identifying information about the recipient of the donated material) to the WA Donor Register, and to provide recipients with all relevant information about this Register.

The written undertaking must make clear that the person to whom the semen is to be exported will-

- provide the WA licensee, within a reasonable time, with all the information that would be required if the procedure was being carried out in this state ie recipient code, type of treatment, date of treatment and outcome;
- provide to the Donor Register, when requested by Register staff, recipient identifying information as required by Form 7 (attached); and
- prior to obtaining their consent to the procedure, provide the recipient and their spouse or partner (if any) with all relevant information, especially regarding the Registers that have been established, and encourage counselling.

EXPORT OF DONATED HUMAN REPRODUCTIVE MATERIAL FROM WESTERN AUSTRALIA (WA) UNDER THE WA HUMAN REPRODUCTIVE TECHNOLOGY ACT (1991):

Formal undertaking between a person seeking the approval of the Reproductive Technology Council to receive this material and the WA licensee who is to export the donated human reproductive material.

This is to certify that I,

.....
(full name, title and occupation)

of
(full address)

do undertake:

1. To provide the WA licensee **(give full name and address)**

.....
within a reasonable time, with all the information that would be required if any assisted fertilisation procedure that I carry out or authorise with the donated human reproductive material were carried out in Western Australia (ie recipient code, type of treatment, date of treatment and outcome at 8 weeks after the procedure);

2. To provide to the WA Donor Register, when requested by WA Register staff, recipient identifying information as required under the Act;
3. To provide the recipient and their spouse/partner with all relevant information, especially regarding the Registers which have been established, prior to obtaining their consent to the procedure as set out under the Act.

I understand that if I fail to provide the required information to the licensee or the Register within a reasonable time and without good cause, the approval of Reproductive Technology Council for me to receive further material from the licensee may be withdrawn.

..... (Date)
(Signature of applicant)

TO OBTAIN APPROVAL THE APPLICANT FOR APPROVAL SHOULD RETURN THE SIGNED ORIGINAL OF THIS UNDERTAKING TO THE RELEVANT WA LICENSEE. THE LICENSEE SHOULD THEN APPLY IN WRITING TO THE REPRODUCTIVE TECHNOLOGY COUNCIL SEEKING APPROVAL TO EXPORT THE MATERIAL TO THE APPLICANT AND A COPY OF THIS UNDERTAKING SHOULD BE ENCLOSED.

THE COUNCIL WILL NOT GRANT APPROVAL UNLESS DONOR CONSENT IS APPROPRIATE. THIS MAY BE PARTICULARLY RELEVANT WHERE THE EXPORT IS TO BE TO VICTORIA WHERE THE CHILD MAY HAVE ACCESS TO IDENTIFYING INFORMATION KEPT ON THE DONOR REGISTER.

HUMAN REPRODUCTIVE TECHNOLOGY ACT (1991)
DONOR REGISTER

FORM 7 DI RECIPIENT IDENTIFYING INFORMATION

This information is required for each recipient of donor sperm for DI where there is an ongoing clinical pregnancy at 8 weeks. The information should be sent to the Donor Register when requested by Register staff, and where practicable it should be sent on computer disc in an ASCII file or other compatible format.

This form is to be completed and sent in by the practitioner carrying out the DI procedure

Recipient code

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Surname

Given name(s)

Maiden name (if applicable)

Date of Birth

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day

--	--

month

--	--

year

Postcode of residence

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Licensee or Exemption
number

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