



## Individual Import Application



This form is intended for people wanting to import the following 'donor material' into Victoria:

1. Donor eggs
2. Donor sperm
3. Donated embryos (i.e. embryos donated to you or made using donor eggs and/or donor sperm)

If you<sup>1</sup> intend to import your own eggs, sperm, and/or embryos (made *without* any donor material), you **do not** need to apply for approval.

### How to apply

1. Submit a complete application and all supporting documents (such as invoices) to your Victorian clinic. If you are applying with your partner, submit only one application.
2. Your Victorian clinic will review your application for completeness. If your application meets all legislative requirements, they will sign **Section F** ('Clinic Declaration') and submit your application and supporting documents to us on your behalf.
3. We will confirm with your Victorian clinic once we receive your application, supporting documents, and a signed clinic declaration.
4. We will review your application and supporting documents to ensure it satisfies Victorian law. **If necessary, we may request further information or seek clarification directly from your clinic.**
5. The Board will consider your application as soon as possible. In some cases, the Board may ask for more information. If your application is approved, the approval may include conditions.
6. We will notify you and your Victorian clinic of our decision as soon as possible.

### What to do to avoid delays in processing

To minimise processing delays, we encourage you to:

1. provide as much detail about your application and circumstances as possible or available to you.
2. attach invoices or other supporting documents for all expenses you or your clinics paid to the donor. If necessary, please speak to your clinic.
3. if any documents are in a language other than English, provide a certified English translation.
4. review the 'Final Checklist' in **Section E**. Your application may be delayed if it is incomplete or missing any information.

### You submitted your application – now what?

- A complete application takes an average of **4 to 6 weeks to finalise**. We make all efforts to process applications as quickly as possible.
- The Authority is currently unable to provide any application status updates prior to 6 weeks from when it was submitted by your Victorian clinic.
- If you have questions after your application is submitted, please speak to your Victorian clinic.

### What do we consider in your application?

We consider the following requirements set out in the *Assisted Reproductive Treatment Act 2008* (the Act):

#### Guiding principles of the Act

- The welfare and interests of people born as a result of fertility treatment are paramount.
- Fertility treatment should not be used to exploit the:
  - reproductive capabilities of men or women
  - children born as a result of fertility treatment
- Donor-conceived people have the right to access information about their genetic heritage.
- The health and wellbeing of people undergoing fertility treatment must be protected at all times.
- People seeking to undergo fertility treatment must not be discriminated against.

<sup>1</sup> 'You', 'your', 'I' or 'my' refers to those named as applicants in Section A. If appropriate by context, references to the singular include the plural and vice versa.



## Individual Import Application

### Consent, counselling, and information provision

We also consider whether the donor:

- was counselled by a counsellor who provides services for a registered Victorian clinic on the prescribed matters under the Act.
- consented to the use of their donor material.
- has been given written notice of the clinic where their donor material will be sent.
- provided identifying/non-identifying information to be recorded in the Central Register.
- was given written information and advice about the Central Register, Voluntary Register, and the rights of individuals to apply to those registers.

### Anonymous donors

Anonymous donation is not legal in Australia and you **cannot** use anonymous donor material in Victoria.

An anonymous donor is a donor whose identifying and non-identifying information is not available to you or your Victorian clinic. If your donor was recruited by a Victorian or interstate clinic and their information is not available to you (i.e. it has been de-identified), the recruiting clinic will have donor information available to assist with this application.

We **cannot** approve your application if the donor's information is not available to record in the Central Register as required by law.

### Worldwide limit for use of donor material

In Victoria, there is a 10-woman worldwide limit on the number of women who can have children using donor material from one donor.<sup>2</sup> The limit includes the donor and all of the donor's current or former partners.

### Paying and reimbursing donors

Your donor can only be paid and/or reimbursed for 'reasonable expenses', which are expenses that the donor incurs *directly* in connection with their donation and **can be verified with receipts or other supporting documentation** – such as (but not limited to):

- medical and counselling expenses
- travel and accommodation expenses

- loss of earning or income
- cost of legal advice

If you or your clinic directly paid/reimbursed the donor for these or any other expenses, we may request more information. If any payments cannot be supported by receipts, your application may not be approved.

