Quick Reference Guide

Import and Export of Gametes or Embryos

There are a number of general and specific requirements that need to be met for the import and export of gametes and embryos. The requirements for transfer of gametes and embryos are set out in Directions (Part 6) with reference to Section 22-26 of the Human Reproductive Technology Act 1991 (HRT Act).

Importing eggs, sperm, or embryos

General requirements:

- Gametes or embryos are for use in an artificial fertilisation procedure.
- Gametes or embryos for use in approved or National Health Medical Research Council licensed research projects.

Transfers from an overseas clinic to a clinic in Western Australia (WA) may require additional information before accepting the gametes or embryos. This may include information about:

- laboratory standards;
- screening for infectious diseases;
- standards for quarantine.

Import where donation is involved:

There are additional requirements where the import of gametes or embryos involve donation:

- Provision of donor identifying information.
- The donor/s must not have been paid for their donation, but they may have received reasonable expenses (altruistic donation).
- The counselling of the people involved in the donation must be equivalent to the counselling standards for WA.
- The counselling must be provided by a person with qualifications that are comparable to standards for WA.
- Compliance with the WA requirement of a five family limit for each donor including families in other States and overseas.
- Consent with reference to the HRT Act - Ss.22 (1), (3), (6-9) and Directions 3.1, 3.5, 3.9, 4.2, 7.1.

Application to the Reproductive Technology Council (RTC) to import gametes or embryos is only required when any of the above requirements cannot be met. The RTC may approve, on compassionate grounds, the import of gametes or embryos where the required donor identifying information is not available or where the five family limit has been exceeded.
Exporting eggs, sperm, or embryos

Transfers of gametes and embryos to an overseas clinic may require providing additional information to the receiving clinic. This may include information about:

- laboratory standards;
- screening for infectious diseases;
- standards for quarantine.

Where the export involves embryos, the clinic must not allow export for a use that would not be permitted in WA. This means, for example, that the clinic cannot export embryos for use in a commercial surrogacy arrangement as surrogacy for reward is illegal in WA.

Export where donation is involved

There are additional requirements where the export of gametes or embryos involves donation. The clinic must seek approval from the RTC for the export of eggs, sperm or embryos where donation has been involved. Conditions for approval may include:

- Provision of information about the use and outcome of the donation.
- Provision of donor-identifying information.
- Compliance with the limit of five families per donor including families in other States or overseas.
- Effective consent:
  - Minimum of 18 years of age.
  - Awareness of the legal requirements, and the rights and responsibilities of donors and the recipients.
  - Consent of partners (if any).

The receiving clinic must submit a written undertaking (form 10) to provide recipient identifying information to the exporting clinic and the Department of Health Reproductive Technology Registers. Click here to download a copy of the form 10 template.

There are also further requirements:

- Customs (Prohibited Imports) Amendment Regulations 2003 (No. 1) - Statutory Rule 2003 No. 18, Customs (Prohibited Exports) Amendment Regulations 2003 (No. 1) - Statutory Rule No.17 and Customs Amendment Regulations 2003 (No. 1) -
- NHMRC (2007) Ethical guidelines on the use of assisted reproductive technology in clinical practice and research 2004 (as revised in 2007 to take into account the changes in legislation).
- Statutory Rule No. 16. Further information can be found on the following website: http://www.customs.gov.au/site/content2961.asp