



Western Australia

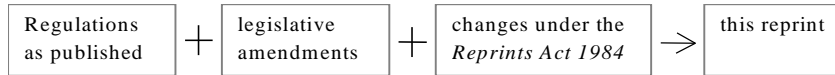
Human Reproductive Technology Act 1991

**Human Reproductive Technology
(Licences and Registers)
Regulations 1993**

Reprint 1: The regulations as at 11 March 2005

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 11 March 2005

Western Australia

Human Reproductive Technology (Licences and Registers) Regulations 1993

CONTENTS

1.	Citation	1
2.	Exemptions relating to artificial insemination	1
3.	Applications for licences	2
4.	Registers of identity, etc.	3
5.	Authorised officers	5
	Schedule	6
	Notes	
	Compilation table	10



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Human Reproductive Technology Act 1991

Human Reproductive Technology (Licences and Registers) Regulations 1993

1. Citation

These regulations may be cited as the *Human Reproductive Technology (Licences and Registers) Regulations 1993*¹.

2. Exemptions relating to artificial insemination

- (1) An application by a medical practitioner for exemption under section 28(1) of the Act in respect of artificial insemination procedures shall be —
 - (a) lodged with the Health Department of Western Australia²;
 - (b) in writing, substantially in accordance with Form 1 in the Schedule, and containing the undertaking prescribed in that Form;
 - (c) accompanied by —
 - (i) a fee of \$50; and
 - (ii) evidence of the medical qualification of the applicant;
 - (d) signed by the applicant.

r. 3

- (2) A certificate of exemption in respect to which conditions are to be imposed shall be issued under section 28(1) of the Act in Form 2 in the Schedule.
- (3) Where an artificial insemination procedure is carried out by a person, other than by a medical practitioner, no licence or exemption under the Act is required if the person carrying out the procedure —
 - (a) is acting under the direction of a licensee; and
 - (b) where donor sperm is used, has given in writing an undertaking to the licensee directing the procedure to furnish to that licensee such detail as may be possible, and is required by that licensee, of the outcome of the procedure.

3. Applications for licences

- (1) An application for a licence, or for the renewal of a licence, shall be lodged with the Health Department of Western Australia².
- (2) An application for a practice licence shall be accompanied by a fee of \$500.
- (3) An application for a storage licence shall be accompanied by a fee —
 - (a) if —
 - (i) sperm is not to be collected at the premises to which the licence relates; or
 - (ii) the sperm which is to be collected there is not intended for use in donor insemination,of \$100;
 - (b) if sperm intended for use in donor insemination is to be collected at the premises to which the licence relates, of \$300; and
 - (c) if eggs or embryos are to be stored, of \$300.

4. Registers of identity, etc.

- (1) For the purpose of a register required to be kept under section 45(1)(b)(i) of the Act, the prescribed information to be shown in respect of a licence is —
- (a) the full name and address of the licensee;
 - (b) the kind of licence;
 - (c) the date of grant, the date of expiry;
 - (d) any date from which the operation of the licence was, is, or is to be suspended, and the period of suspension ordered;
 - (e) each condition, term or matter currently and specifically applicable, whether as required by section 27(4)(a)(ii), (iii) and (iv) or by any condition, term or matter subsequently imposed, or as varied, and the period for which it is to apply;
 - (f) the full name and address of the person responsible, and of any person approved as a manager or as temporarily responsible, specifying the period applicable;
 - (g) the address of the premises to which the licence relates, containing such detail as is sufficient to identify those premises; and
 - (h) the date, and the outcome, of any monitoring or review.
- (2) For the purpose of a register required to be kept under section 45(1)(b)(ii) of the Act, the prescribed information to be shown in respect to persons to whom an exemption under section 28 of the Act applies is —
- (a) the full name and address of the holder of the exemption;
 - (b) the kind of procedures to which the exemption relates;
 - (c) the date the exemption takes effect;
 - (d) the date of issue of any certificate of exemption;

r. 4

- (e) any date from which the operation of any exemption deemed to have been or specifically issued was, is, or is to be suspended, and the period of suspension ordered;
 - (f) each condition currently and specifically applicable, and the period for which it is to apply;
 - (g) the full name and address of the person responsible; and
 - (h) if the exemption, or any condition, relates to specific premises the address of those premises containing such detail as is sufficient to identify those premises.
- (3) For the purpose of the register required to be kept under section 45(1)(d) of the Act, the prescribed requirements to be shown in relation to any disciplinary proceedings are —
- (a) the name of the licensee or other person to whom the proceedings relate;
 - (b) the kind of licence, and the premises, to which the proceedings relate;
 - (c) the nature of the matters alleged as requiring disciplinary action;
 - (d) each kind of disciplinary action taken, and the date on which it was taken;
 - (e) whether any, and what, summary determination was made, consent given or cause shown;
 - (f) whether any, and what, warning or penalty was imposed by the Commissioner summarily;
 - (g) the nature of any allegation made to the State Administrative Tribunal by the Commissioner;
 - (h) the outcome of any allegation to the State Administrative Tribunal, including any penalty imposed by the Tribunal; and
- [(j), (k) deleted]*
- (l) the nature, and outcome, of any review by the State Administrative Tribunal.

