

# Schedule 9 – Exemption from compliance

## Regulation 9F(1) Assisted Reproductive Treatment Regulations 2019

### Purpose

This is the form to apply for an exemption from compliance with certain provisions of the *Assisted Reproductive Treatment Act 2008* (the **Act**) pursuant to section 37 of the Act. An exemption may be subject to any conditions specified by the Secretary of the Department of Health (the **Secretary**).

### Instructions

- The form should be completed by:
  - a person to whom section 36(3) of the Act (bringing donated gametes/an embryo produced from donated gametes into Victoria) applies or,
  - a person to whom section 36(4) of the Act (taking donated gametes/an embryo produced from donated gametes out of Victoria) applies.
- A person may apply for exemption from compliance from multiple provisions in relation to particular donated gametes/a particular embryo produced from donated gametes.
- A separate application for exemption from compliance with any number of provisions must be made for each particular set of donated gametes/embryo produced from donated gametes.
- Do not edit sections in grey.
- Edit text marked with an asterisk (\*).
- [Guideline - exemption from compliance](https://www.health.vic.gov.au/assisted-reproduction/assisted-reproductive-treatment-regulation) available at <<https://www.health.vic.gov.au/assisted-reproduction/assisted-reproductive-treatment-regulation>> provides further information about how to apply.

### Submission

- The application form must be completed in full.
- Email completed applications to: [artregulation@health.vic.gov.au](mailto:artregulation@health.vic.gov.au) with the subject **heading 'Att: Schedule 9 - Exemption from compliance'**.
- The Health Regulator will acknowledge all applications by return email.
- The Health Regulator will notify you, via written correspondence, of the outcome of your application.

# Section 1: Exemption

|                                   |  |
|-----------------------------------|--|
| Name of person making application |  |
|-----------------------------------|--|

## Application by a person to whom section 36(3) of the Act applies

I

of

am a person to whom section 36(3) of the *Assisted Reproductive Treatment Act 2008* (the **Act**) applies.

In accordance with section 37 of the Act, I am making an application in relation to the following **\*donor gametes/**  
**\*embryo produced from donor gametes** for an exemption from compliance with the following provision(s)–

| Provision                                                                                                                   | Check box for exemption  |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Section 17(2) of the Act[ML1.1]                                                                                             | <input type="checkbox"/> |
| Section 18 of the Act                                                                                                       | <input type="checkbox"/> |
| Section 19 of the Act                                                                                                       | <input type="checkbox"/> |
| Section 20(3) of the Act                                                                                                    | <input type="checkbox"/> |
| Section 32(2)(c) of the Act                                                                                                 | <input type="checkbox"/> |
| Section 32(3) of the Act                                                                                                    | <input type="checkbox"/> |
| Section 37E of the Act                                                                                                      | <input type="checkbox"/> |
| Division 1 of Part 6 of the Act                                                                                             | <input type="checkbox"/> |
| Include details of the donor gametes or embryo produced from donor gametes to which this application for exemption relates. |                          |
|                                                                                                                             |                          |

Application by a person to whom section 36(4) of the Act applies

I

of

am a person to whom section 36(4) of the *Assisted Reproductive Treatment Act 2008* (the **Act**) applies.

In accordance with section 37 of the Act, I am making an application in relation to the following **\*donor gametes/**  
**\*embryo produced from donor gametes** for an exemption from compliance with the following provision(s)–

| Provision                                                                                                                   | Check box for exemption  |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Section 32(2) of the Act                                                                                                    | <input type="checkbox"/> |
| Section 33 of the Act                                                                                                       | <input type="checkbox"/> |
| Include details of the donor gametes or embryo produced from donor gametes to which this application for exemption relates. |                          |
| <div></div>                                                                                                                 |                          |

## Section 2: Declaration

|                                                                                                                 |  |
|-----------------------------------------------------------------------------------------------------------------|--|
| <b>I acknowledge that providing information that I know or believe to be false or misleading is an offence:</b> |  |
| <b>Person making application</b>                                                                                |  |
| <b>Signed:</b><br><i>(either print out and sign or add image of signature)</i>                                  |  |
| <b>Name:</b>                                                                                                    |  |
| <b>Date:</b>                                                                                                    |  |
| <b>Witness details</b>                                                                                          |  |
| <b>Witness signed:</b><br><i>(either print out and sign or add image of signature)</i>                          |  |
| <b>Witness name:</b>                                                                                            |  |
| <b>Witness date:</b>                                                                                            |  |

## Notes

In the case of an application by a person to whom section 36(3) of the Act applies, the Secretary may exempt the person from compliance with a provision specified in section 37(3) of the Act in relation to the donor gametes or embryo produced from donor gametes if the Secretary is satisfied that–

- (a) similar procedures have taken place outside of Victoria; and
- (b) there are special circumstances that warrant the exemption.

In the case of an application by a person to whom section 36(4) of the Act applies, the Secretary may exempt the person from compliance with a provision specified in section 37(5) of the Act in relation to the donor gametes or embryo produced from donor gametes if the Secretary is satisfied that–

- (a) the gametes or embryo will be used in a way that is consistent with the Act; and
- (b) there are special circumstances that warrant the exemption.

To receive this document in another format, phone 1300 650 172 using the National Relay Service 13 36 77 if required, or [email the Health Regulator](mailto:artregulation@health.vic.gov.au) <artregulation@health.vic.gov.au>.

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Available at [Assisted Reproductive Treatment](https://www.health.vic.gov.au/assisted-reproduction/assisted-reproductive-treatment-regulation) <https://www.health.vic.gov.au/assisted-reproduction/assisted-reproductive-treatment-regulation>