

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Assisted Reproductive Technology Amendment Bill 2025

A Bill for

An Act to amend the *Assisted Reproductive Technology Act 2024*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Assisted Reproductive Technology Amendment Act*
3 *2025*.

4 **2 Commencement**

5 (1) This Act (other than section 5) commences on the day after its
6 notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 (2) Section 5 commences on the later of—

10 (a) the day after this Act’s notification day; and

11 (b) the commencement of the [Assisted Reproductive Technology](#)
12 [Act 2024](#), section 53.

13 **3 Legislation amended**

14 This Act amends the [Assisted Reproductive Technology Act 2024](#).

15 **4 Donated gametes or embryos—limits on number of**
16 **families**
17 **Section 40 (1) (c)**

18 *substitute*

19 (c) a child were to be born as a result of the ART treatment
20 mentioned in paragraph (a), there would be more than—

21 (i) 5 families that include a child born as a result of ART
22 treatment provided in the ACT using a donated gamete or
23 embryo of the donor; or

24 (ii) 10 families that include a child born as a result of ART
25 treatment provided in Australia using a donated gamete or
26 embryo of the donor.

1 **5 Mandatory information**
2 **Section 53 (2) (a)**

3 *after*

4 about the donor

5 *insert*

6 kept by the ART provider under section 48

7 **6 Protection of public officials from liability**
8 **New section 121 (3)**

9 *insert*

10 (3) In this section:

11 *public official*—

12 (a) means—

13 (i) the director-general; or

14 (ii) an authorised person; or

15 (iii) a person exercising a function under this Act; but

16 (b) does not include an ART provider.

17 **7 Section 128**

18 *substitute*

19 **128 Definitions—pt 12**

20 *basic provisions* means—

21 (a) section 39 (Donated gametes or embryos—time limits on use);
22 and

23 (b) section 40 (Donated gametes or embryos—limits on number of
24 families); and

- 1 (c) section 53 (Mandatory information).
2 ***extended provisions*** means—
3 (a) the basic provisions; and
4 (b) section 46 (Requirement to collect information about gamete
5 provider); and
6 (c) section 47 (Requirement to collect information about person
7 undergoing ART treatment); and
8 (d) section 48 (Requirement to keep records).
9 ***transitional period*** means the period starting on the day this section
10 commences and ending on the day section 12 commences.

11 **8 Sections 131 and 132**

12 *substitute*

13 **131 Completion of family—subsequent gametes where**
14 **person became pregnant before end of transitional period**

- 15 (1) This section applies if, before the end of the transitional period,
16 a person became pregnant as a result of ART treatment using a
17 donated gamete.
18 (2) An ART provider may use another donated gamete from the donor
19 (a ***subsequent gamete***)—
20 (a) in the provision of ART treatment to the person or their domestic
21 partner; or
22 (b) to create an embryo for use in the provision of ART treatment
23 to the person or their domestic partner.
24 (3) For a subsequent gamete used in accordance with this section, the
25 extended provisions do not apply to the ART provider in relation to
26 the subsequent gamete, or an embryo created from the subsequent
27 gamete.

- 1 **132 Completion of family—embryos created before end of**
2 **transitional period**
- 3 (1) This section applies to an embryo created from a donated gamete
4 before the end of the transitional period, for use in the provision of
5 ART treatment to a particular person.
- 6 (2) An ART provider may use the embryo to provide ART treatment to
7 the person or their domestic partner.
- 8 (3) For an embryo used in accordance with this section, the extended
9 provisions do not apply to the ART provider in relation to the embryo.
- 10 **132A Completion of family—subsequent gametes where**
11 **embryo created before end of transitional period**
- 12 (1) This section applies if—
- 13 (a) an embryo was created from a donated gamete before the end of
14 the transitional period, for use in the provision of ART treatment
15 to a particular person; and
- 16 (b) at any time, the person or their domestic partner becomes
17 pregnant as a result of ART treatment using the embryo.
- 18 (2) An ART provider may use another donated gamete from the donor
19 (a *subsequent gamete*)—
- 20 (a) in the provision of ART treatment to the person or their domestic
21 partner; or
- 22 (b) to create an embryo for use in the provision of ART treatment
23 to the person or their domestic partner.
- 24 (3) For a subsequent gamete used in accordance with this section, the
25 extended provisions do not apply to the ART provider in relation to
26 the subsequent gamete, or an embryo created from the subsequent
27 gamete.