Please submit invoices or supporting documents for **all** expenses paid/reimbursed to the donor (such as clinic fees, storage/freezing, tests). Please itemise these expenses in an excel spreadsheet and ensure that all documents clearly labelled.

### Importing directly from overseas clinics

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

If you want to import donor material directly from an overseas sperm or egg bank, there is a risk that your application will not satisfy Victorian law and you will not be able to import the donor material into Victoria.

Consider speaking to your clinic about how you can access donor material and/or if they have an import arrangement in place.

### Agencies offering to connect you to an egg donor

We do not recommend engaging a third-party agency that offers to connect you with a donor for an agency fee. There is a significant risk that their services do not comply with Australian or Victorian donation laws.

If you are seeking a donor, we encourage you to go through your Victorian clinic and/or apply to the Department of Health to advertise for a donor locally (read more about your options [here](#)).

### Surrogacy arrangements in Victoria

Surrogacy arrangements in Victoria must be altruistic and cannot be for gifts, money, and/or compensation beyond 'reasonable expenses'.

Surrogacy arrangements are very complex. If you are considering a surrogacy arrangement in Victoria, you will need to get independent and specialist legal

<sup>2</sup> Amendments to the 10-woman donor limit under the Act commenced on 21 December 2021 and enable both women in a same-sex relationship to carry children using the same donor, or existing families to have a genetic sibling through a surrogacy arrangement. The change applies to new donations under donor consents given after 21 December 2021. The change does not apply retrospectively to donations made under donor consents provided before 21 December 2021. However, donors may reconcent to the use of their donations for expanded family arrangements after 21 December 2021.

## Individual Import Application

advice. You will also need to apply for approval by the **Patient Review Panel (PRP)**. For more information, please contact [prp@health.vic.gov.au](mailto:prp@health.vic.gov.au).

### 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.

We will not share your personal information unless you have consented for us to do so, or we are required by law to disclose that information.

### For more information

For more information about importing donor material, please speak to your Victorian clinic.

## Individual Import Application

**Before you begin**

We recommend typing directly into this form and signing it electronically. However, you may also print and submit a handwritten copy. If you submit a handwritten copy, write clearly using BLOCK letters in blue or black ink. When you are ready, submit a complete application with any supporting documents to your Victorian clinic.

**Section A – Applicant details**

Please provide your details. If you are applying with your partner, please complete one application form together.

	Applicant #1	Applicant #2 (if applicable)
First name		
Last name		
Date of birth		
Residential address		
Phone number		
Email address		

**Section B – Donor details**

**Note to applicants:** if your donor was recruited by a Victorian or interstate clinic and you do not have all your donor's details, your Victorian clinic will provide this information to us separately. Any donor information provided separately by your clinic will be **for VARTA reference only**.

	Donor #1	Donor #2 (only if embryos are created from donor sperm <u>and</u> donor egg)
Please select the most relevant option	<input type="checkbox"/> The donor is a family member <input type="checkbox"/> The donor is a friend that I knew personally before starting treatment <input type="checkbox"/> I recruited the donor (e.g. Facebook, online forums, etc)– <i>please specify:</i> _____ <input type="checkbox"/> Donor recruited by a Victorian clinic <input type="checkbox"/> Donor recruited by an interstate clinic <input type="checkbox"/> Donor recruited by an overseas clinic or egg/sperm bank – <i>please specify:</i> _____ <input type="checkbox"/> Other: _____ (e.g. an agency connected you to the donor; donor referred by a friend)	<input type="checkbox"/> The donor is a family member <input type="checkbox"/> The donor is a friend that I knew personally before starting treatment <input type="checkbox"/> I recruited the donor (e.g. Facebook, online forums, etc)– <i>please specify:</i> _____ <input type="checkbox"/> Donor recruited by a Victorian clinic <input type="checkbox"/> Donor recruited by an interstate clinic <input type="checkbox"/> Donor recruited by an overseas clinic or egg/sperm bank – <i>please specify:</i> _____ <input type="checkbox"/> Other: _____ (e.g. an agency connected you to the donor; donor referred by a friend)

