



WA Surrogacy

Advance notice of requirements for parentage order applications for historical surrogacies

When the *Assisted Reproductive Technology and Surrogacy Act 2025* (the Act) commences, intended parents (formerly known as arranged parents) who engaged in surrogacy before the Act commenced will be able to apply to the Family Court of Western Australia (FCWA) for transfer of parentage. Different application timeframes apply depending on when the child was born.

For children born on or after commencement of the Act, applications must be lodged within 6 months after the child is born, with the possibility for extension from the FCWA.

For children born before commencement of the Act, applications must be lodged within a **non-extendable 6-month window** from commencement of the Act.

The Act is planned to commence in mid-2027. The exact date has not yet been determined.

Further information about applications for children born before commencement of the Act

These applications may be made regardless of the age of the child or person born from the arrangement as long as they were born before commencement of the Act and are more than 28 days old at the time the application is made.

Overview of key criteria:

- Intended parents must be WA residents.
- An application may be made for those born before commencement of the Act via a local surrogacy arrangement or an overseas surrogacy arrangement.
- An application may be made regardless of whether a parentage order could be made under the *Surrogacy Act 2008* or was refused by the FCWA previously.

- An application may be made regardless of whether requirements for a valid surrogacy arrangement under the Act have been met.
- For full criteria, please refer to the [Act](#) (Part 6, Division 4 and Part 14, Division 5).

Next steps:

- No action is required at this stage.
- Please make note of the application timeframes and share this information with others you know who are impacted by this as there will be no opportunity for the timeframe for children born before commencement to be extended once the Act commences.

More details will be made available closer to commencement of the *Assisted Reproductive Technology and Surrogacy Act 2025*. Please note that the current information on the FCWA website still relates to the *Surrogacy Act 2008* and will be updated in due course.

Implementation of the Act

The Department of Health is leading implementation of the Act and work is ongoing to prepare for commencement in mid-2027. The [Department of Health website](#) contains an overview of the Act and answers to some [frequently asked questions](#). Further information will be shared as it becomes available.

If you have questions or would like to sign up to receive updates, please email 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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