



New South Wales

# Assisted Reproductive Technology Amendment (Exemptions) Regulation 2015

under the

Assisted Reproductive Technology Act 2007

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Assisted Reproductive Technology Act 2007*.

JILLIAN SKINNER, MP  
Minister for Health

## Explanatory note

The object of this Regulation is to amend the *Assisted Reproductive Technology Regulation 2014* to provide for the following:

- (a) to amend a transitional provision applicable to women who have had embryos in storage since, or conceived a child using donated gametes prior to, the commencement of the *Assisted Reproductive Technology Act 2007* (***the Act***) to exclude such women from restrictions in the Act relating to time limits on the storage and use of embryos and gametes,
- (b) to amend a transitional provision relating to the storage of gametes to extend from 10 years to 15 years the period during which gametes obtained before the commencement of the Act may be stored.

This Regulation is made under the *Assisted Reproductive Technology Act 2007*, including section 71 (the general regulation-making power) and clauses 1 (1) and 3 (2) of Schedule 1 to that Act.

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### 1 Name of Regulation

This Regulation is the *Assisted Reproductive Technology Amendment (Exemptions) Regulation 2015*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

### 3 Amendment of Assisted Reproductive Technology Regulation 2014

#### (1) Clause 22 Pre-Act gamete exemptions: clause 1 (1) of Schedule 1

Insert “the following uses of a gamete or embryo” after “This clause applies to” in clause 22 (1).

#### (2) Clause 22 (1) (a)

Omit “gamete, and”. Insert instead “gamete,”.

#### (3) Clause 22 (3)

Omit the subclause. Insert instead:

- (3) Sections 26 (1) and 27 (1) of the Act do not prevent a use to which this clause applies.

#### (4) Clause 22 (3A)

Insert after clause 22 (3):

- (3A) Section 25 of the Act does not prevent the storage of a gamete or embryo for the purposes of any use to which this clause applies.

#### (5) Clause 23 Storage of pre-Act gametes: clause 3 (2) of Schedule 1

Omit “An” from clause 23 (1). Insert instead “Subject to clause 22, an”.

#### (6) Clause 23

Omit “10 years” wherever occurring. Insert instead “15 years”.