

## Making a complaint

Your ART provider should have a system to manage complaints. They should communicate openly with you if your healthcare does not go to plan.

If you have been unable to resolve your concerns with the ART provider a complaint can be made to OHO about your healthcare experience. It can also be about concerns about the performance and/or conduct of a practitioner or the way in which a practitioner or a service is providing their services. We can deal with a wide range of issues, so if you have a concern about a health practitioner or a health service, contact us to discuss how we can help.

### Contact us



**www.oho.qld.gov.au**

The best way to make a complaint to us is through our online form.



**Call 133 OHO (133 646)**

Our phone lines are open Monday to Friday between 9.30 am–4.00 pm



**Write to us**

Office of the Health Ombudsman  
PO Box 13281 George Street  
Brisbane Qld 4001



**Chat with us online**

Our online chat is open Monday to Friday between 9.30 am–4.00 pm

## Regulatory oversight of ART providers in Queensland

Queensland Health established an ART Unit to regulate the provision of ART services. When all sections of the ART Act are in force, the ART Unit will be responsible for licensing, compliance monitoring, and enforcement actions in relation to ART providers. Consumers can visit Queensland Health's ART website for more information.

<https://www.health.qld.gov.au/system-governance/legislation-bills/specific/assisted-reproductive-technology-legislation>

## Other organisations

The Fertility Society of Australia and New Zealand (FSANZ, also known as the Fertility Society, FSA) accredits ART providers through the Reproductive Technology Accreditation Committee (RTAC).

<https://www.fertilitysociety.com.au/art-regulation/rtac/>

## More information



Scan to view the OHO investigations report into health services delivered by ART providers in Queensland.



**133 OHO (133 646)**



**info@oho.qld.gov.au**



OFFICE OF THE  
**HEALTH**  
OMBUDSMAN

# Assisted Reproductive Technology

Information for consumers

**Making a complaint**  
what are my options if things do not go to plan?

Assisted reproductive technologies/ treatments (ART) help individuals and couples with social and medical infertility. They can include artificial insemination (AI), intrauterine insemination (IUI) and in vitro fertilisation (IVF) and other related treatments or procedures.

On 2 November 2023, the Minister for Health, Mental Health and Ambulance Services and Minister for Women directed the Health Ombudsman to undertake an investigation under Section 81 of the *Health Ombudsman Act 2013* into ART providers (fertility clinics) within Queensland.

The Office of the Health Ombudsman's (OHO) investigation identified some key areas for consideration by consumers when undertaking ART and when interacting with ART providers.

## What are the laws that govern ART in Queensland?

The *Assisted Reproductive Technology Act 2024* (the ART Act) became law on 19 September 2024, establishing Queensland Health as the independent state regulator for the ART sector in Queensland. The ART Act addresses many of the issues identified within the OHO's investigation report. Some of the sections of the ART Act will come into force in the future.

The National Health and Medical Research Council (NHMRC) Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research must be complied with by ART providers.

ART providers must also comply with the Reproductive Technology Accreditation Committee (RTAC) Code of Practice.

## Consent

Consent is one of the cornerstones of health service delivery. It is essential that you understand your treatment. If your treatment changes, your fertility specialist or ART provider should discuss the changes with you and confirm your consent again. This is particularly important for ART given the specialist and technical nature of the treatments, the evidence base for different treatments, and the emotional significance of decisions being made.

Your ART provider and fertility specialist should provide you with information about your treatment in a way that you understand. If you do not fully understand what is proposed, you should ask your fertility specialist to explain this to you. You can ask for an interpreter if you need one. You can change or withdraw your consent at any time.

### Questions to consider

- Before signing the consent form, do I fully understand what I am consenting to?
- Does the consent form take into account my individual circumstances e.g. instructions around the use of intracytoplasmic sperm injection (ICSI)?
- Do I need more information before I decide on my treatment?
- Does the ART provider have information that I can refer to later e.g. an information pack?
- Has the ART provider explained how my gametes and embryos will be stored, during and after my treatment? Have they explained my options for after my treatment has finished?

## Choice of ART Treatment

The choice of ART treatment will depend on your individual circumstances. Establishing which ART procedure is appropriate for you (particularly IUI, IVF or ICSI) is multifaceted and relies on the experience and expertise of the fertility specialist in consultation with you.

### Questions to consider

- What options do I have for treatment?
- What are the advantages and disadvantages of each ART procedure, considering factors such as success rates, cost of treatment and storage, and potential risks?
- Do I understand why the fertility specialist is recommending a specific ART procedure e.g. because of sperm quality and/or the likelihood of success?
- Do I understand the implications of using donor sperm, eggs and embryos e.g. that consent may be withdrawn by the sperm donor?

## How many families can be created using donor sperm, eggs and embryos?

During the OHO investigation, there were concerns about how many times the same sperm donor could be used. RTAC's Technical Bulletin states that, where state legislation does not apply, a maximum of 10 donor families per sperm donor is acceptable.

This will soon become the law. Under section 25 of the ART Act, due to come into force in March 2026, donor sperm, eggs or embryos must not be used if it would result in more than 10 Australian families related to the donor.