



Frequently asked questions

The new assisted reproductive technology (ART) and surrogacy laws will come into effect in Western Australia (WA) in mid-2027.

Until the new legislation comes into effect, the existing laws and associated subsidiary legislation, the *Human Reproductive Technology Act 1991*, the *Surrogacy Act 2008*, and the *Artificial Conception Act 1985* remain in force.

What does it mean for Western Australians now this bill has passed?

Passage of the *Assisted Reproductive Technology and Surrogacy Bill 2025* gives those Western Australians who have been excluded from ART or surrogacy in the past, the ability to plan to access ART services, including surrogacy and posthumous use, in WA from mid-2027.

It will also allow people who were previously unable to apply for a transfer of parentage after engaging in surrogacy, either at home or overseas, the chance to apply to the Family Court of WA to become their child's legal parent/s from mid-2027 for a set period.

What if I had hoped to access surrogacy in 2026?

For those who are eligible under the existing laws you may continue with your plans to access surrogacy in 2026. For those who are not, you will have to wait until the *Assisted Reproductive Technology and Surrogacy Act 2025* commences in mid-2027 to access surrogacy in WA.

What if I'm going through ART or surrogacy right now? Does anything change?

Passage of the *Assisted Reproductive Technology and Surrogacy Bill 2025* does not impact those who are going through ART or surrogacy right now. The *Assisted Reproductive Technology and Surrogacy Act 2025* does not come into effect until it is proclaimed. This is scheduled for mid-2027.

I am a donor conceived person who has not been able to access identifying information about my donor as I was conceived before 1 December 2004. When will I be able to access this information?

You will be able to access prescribed information about your donor from approximately mid-2027 when the *Assisted Reproductive Technology and Surrogacy Act 2025* comes into effect.

If I'm an anonymous donor, when will my details become available?

If you donated anonymously before 1 December 2004, any donor conceived offspring from your donation who is 16 years or over will be able to access prescribed information about you from approximately mid-2027 when the *Assisted Reproductive Technology and Surrogacy Act 2025* comes into effect.

Can I be contacted by people who were conceived from my donation, even if I donated anonymously?

The changes under the new legislation allowing access to information for donor conception does not automatically give a right for 'contact' - this will require the consent of both parties. This process can be sensitively assisted through the Donor Conception Information Service (DCIS). Further information for all parties to donor conception is available from the DCIS website at https://www.healthywa.health.wa.gov.au/Articles/A_E/Donor-conception-information-service .

I'm a parent of a donor conceived person who is under 16 years, can I access the donor's identifying information?

If you received ART treatment using donor material at a Western Australian fertility clinic, you will have access to prescribed information about your donor from approximately mid-2027 when the *Assisted Reproductive Technology and Surrogacy Act 2025* comes into effect. Identifying information can always be shared with mutual consent of the donor. The DCIS can assist you with your request.

What changes are coming for posthumous use?

The *Assisted Reproductive Technology and Surrogacy Act 2025* permits posthumous use of gametes and embryos by a surviving partner, with specific requirements. However, these provisions cannot be accessed until the Act is proclaimed, which is scheduled for mid-2027. Until then, posthumous use remains prohibited in WA.

Will these changes be introduced gradually? If so, what changes will be prioritised?

There will be no changes introduced before the *Assisted Reproductive Technology and Surrogacy Act 2025* is proclaimed in mid-2027. Until then the *Human Reproductive Technology Act 1991*, the *Surrogacy Act 2008*, the *Artificial Conception Act 1985* and subsidiary legislation remain in force.

Where can I get more information?

For further information please contact us at art.secretariat@health.wa.gov.au.

This document can be made available in alternative formats on request for a person with disability.

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For matters regarding information relating to donor conception, please contact DCIS@health.wa.gov.au.

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