



Guidelines for Importing or Exporting Donor Material – Individual Applications

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Who should read these Guidelines?

These Guidelines are intended for **individuals and their partners** (if any) wishing to import or export donor material. If you are a fertility clinic applying on behalf of a group of recipients, refer to the [Guidelines for Class Applications](#).

When is approval required?

If you want to bring donor material (i.e. donor eggs, sperm, or embryos made using donor eggs or sperm) into or out of Victoria, you need written approval from the Victorian Assisted Reproductive Treatment Authority (VARTA).

You **do not** need VARTA's approval if you want to import or export your own gametes (i.e. eggs or sperm) or embryos made using your own gametes.

How to apply:

1. Submit a completed **import application** or **export application** to your clinic in Victoria, along with any supporting information required. If you are applying with your partner, you only need to submit one application together.
2. Your clinic will review your application. They will complete a **signed declaration form** and forward your application to importandexport@varta.org.au on your behalf.
3. VARTA will send a confirmation email to your clinic upon receipt of the application and signed declaration form. VARTA may request further supporting information if necessary.
4. VARTA will consider and make a decision about your application once you have provided all information required. An approval may include specific conditions.
5. VARTA will notify your clinic of its decision as soon as possible. A copy of the decision letter will also be sent to the email address nominated by you.

VARTA makes all efforts to process applications quickly. Contact your clinic to discuss time sensitivities or other questions relating to your application.

VARTA is only involved in approving applications to import or export donor material. Your clinic is best placed to advise you on the practicalities of how to transport donor material to/from the clinic.

Requirements considered by VARTA

Before approving an import or export application, VARTA must consider the requirements set out in the *Assisted Reproductive Treatment Act 2008* (the Act).

Guiding principles of the Act

As part of the approval process VARTA considers the following guiding principles:

1. the welfare and interests of persons born or to be born as a result of treatment procedures are paramount;
2. at no time should the use of treatment procedures be for the purpose of exploiting in trade or otherwise the reproductive capabilities of men and women or children born as a result of treatment procedures;
3. children born as a result of the use of donated gametes have a right to information about their genetic parents;
4. the health and wellbeing of persons undergoing treatment procedures must be protected at all times; and
5. persons seeking to undergo treatment procedures must not be discriminated against.

Consent, counselling, and information requirements

Under the Act, VARTA must be satisfied that the donor:

1. received counselling from a counsellor who provides services for a clinic in Victoria before consenting to the use of their donor material in treatment;
2. consented to their donor material being used in treatment;
3. consented to their donor material being imported or exported to/from Victoria;
4. has been given written notice of the clinic where their donor material will be sent;
5. provided identifying and non-identifying information to be recorded in the Central Register; and
6. has been given written information and advice about the Central Register, Voluntary Register, and the rights of individuals to apply to those registers.

Anonymous donors

In Victoria, all donor-conceived people have the right to know their genetic heritage.¹ Therefore, you **cannot** use or be treated with donor material from an anonymous donor. Please be advised that VARTA **cannot** grant any exemptions for import applications where donor information is not available to record in the Central Register, which is required under the Act.

Worldwide limit for use of donor material

In Victoria, there is a 10-woman limit on the number of women who can be treated with donor material from a single donor worldwide. This limit includes the donor's own family. Your clinic **must not** carry out treatment using donor material if they know that the procedure may result in more than 10 women having children who are genetic siblings.

Please be advised that VARTA **cannot** approve import or export applications where the use of donor material in treatment may result in more than 10 women having children who are genetic siblings.

Paying and/or reimbursing donors

In Victoria, a donor cannot be given 'valuable consideration' (i.e. gifts or money beyond 'reasonable expenses') for their donation.² 'Reasonable expenses' are expenses that the donor incurs directly in connection with their donation and can be verified with receipts or other documentation.³ They may include:

- medical and counselling expenses
- travel and accommodation expenses
- loss of earning or income
- cost of legal advice

If you or your clinic have directly paid or reimbursed these or any other costs to the donor, VARTA may request more information about the payments. VARTA must be satisfied that the donor has only been reimbursed for 'reasonable expenses' for their donation. It may be difficult for VARTA to assess your application if:

1. there are no records of any payments made to the donor; or
2. payments made to the donor cannot be supported by evidence of costs actually incurred by the donor.

Importing directly from an overseas sperm or egg bank

Overseas sperm or egg banks are **not approved** to supply donor material directly to individuals in Victoria.

The standard practice is for a clinic in Victoria to enter a 'class import arrangement' with an overseas sperm or egg bank to import donor material on behalf of the clinic's patients.

¹ *Assisted Reproductive Treatment Amendment Act 2016*. For more information: <https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/perinatal-reproductive/assisted-reproduction/changes-to-legislation>.

² Section 17 of the *Prohibition of Human Cloning for Reproduction Act 2008* (VIC) (and the equivalent Commonwealth law).

³ NHMRC Ethical guidelines on the use of assisted reproductive technology in clinical practice and research 2017.

If you try to acquire donor material directly from an overseas sperm or egg bank, there is a high risk that your individual arrangement will not satisfy the Victorian legislative requirements. If the arrangement does not meet the Victorian requirements, you will not be able to import the donor material into Victoria.

Consider speaking to your clinic directly about how they can support your access to donor material and/or whether they already have a class import arrangement in place. For more information about class import applications, please refer to the [Guidelines for Class Applications](#).

Use of donor material outside of Victoria

If you are applying to export donor material out of Victoria, VARTA must be satisfied that the way the donor material will be used outside of Victoria is consistent with the way it would be used in Victoria.

For example – if you apply to move donor material overseas, VARTA considers whether the donor material may be used in a way prohibited by Victorian law (e.g. a commercial surrogacy arrangement). If the overseas use of donor material is inconsistent with the Victorian legislation, VARTA may not approve your application.

Surrogacy arrangements

Arrangements in Victoria

Surrogacy arrangements in Victoria must be altruistic (i.e. not for gifts, money, or compensation beyond ‘reasonable expenses’). Such surrogacy arrangements are reviewed and approved by the [Patient Review Panel](#).

Please be aware that surrogacy arrangements are complex. If you are considering surrogacy in Victoria, you should seek independent and specialist legal advice. For more information about surrogacy, contact prp@health.vic.gov.au or visit www.varta.org.au/surrogacy/surrogacy-explained.

Arrangements outside of Victoria

If you are applying to export donor material to use in a surrogacy arrangement outside of Victoria, you must complete and sign a declaration to confirm that:

1. the arrangement is not ‘commercial’ (i.e. the surrogate will not receive money, consideration, gain, gift, or other benefit or advantage beyond ‘reasonable expenses’ actually incurred); and
2. any payment made to the surrogate is consistent with the Act.

You must also provide the additional information set out in **Section F** about the proposed surrogacy arrangement.

Privacy

The information that you provide in your application will only be used for the purpose of processing your application; and statistical, education, or reporting purposes in a de-identified form. No other parties will have access to your personal information unless VARTA is compelled by law to disclose that information.

For more information

For more information about the import or export of donor material, please visit www.varta.com.au or contact us on (03) 8622 0500 or importandexport@varta.org.au.