

# Information sheet – guidance for registered medical practitioners who perform artificial insemination in Victoria

Victorian Department of Health

**OFFICIAL**

## Summary

This information sheet provides information about recent amendments to the *Assisted Reproductive Treatment Act 2008* (Vic) (the Act) and outlines obligations under the Act that apply to registered medical practitioners performing artificial insemination in Victoria.

## Background

In April 2018, the Victorian Government commissioned Michael Gorton AM to conduct a 12-month review of the Victorian assisted reproductive treatment framework.

On 3 July 2019, the Victorian Government published the final report of the Independent Review of Assisted Reproductive Treatment (Gorton Review). The final report can be located at:

<https://www.health.vic.gov.au/patient-care/review-of-assisted-reproductive-treatment>.

The Victorian Government is undertaking a staged response to considering and implementing the Gorton Review's recommendations. Following the review, the former Victorian Department of Health and Human Services consulted with key stakeholders on implementation of some priority recommendations from the Gorton Review.

The *Assisted Reproductive Treatment Amendment Act 2021* (Vic) (Amendment Act) which was passed by Parliament in October 2021, implements 10 priority recommendations of the Gorton Review and related matters. The amending legislation can be located at <https://www.legislation.vic.gov.au/as-made/acts/assisted-reproductive-treatment-amendment-act-2021>.

This information sheet provides information for registered medical practitioners about the amendments relating to artificial insemination performed in Victoria and broader information about the obligations under the Act relating to this procedure. In this Information Sheet, a 'registered medical practitioner' means a person registered under the Health Practitioner National Law to practise in the medical profession (other than as a student).

## Changes relating to artificial insemination

Registered medical practitioners not aligned with assisted reproductive treatment providers registered under the Act (registered ART providers) are already permitted to carry out artificial insemination. Changes made by the Amendment Act will facilitate these practitioners carrying out the procedure and provide greater choice for patients seeking to access the procedure. This is because women seeking to undergo artificial insemination and their partners will have the option of seeking mandatory pre-treatment counselling from a counsellor who is not providing counselling on behalf of a registered ART provider, where the counsellor meets prescribed requirements.

Opening up the provision of counselling will provide women and their partners with the ability to seek counselling from a suitably qualified person with whom they already have a relationship, or who is known to specialise in an area of practice that is relevant to their circumstances. Women undergoing artificial insemination performed within a registered ART provider and their partners will also be able to access a counsellor of their choice outside their provider where that counsellor meets the prescribed requirements.

Further changes are also being made to ensure that registered medical practitioners not aligned with registered ART providers will be required to provide the same information and advice to those undergoing artificial insemination and their partners, and to sperm donors whose donations are used in this treatment, as practitioners within registered ART providers. These changes are outlined in the attached guidance.

## Guidance

The Act identifies certain matters that must be satisfied before artificial insemination can be undertaken, including criteria for treatment, provision of a consent to treatment by a woman and her partner, counselling and provision of information. The Act also contains requirements relating to the use of donor sperm in artificial insemination, including donor consent and counselling, the collection and storage of information, and provision of information to the Victorian Assisted Reproductive Treatment Authority (Authority).

The specific criteria for treatment and requirements with respect to consent, counselling and provision and collection of information in the Act supplement any other clinical and regulatory requirements outside the Act that may apply to the practice of this medical procedure including the collection and use of donor sperm. Requirements other than those under the Act are not identified in this information sheet.

Given the forthcoming changes, the attached guidance has been prepared to assist registered medical practitioners with implementation of those changes and to provide a summary of requirements under the Act with respect to artificial insemination, including with respect to the use of donor sperm.

Further information about changes being implemented under the Amendment Act, including changes relating to artificial insemination, and new regulations to support those changes, will be made available in conjunction with commencement of the relevant provisions. This information will include the requirements counsellors outside registered ART providers must meet to provide mandated pre-treatment counselling for a woman and her partner prior to the woman undertaking artificial insemination.

## Timing

The Amendment Act has a staged implementation, to allow stakeholders time to operationalise and implement these changes.

It is anticipated that changes to provide greater choice in accessing mandatory counselling for artificial insemination, and to align the requirements on all medical practitioners carrying out the procedure, will come into effect mid August 2022. Further information about timing will be provided in advance of those changes.

## Further information

For further information regarding the Act and the *Assisted Reproductive Treatment Regulations 2019*, including with respect to donor conception and requirements relating to the collection of information where donor gametes are to be used in treatment, please contact the Victorian Assisted Reproductive Treatment Authority by phoning 8622 0500 or emailing [varta@varta.org.au](mailto:varta@varta.org.au).

Additional requirements relating to treatment cycles are also contained in the *Ethical Guidelines on the use of assisted reproductive technology in clinical practice and research* of the National Health and Medical Research Council. The guidelines can be located at [nhmrc.gov.au/art](http://nhmrc.gov.au/art).