

Authorised Version
Assisted Reproductive Treatment Amendment
Act 2020
No. 15 of 2020

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
1 Purpose	1
2 Commencement	1
3 Principal Act	2
4 Definitions	2
5 Persons who may undergo treatment procedures	2
6 Requirements as to consent	3
7 Section 12 repealed	3
8 Section 14 repealed	3
9 Application for review	3
10 Section 42 substituted	3
11 Functions of Panel	3
12 Decision by Patient Review Panel	3
13 Repeal of this Act	4
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Endnotes	5
1 General information	5

Section

Page

Authorised Version



Victoria

Assisted Reproductive Treatment Amendment Act 2020[†]

No. 15 of 2020

[Assented to 10 June 2020]

The Parliament of Victoria enacts:

1 Purpose

The main purpose of this Act is to amend the **Assisted Reproductive Treatment Act 2008** to remove requirements for criminal records checks and child protection order checks to be carried out before a woman may undergo a treatment procedure.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

- (2) If a provision of this Act does not come into operation before 2 September 2020, it comes into operation on that day.

3 Principal Act

In this Act, the **Assisted Reproductive Treatment Act 2008** is called the Principal Act.

4 Definitions

In section 3 of the Principal Act, the definitions of *child protection order*, *child protection order check*, *criminal records check* and *police officer* are repealed.

5 Persons who may undergo treatment procedures

- (1) For section 10(2) of the Principal Act **substitute**—
- "(2) For subsection (1)(b)(i), the criteria applicable to the woman is that a doctor is satisfied, on reasonable grounds, that—
- (a) in the woman's circumstances, the woman is unlikely to become pregnant other than by a treatment procedure; or
 - (b) the woman is unlikely to be able to carry a pregnancy or give birth to a child without a treatment procedure; or
 - (c) the woman is at risk of transmitting a genetic abnormality or genetic disease to a child born as a result of a pregnancy conceived other than by a treatment procedure, including a genetic abnormality or genetic disease for which the woman's partner is the carrier."

(2) In section 10(3) of the Principal Act, for "subsection (2)(a)(iii)" **substitute** "subsection (2)(c)".

6 Requirements as to consent

In section 11(1) of the Principal Act—

- (a) in paragraph (b), for "place; and" **substitute** "place.";
- (b) paragraphs (c) and (d) are **repealed**.

7 Section 12 repealed

Section 12 of the Principal Act is **repealed**.

8 Section 14 repealed

Section 14 of the Principal Act is **repealed**.

9 Application for review

In section 15(1) of the Principal Act—

- (a) paragraph (a) is **repealed**;
- (b) in paragraph (b), for "section 10(2)(a)" **substitute** "section 10(2)".

10 Section 42 substituted

For section 42 of the Principal Act **substitute**—

"42 Application of general requirements for treatment to surrogacy arrangement

For the purposes of applying Division 2 of Part 2 to a treatment procedure carried out under a surrogacy arrangement, the requirement to comply with the criteria in section 10(2) does not apply to the surrogate mother."

11 Functions of Panel

Section 85(1)(b) of the Principal Act is **repealed**.

12 Decision by Patient Review Panel

Section 91(1)(b) of the Principal Act is **repealed**.

13 Repeal of this Act

This Act is **repealed** on 2 September 2021.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

[†] *Minister's second reading speech—*

Legislative Assembly: 20 February 2020

Legislative Council: 19 March 2020

The long title for the Bill for this Act was "A Bill for an Act to amend the **Assisted Reproductive Treatment Act 2008** to remove requirements for criminal record and child protection order checks to be carried out before a woman may undergo a treatment procedure and for other purposes."