Western Australia

Artificial Conception Act 1985

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Defined terms

Western Australia

Artificial Conception Act 1985

An Act relating to the status of persons conceived by artificial means and for related purposes.

1. Short title

This Act may be cited as the *Artificial Conception Act 1985* [1].

2. Commencement

This Act shall come into operation on a day to be fixed by proclamation [1].

3. Interpretation

(1) A reference in this Act to a married woman includes a reference to a woman who is living with a man as his de facto partner.

(2) A reference (however expressed) in this Act to the husband or wife of a person —

(a) is, in a case where the person is in a de facto relationship with a person of the opposite sex, a reference to the person's de facto partner; and

(b) does not, in that case, include a reference to the spouse (if any) to whom the person is actually married.

(3) In this Act —

artificial fertilisation procedure has the meaning given by the *Human Reproductive Technology Act 1991*.

[Section 3 amended: No. 3 of 2002 s. 24.]

4. Application

(1) The provisions of this Act apply —

(a) in respect of an artificial fertilisation procedure carried out before or after the commencement of this Act either within or outside Western Australia; and

(b) in respect of a child born before or after the commencement of this Act either within or outside Western Australia.

(2) Nothing in this Act affects the vesting of property in possession or in interest before the commencement of this Act.

[Section 4 amended: No. 3 of 2002 s. 28.]

5. Rule relating to maternity

(1) Where a woman undergoes an artificial fertilisation procedure in consequence of which she becomes pregnant and the ovum used for the purposes of the procedure was taken from some other woman, then for the purposes of the law of the State, the pregnant woman is the mother of any child born as a result of the pregnancy.

[(2) deleted]

[Section 5 amended: No. 3 of 2002 s. 25 and 28.]

6. Rule relating to paternity

(1) Where a married woman undergoes, with the consent of her husband, an artificial fertilisation procedure in consequence of which she becomes pregnant, then for the purposes of the law of the State, the husband —

(a) shall be conclusively presumed to have caused the pregnancy; and

(b) is the father of any child born as a result of the pregnancy.

(2) In every case in which it is necessary to determine for the purposes of this section whether a husband consented to his wife undergoing an artificial fertilisation procedure, that consent shall be presumed, but the presumption is rebuttable.

[Section 6 amended: No. 3 of 2002 s. 28.]

6A. Rule relating to parentage — same sex de facto relationships

(1) Where a woman who is in a de facto relationship with another woman undergoes, with the consent of her de facto partner, an artificial fertilisation procedure in consequence of which she becomes pregnant, then for the purposes of the law of the State, the de facto partner of the pregnant woman —

(a) shall be conclusively presumed to be a parent of the unborn child; and

(b) is a parent of any child born as a result of the pregnancy.

(2) In every case in which it is necessary to determine for the purposes of this section whether a de facto partner consented to her de facto partner undergoing an artificial fertilisation procedure, that consent shall be presumed, but the presumption is rebuttable.

[Section 6A inserted: No. 3 of 2002 s. 26.]

7. Donor of genetic material

(1) Where —

(a) a woman becomes pregnant in consequence of an artificial fertilisation procedure; and

(b) the ovum used for the purposes of the procedure was taken from some other woman,

then for the purposes of the law of the State, the woman from whom the ovum was taken is not the mother of any child born as a result of the pregnancy.

(2) Where —

(a) a woman becomes pregnant in consequence of an artificial fertilisation procedure; and

(b) a man (not being the woman's husband) produced sperm used for the purposes of the procedure,

then for the purposes of the law of the State, the man referred to in paragraph (b) —

(c) shall be conclusively presumed not to have caused the pregnancy; and

(d) is not the father of any child born as a result of the pregnancy.

[Section 7 amended: No. 73 of 1994 s. 4; No. 3 of 2002 s. 27 and 28.]

*[**8.** Omitted under the Reprints Act 1984 s. 7(4)(e).]*

[Schedule 1 omitted under the Reprints Act 1984 s. 7(4)(e).]

Notes

This is a compilation of the *Artificial Conception Act 1985* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
Artificial Conception Act 1985	14 of 1985	12 Apr 1985	1 Jul 1985 (see s. 2 and *Gazette* 28 Jun 1985 p. 2291)
Statutes (Repeals and Minor Amendments) Act 1994 s. 4	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
Acts Amendment (Lesbian and Gay Law Reform) Act 2002 Pt. 4	3 of 2002	17 Apr 2002	21 Sep 2002 (see s. 2 and *Gazette* 20 Sep 2002 p. 4693)
Reprint 1: The *Artificial Conception Act 1985* as at 6 Jun 2003 (includes amendments listed above)			

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA legislation website.

Short title	Number and year	Assent	Commencement
Assisted Reproductive Technology and Surrogacy Act 2025 s. 279(1)(a)	19 of 2025	18 Dec 2025	To be proclaimed (see s. 2(c))

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
artificial fertilisation procedure	3(3)

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