- (4) The Commissioner of Health shall cause to be kept, in a place and manner approved by the Minister, registers containing information relating to —
- (a) the export from the State of gametes, eggs in the process of fertilisation or embryos; and
 - (b) the subsequent use, or other dealing in or disposal, of the exported material,

as may be required to be supplied by any provision of the Code, by a direction given under section 31(1)(b), or by a condition imposed under any such provision or direction.

*[Regulation 4 amended in Gazette 12 May 1995 p. 1775;
30 Dec 2004 p. 6939.]*

5. Authorised officers

The certificate of identity to be issued to an authorised officer or other person to whom section 59(2) of the Act applies shall show —

- (a) the full name, and a photograph of the face, of that person;
- (b) whether that person —
 - (i) is generally authorised for the purposes of the Act;
 - (ii) is authorised only for specific named functions or in particular circumstances; and
 - (iii) is, or is not, to be given right of access to participant identifying information;
- (c) the signature of the holder; and
- (d) the signature of the Commissioner, and the date of issue,

on a background clearly stating the name of the Act, and identifying an officer of the Health Department² of whom inquiries may be made.

Schedule

Schedule

FORM 1

[Reg. 2(1)]

HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991

*HUMAN REPRODUCTIVE TECHNOLOGY (LICENCES AND REGISTERS)
REGULATIONS 1993*

**APPLICATION FOR EXEMPTION IN RESPECT OF ARTIFICIAL
INSEMINATION PROCEDURES**

I
(Full name of applicant)

of
(Address, fax. and telephone number of applicant)

being a licensed medical practitioner, hereby apply for an exemption from the
licensing requirements of the *Human Reproductive Technology Act 1991* in
respect of the carrying out of artificial insemination procedures of the following
kind —

..... (Specify)

I understand that the conditions specified in s. 33 of the Act will apply to this
exemption.

I undertake —

- (a) to observe and comply with —
 - (i) the Code of Practice; and
 - (ii) any direction from the Commissioner of Health,
in so far as it relates to any relevant artificial insemination
procedure;
- (b) to furnish such detail as is possible and may be required to —
 - (i) the storage licensee from whom sperm was obtained; or
 - (ii) if the sperm was not obtained from a storage licensee, the
Commissioner of Health,

Schedule

of the outcome of each procedure I perform, or authorise, involving donor insemination;

and

- (c) to comply with any requirement made under the Act as to the obtaining of effective consent from participants.

Signed

Date/...../.....

For further information contact:

Coordinator/Reproductive Technology
Health Department of Western Australia²
189 Royal Street
EAST PERTH 6004

Phone (08) 9222 4260
Fax (08) 9222 4236

Schedule

FORM 2

[Reg. 2(2)]

HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991

*HUMAN REPRODUCTIVE TECHNOLOGY (LICENCES AND REGISTERS)
REGULATIONS 1993*

**EXEMPTION IN RESPECT OF ARTIFICIAL
INSEMINATION PROCEDURES**

This certificate of exemption is issued in accordance with section 28(1) of the

Act to
(Full name of holder)

of
(Address of holder)

.....

who, as the person responsible for the supervision of all practices related to the procedures, has been granted an EXEMPTION from the requirement of the Act to be licensed to carry out ARTIFICIAL INSEMINATION PROCEDURES of the kind listed below —

.....
.....
.....
.....
.....

subject, in addition to the conditions specified in s. 33 of the Act, to the following specific conditions —

.....
.....
.....
.....
.....

.....
Signed (Commissioner of Health)

For information contact:

Coordinator/Reproductive Technology
Health Department of Western Australia²
189 Royal Street
EAST PERTH 6004

Phone (08) 9222 4260
Fax (08) 9222 4236

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**Human Reproductive Technology (Licences and Registers)
Regulations 1993**

Notes

- ¹ This reprint is a compilation as at 11 March 2005 of the *Human Reproductive Technology (Licences and Registers) Regulations 1993* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Human Reproductive Technology (Licences and Registers) Regulations 1993</i>	19 Mar 1993 p. 1642-6	19 Mar 1993
<i>Human Reproductive Technology (Licences and Registers) Amendment Regulations 1995</i>	12 May 1995 p. 1775	12 May 1995
<i>Human Reproductive Technology (Licences and Registers) Amendment Regulations 2004</i>	30 Dec 2004 p. 6939	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)

Reprint 1: The Human Reproductive Technology (Licences and Registers) Regulations 1993 as at 11 Mar 2005 (includes amendments listed above)

- ² Under the *Alteration of Statutory Designations Amendment Order 2001* a reference in any law to the Health Department of Western Australia is read and construed as a reference to the Department of Health.