

Assisted Reproductive Technology (Postponement) Regulation 2025

Explanatory notes for SL 2025 No. 117

made under the

Assisted Reproductive Technology Act 2024

General Outline

Short title

Assisted Reproductive Technology (Postponement) Regulation 2025

Authorising law

Section 2 of the *Assisted Reproductive Technology Act 2024*

Section 15DA of the *Acts Interpretation Act 1954*

Policy objectives and the reasons for them

On 19 September 2024, the *Assisted Reproductive Technology Act 2024* (Act) received Royal Assent. The Act establishes a state-based regulatory framework for assisted reproductive technology providers. It also establishes a donor conception information register (Register) in Queensland for people to access information about donors and donor-conceived people. Some parts of the Act commenced on assent, with section 2 of the Act stating that a range of provisions will commence on a day to be fixed by proclamation.

Under section 15DA(2) of the *Acts Interpretation Act 1954*, if the commencement of a provision has been postponed to commence by proclamation, rather than assent, and has not commenced within one year of assent, it automatically commences on the next day. However, section 15DA(3) provides that within one year of the day of assent, a regulation may extend the period before automatic commencement to not more than two years of the day of assent.

Pursuant to section 15DA of the Acts Interpretation Act, the Assisted Reproductive Technology (Postponement) Regulation 2025 (Regulation) will postpone commencement of the remaining provisions of the Act to the end of 19 September 2026. This will ensure the provisions do not automatically commence one year from assent on 20 September 2025.

Following the postponement, the uncommenced provisions relating to the regulation of assisted reproductive technology services are intended to be commenced by proclamation on 1 March 2026. Provisions relating to the Register are intended to be commenced in two stages in 2026. This will allow time for implementation activities associated with establishing the regulatory framework and the Register.

Achievement of policy objectives

The Regulation achieves the objective by postponing commencement of the uncommenced provisions of the Act.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the Act and the Acts Interpretation Act.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The Regulation is the only effective means of achieving the policy objectives.

Benefits and costs of implementation

Postponing the period before the remainder of the Act commences will allow time for implementation activities associated with the regulatory framework and establishment of the Register.

The cost of implementing the Regulation will be met within existing budget allocations.

Consistency with fundamental legislative principles

The Regulation is consistent with the fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

Consultation

Stakeholders have been advised that remaining aspects of the regulatory framework will commence on 1 March 2026. Stakeholders have been advised that the provisions to support the Register will commence in two stages.

Queensland Health has assessed the Regulation in accordance with *The Queensland Government Better Regulation Policy* as minor and machinery in nature. The Office of Best Practice Regulation was notified of this assessment. The Minister for Health and Ambulance Services and the Director-General of Queensland Health are satisfied that the regulatory review requirements have been met and have approved an Impact Analysis Statement for publication.