- 1 **132B Completion of family—gametes donated and allocated**
2 **before end of transitional period**
- 3 (1) This section applies to a donated gamete that was allocated to
4 a particular person before the end of the transitional period.
- 5 (2) An ART provider may use the gamete—
- 6 (a) in the provision of ART treatment to the person or their domestic
7 partner; or
- 8 (b) to create an embryo for use in the provision of ART treatment
9 to the person or their domestic partner.
- 10 (3) For a gamete used in accordance with this section—
- 11 (a) if the gamete was allocated before the transitional period—
12 the extended provisions do not apply to the ART provider in
13 relation to the gamete or an embryo created from the gamete;
14 and
- 15 (b) if the gamete was allocated during the transitional period—
16 the basic provisions do not apply to the ART provider in relation
17 to the gamete or an embryo created from the gamete.
- 18 (4) For this section, a donated gamete is *allocated* to a particular person
19 if—
- 20 (a) the gamete has been obtained by the person, or an ART provider,
21 for the purpose of providing ART treatment to the person or their
22 domestic partner; or
- 23 (b) the gamete is held in storage and an arrangement is in place for
24 it to be given to the person, or an ART provider, for the purpose
25 of providing ART treatment to the person or their domestic
26 partner.

- 1 **132C** **Completion of family—subsequent gametes where**
2 **gamete allocated before end of transitional period**
- 3 (1) This section applies if—
- 4 (a) a donated gamete was allocated to a particular person before the
5 end of the transitional period (the *first gamete*); and
- 6 (b) at any time, the person or their domestic partner becomes
7 pregnant as a result of ART treatment using the first gamete.
- 8 (2) An ART provider may use another donated gamete from the donor
9 (a *subsequent gamete*)—
- 10 (a) in the provision of ART treatment to the person or their domestic
11 partner; or
- 12 (b) to create an embryo for use in the provision of ART treatment
13 to the person or their domestic partner.
- 14 (3) For a subsequent gamete used in accordance with this section—
- 15 (a) if the first gamete was allocated before the transitional period—
16 the extended provisions do not apply to the ART provider in
17 relation to a subsequent gamete or an embryo created from a
18 subsequent gamete; and
- 19 (b) if the first gamete was allocated during the transitional period—
20 the basic provisions do not apply to the ART provider in relation
21 to a subsequent gamete or an embryo created from a subsequent
22 gamete.
- 23 (4) In this section:
24 *allocated*—see section 132B (4).

- 1 **132D Donor taken to consent to use of gametes and embryos**
2 **for completion of family**
- 3 (1) This section applies to a donated gamete or embryo created from a
4 donated gamete used in accordance with a completion of family
5 provision.
- 6 (2) The donor is taken to have consented to the use and may modify or
7 withdraw consent in accordance with section 30.
- 8 (3) In this section:
- 9 *completion of family provision* means—
- 10 (a) section 131; and
11 (b) section 132; and
12 (c) section 132A; and
13 (d) section 132B; and
14 (e) section 132C.
- 15 **132E Certain things done or omitted to be done not invalid**
- 16 (1) This section applies if—
- 17 (a) before the commencement day, an ART provider has done or
18 omitted to do something; and
- 19 (b) on or after the commencement day, the ART provider could
20 have validly done or omitted to do the thing under a completion
21 of family provision.
- 22 (2) The thing is taken to have been validly done or omitted to be done.
- 23 (3) In this section:
- 24 *commencement day* means the day this section commences.
25 *completion of family provision*—see section 132D (3).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 February 2025.

2 Notification

Notified under the [Legislation Act](#) on 2025.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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