## Individual Import Application

	Donor #1	Donor #2 (only if embryos are created from donor sperm <u>and</u> donor egg)
Full name	<i>First Middle Last</i>	<i>First Middle Last</i>
Date of birth		
Donor code		
Most recent date of consent		

**Section C – Details about the donor material**

Please indicate the total quantity of donor material that you are applying to export as part of your application. We recommend confirming this number with your Victorian clinic before submitting your application. Exporting more donor material than you have written approval to export may be a breach of the Act.

	Total Quantity
Vials/straws of donor sperm	
Donor eggs	
Embryos made using donor sperm	
Embryos made using donor eggs	
Donated embryos (i.e. embryos donated to you or made using donor eggs <u>and</u> donor sperm)	

**Reason for applying**

- I am making this application to undertake assisted reproductive treatment.
- I am making this application to enter a surrogacy arrangement.

**Other relevant information**

- I wish to have a child who will be a genetic sibling of my existing child.

*If applicable:* I have \_\_\_\_\_ child/ren using donor material from the donor subject to this application.

- I have moved to Victoria.
- I am unable to access a local donor.
- I wish to use a donation from someone that I know personally.
- Please provide any other information that you consider relevant: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Individual Import Application

**Section D – Clinic details**

Provide the complete contact information of the clinics that will facilitate the import.

	Victorian Clinic (Receiving Clinic)	Interstate / Overseas Clinic (Transferring Clinic)
Name of clinic		
Contact person		
Contact number		
Contact email		
Postal address		

**Donor material sourced from another clinic**

In some instances, the donor material may have been sourced from a clinic *different* to where it is currently being stored (i.e. your interstate/overseas clinic). If this is the case, please provide the source clinic's information:

	Source Clinic
Name of clinic	
Contact person	
Contact email	
Postal address	

## Individual Import Application

## Section E – Applicant declaration

## Consent and counselling

- I declare that I received counselling by a counsellor who provides counselling services for a Victorian clinic.
- I consent to the Authority using the information provided in this application to communicate with the receiving clinic, the transferring clinic, and the source clinic (if applicable) to process my application.

## Valuable consideration

**Note to applicants:** if your donor was clinic recruited (and therefore not known to you), you may skip this section.

- I declare that I have only reimbursed/paid the donor (directly or on the donor’s behalf) for ‘reasonable expenses’<sup>3</sup> that the donor incurred directly in connection with their donation.
- I have not paid the donor any other ‘valuable consideration’ (e.g. gifts or money) for their donation.
- I have confirmed that no third-party (such as another person, fertility clinic, agency, or organisation) has given or offered to give ‘valuable consideration’ to the donor in connection with the supply of the donor material.

## Notifying your Victorian clinic

- I agree to notify my Victorian clinic if a live birth results from using the donor material subject to this application.

## False or misleading information

- I declare that **all statements made in my application are true and correct**. I understand it is an offence under the Act to ‘knowingly or recklessly give false or misleading information’ or to ‘omit to give material information’ in this application. I understand that committing such an offence could result in a penalty.

## Final checklist

To avoid processing delays, you are encouraged to check the following to ensure your application is complete.

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> My details in <b>Section A</b> are correct.</li> <li><input type="checkbox"/> I have provided as much donor details in <b>Section B</b> as available to me. My Victorian clinic will provide additional information, if necessary.</li> <li><input type="checkbox"/> I confirmed the total quantity of donor material that I intend to import with my Victorian clinic.</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>If your donor was not recruited by a Victorian or interstate clinic:</i> I have attached invoices/receipts for <b>all</b> reimbursements made to the donor.</li> <li><input type="checkbox"/> <i>If your supporting documents are in a language other than English:</i> I have provided a certified English translation of my supporting documents.</li> </ul> |
|--|---|

## Applicant signatures

<b>X</b>		<b>X</b>	
Name	Date	Name	Date

**By signing this form, you are declaring that you have completed this form personally and all statements are true and correct.**

<sup>3</sup> Reasonable expenses’ may include medical, counselling expenses, travel and accommodation expenses, loss of earning or income, and cost of legal advice.



