



TECHNICAL BULLETIN

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From time to time RTAC will become aware of issues, questions or comments where it may consider assisting units enhance the quality of their service to patients. A Technical Bulletin is an educational communication to all units, and Bodies certifying units to the RTAC Code of Practice, offering advice and guidance. It is not enforceable.

Obtaining donor sperm outside Australia and New Zealand

Several people have asked about the legal position of importing donor sperm from commercial sperm banks or units that reimburse donors differently to units in Australian and New Zealand.

Whether or not importing donor sperm is legal depends on whether the ‘reimbursement’ to the donor constitutes valuable consideration under Australian law or New Zealand law. There is no known legal ruling on what constitutes valuable consideration in this context in either country. Accordingly, neither FSA nor RTAC can offer an opinion on this point.

Units should seek independent legal opinion that takes into account the type and amount of ‘reimbursement’ given to the sperm donor by the sperm bank. Units should also ensure that all other legal and regulatory requirements associated with the use of donor sperm in the State(s) in which they operate are met. Use of imported donor sperm should be supported by legal opinion specific to the origin of the donor sperm, State and Federal requirements, and the unit’s clinical practice using this sperm. This legal advice should be available to auditors upon request.

John Peek
Chair RTAC