Providing ‘relevant information’ to the donor conception information register

Under the new *Assisted Reproductive Technology Act 2024* (the Act), assisted reproductive technology providers will be required to provide ‘relevant information’ to the donor conception information register (the register).

What is ‘relevant information’?

The Act requires providers in Queensland to provide ‘relevant information’ to the register about donor conception procedures that have resulted in the birth of a child.

A list of ‘relevant information’ is included on the back of this fact sheet.

When will the register start?

The provisions relating to the register will not commence immediately. The Registry of Births, Deaths and Marriages (RBDM) has to develop the new system and service for the register.

Stage 1 Collection of records: The collection of ‘relevant information’ from providers will be first (section 45 and 46 of the Act – record collection provisions). This means providers must provide all ‘relevant information’ within certain timeframes and circumstances.

Stage 2 Access to records: 6 months after Stage 1 starts, eligible persons will be able to access information in the register.

Destruction of records prohibited

The destruction of donor conception records is an offence under the Act.

What are the timeframes to provide ‘relevant information’?

Past births

Donor conceived person ***born before*** the start of the record collection provisions:

- provider must provide all ‘relevant information’ in their possession or control within **6 months** of the provisions starting.

New births (gametes donated before start of the Act)

Donor conceived person ***born after*** the start of the record collection provisions (where the donor gametes were obtained by the provider ***before*** the provisions started):

- provider must provide all ‘relevant information’ within **3 months** of becoming aware of the birth of the donor conceived person.
- provider is only required to provide ‘relevant information’ about the donor that was recorded at the time of donation.

New births (gametes donated after start of the Act)

Donor conceived person ***born after*** the start of the record collection provisions (where the donor gametes were obtained by the provider ***after*** the provisions started):

- provider must provide all ‘relevant information’ to the register within **3 months** of becoming aware of the birth of the donor conceived person.

What if historical information can't be provided?

Providers are only required to provide historical information that is in their possession or control. If certain information was not recorded at the time of a donor conception procedure, then a provider will not be required to provide it.

If a provider had historical information in their possession or control, but no longer has that information, then the provider must submit a form to RBDM outlining:

- The name and contact details of the person that the provider gave possession or control to, and
- If the information was lost, destroyed or is otherwise unavailable—when, and how this happened.

This form will be available from RBDM when the law starts.

Extension of time

RBDM may extend the 6-month timeframe for the provision of historical information, however, this will only be granted in *exceptional circumstances*.

Providers should begin compiling their historical records beforehand to ensure compliance with the 6-month timeframe.

Protection from legal liability

The Act protects a provider from civil or criminal liability for disclosing historical information to the register, including information about donors who were promised anonymity.

Advice to donors and recipient parents

RBDM has developed a webpage you can refer donors and recipient parents to while the register is being established to provide further information about the framework. They can visit www.qld.gov.au/RBDMdonorRegister

Who is a provider?

Providers are persons that carry on a business or offer services providing assisted reproductive technology (ART) procedures, including:

1. **Fertility Clinics** that provide an ART service in Queensland.
2. **Individuals** that provide an ART service in Queensland, that are not under a contract of employment or service contract with a Fertility Clinic.

This also includes:

1. A person or entity that used to provide an ART service in Queensland before the record collection provisions started.
2. A medical practitioner who used to carry out donor conception ART procedures before the record collection provisions started as part of their medical practice.

Ongoing engagement

RBDM will reach out to your organisation during implementation to provide more detail on development activities and seek your input regarding system and record collection requirements.

Although obligations on providers to provide information to the register will not start immediately, they are encouraged to locate historical donor conception records in preparation for the start date.

Looking for more information?

Contact us at:
DCIRegister@justice.qld.gov.au

What is ‘relevant information’?

About the donor:

The donor’s **full name**.

The donor’s **contact information**.

- residential address
- phone number or email address
- any other contact details for the donor.

The donor’s **date** and **place of birth**.

The donor’s **ethnicity** and **physical characteristics**.

The donor’s relevant **medical history** this means

- any medical history or genetic test result of the donor or the donor’s family that is relevant to the future health of a:
  - person who undergoes an ART procedure using the donated gamete of the donor; or
  - donor conceived offspring of the donor; or
  - descendant of the donor conceived offspring.

The donor’s **ID code** this means

- any number or other code used by a provider to identify the donor.

The **place where the donor’s gamete was originally obtained** from the donor, if the information has been recorded and kept.

Any donor’s **profile information**

- **hobbies** or **interests** of the donor
- **family history** of the donor
- **education** of the donor
- **photos** of the donor
- **correspondence** of the donor
- **psychological history** of the donor that is not relevant medical history.

About the recipient parents:

The **full name** of the **person who gave birth** to the donor conceived person.

The **date of birth** of the **person who gave birth** to the donor conceived person.

The **full name** of any **spouse** of the birth parent at the time of the ART procedure.

The **date of birth** of any **spouse** of the birth parent at the time of the ART procedure.

In the case of a procedure to which a surrogate was a party

- the **full name** of the **intended parents**
- the **date of birth** of the **intended parents**.

About the donor conceived person:

The **full name** of the donor conceived person.

The **date of birth** of the donor conceived person.

The **place of birth** of the donor conceived person.

The **sex** of the donor conceived person.

The **number of any donor conceived siblings** of the donor conceived person, if the information has been recorded and kept.

About the ART procedure:

The **name** of the provider.

The **place** where the procedure was carried out.