## Individual Import Application

### Section F – Clinic declaration

This declaration must be completed and signed by the **Designated Officer of the Victorian clinic**.

#### Donor details

- We confirm that the donor details in **Section B** are correct.

#### Donor counselling and consent

- We confirm that the donor received counselling from a counsellor who provides counselling services for a registered ART provider (i.e. a Victorian clinic) as follows:

	Donor #1	Donor #2
Counsellor name		
Counselling dates		

- We declare that the donor was counselled by the above counsellor on the prescribed matters in accordance with the Act and about their rights and obligations under Victorian law.
- We declare that the donor was notified of the proposed import application and consents to the import of their donor material. The donor has been or will be given written notice of the clinic where the donor material is sent.

#### 10-women worldwide limit

- The transferring clinic confirmed that the use of the imported donor material in treatment complies with the 10-women worldwide limit and is in accordance with the Act. This limit includes the donor and all of the donor's current or former partners.
- The transferring clinic has advised us of the number of women who have children using the donor material subject to this application. **This information is attached separately for VARTA reference only.**

#### Birth notification

- We will notify the Authority of all live births resulting from treatment using the imported donor material.

#### Valuable consideration for supply of donor material

- We declare that our clinic has not given or offered to give the donor 'valuable consideration' for the supply of their donor material in a manner inconsistent with the *Prohibition of Human Cloning for Reproduction Act 2008* (VIC) (the PHCR Act). Any payments/reimbursements that we made to the donor (if any) were for 'reasonable expenses' that the donor incurred in connection with the supply of the donor material.
- We have confirmed that the transferring clinic has not given or offered to give the donor 'valuable consideration' for the supply of their donor material in a manner inconsistent with the PHCR Act. Any payments/reimbursements made to the donor by the transferring clinic (if any) were for 'reasonable expenses' that the donor incurred in connection with the supply of the donor material.
- We have confirmed that the applicant has not given or offered to give the donor 'valuable consideration' for the supply of their donor material in a manner inconsistent with the PHCR Act. Any payments/reimbursements



## Individual Import Application

made to the donor by the applicant (if any) were for 'reasonable expenses' that the donor incurred in connection with the supply of their donor material.

- We have confirmed that any other third-party (such as another individual, fertility clinic, agency, or organisation) has not given or offered to give the donor 'valuable consideration' for the supply of their donor material in a manner inconsistent with the PHCR Act. Any payments/reimbursements made to the donor by a third-party (if any) were for 'reasonable expenses' that the donor incurred in connection with the supply of the donor material.
- We attach supporting documents (e.g. invoices or receipts of payment) of **all** payments/reimbursements made to the donor (or on the donor's behalf) in connection with the supply of their donor material subject to this application. This may include, but is not limited to, medical expenses, storage/freezing expenses, lab/tests, etc.
- We have confirmed that the donor material was obtained in a manner consistent with all Commonwealth and State/Territory legislation, Reproductive Technology Accreditation Committee (RTAC) guidelines, and National Health and Medical Council's *Ethical guidelines on the use of assisted reproductive technology in clinical practice*.

### Other

- We know of no other reason why the import application should not be approved.
- We declare that **all statements made in our clinic declaration are true and correct**. We understand that it is an offence under the Act to 'knowingly or recklessly give false or misleading information' or to 'omit to give material information' in this application. We understand that committing such an offence could result in a penalty.

### Final checklist

To avoid processing delays, you are encouraged to check the following to ensure the application is complete.

- If the donor's details in **Section B** are incomplete and/or not known to the applicant, we attached this information for VARTA reference only.
- We attached information about the number of people who are currently being treated with or have children using this donor's donor material.
- We confirmed the total quantity of donor material to be imported as part of this application.
- We attached invoices and/or other supporting documents for **all** reimbursements made to the donor available to us.

### Designated Officer signature

	Designated Officer
Signature	
Full name	
Title	
Date	