# Artificial Conception Act 1985

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## Notes

Compilation table 5
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*.

2. Commencement

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

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 by 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 by 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 by 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 by 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 by 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 by 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 reprint is a compilation as at 6 June 2003 of the Artificial Conception Act 1985 and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

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Reprint 1: The Artificial Conception Act 1985 as at 6 Jun 2003 (includes amendments listed above)