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Multicultural Women's  
Health Centre

ABN: 712 675 323 17

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The Program Manager  
Reproductive Technology Unit  
Patient Safety & Clinical Quality  
Clinical Excellence Division  
Department of Health  
189 Royal Street  
PERTH WA 6004

To whom it may concern,

**Re: Review of the Western Australian Human Reproductive Technology Act 1991 and the Surrogacy Act 2008.**

At Ishar we celebrate diversity, acceptance, working in partnership, working ethically, supporting and nurturing each other and treating all with dignity and respect. We believe that everyone has the right for their voice to be heard. Both the current Surrogacy Act (2008) and Human Reproductive Technologies Act 1991 (HRT) only supports heterosexual, de facto couples. As per the change in December 2017, Australia now nationally recognises homosexual marriage as a legal and binding act and respects the rights of both heterosexual and homosexual couples. We believe that everyone in a de facto or married relationship should all have the same rights in Surrogacy and HRT.

**Recommendations of change for the current WA Surrogacy Act (2008);**

**A)** An amendment should be made for the description of an *eligible couple*, section (2) In subsection (1)(b) —.

**Current definition:**

means 2 people of opposite sexes who are married to, or in a de facto relationship with, each other and who, as a couple — (a) are unable to conceive a child due to medical reasons not excluded by subsection (3); or (b) although able to conceive a child, would be likely to

conceive a child affected by a genetic abnormality or a disease;

**Recommendation of amendment:**

means 2 people of either opposite sex or same sex who are married to, or in a de facto relationship with, each other and who, as a couple: — (a) are unable to conceive a child due to medical reasons not excluded by **(new recommendation) of subsection (3)**; or (b) although able to conceive a child, would be likely to conceive a child affected by a genetic abnormality or a disease;

**B) An amendment should be made for the description of *Medical Reasons, Section (3)***

**Current definition:**

The medical reasons for being unable to conceive a child that are referred to in the definitions of eligible couple and eligible person do not include — (a) a reason arising from a person's age; or (b) a reason prescribed for the purpose of the Human Reproductive Technology Act 1991 section 23(1)(d).

**Recommendation of amendment:**

The medical reasons for being unable to conceive a child that are referred to in the definitions of eligible couple and eligible person do not include — (a) a reason arising from a person's age; (b) a reason prescribed for the purpose of the Human Reproductive Technology Act 1991 section 23(1)(d) or **(c) both people in the couple are of the same sex that are able to produce viable gametes but not able to produce both the required sperm and egg needed to produce a foetus (not able to both be genetic parents via coitus).**

**Recommendations of change for the current Human Reproductive Technologies Act 1991:**

A) Section 21. Code and directions, generally: (i):

**Current definition:**

(i) the means of identifying, for the purposes of sections 24 and 26, the person or persons on behalf of whom any human gametes, human eggs undergoing fertilisation or human embryos are stored, kept for implantation or developed which, in accordance with consents given, may be — (i) a woman or man; or (ii) a couple who are married, or in a de facto relationship with each other whether they are different sexes or both female;

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**Recommendation of amendment:**

(i) the means of identifying, for the purposes of sections 24 and 26, the person or persons on behalf of whom any human gametes, human eggs undergoing fertilisation or human embryos are stored, kept for implantation or developed which, in accordance with consents given, may be — (i) a woman or man; or (ii) a couple who are married, or in a de facto relationship with each other whether they are different sexes, both female or both male.

**B) Section 23. When procedures may be carried out: (C):**

**Current definition:**

(c) any persons seeking to be regarded, in applying paragraph (a), as members of a couple are — (i) married to each other; or (ii) in a de facto relationship with each other and are of the opposite sex to each other;

**Recommendation of amendment:**

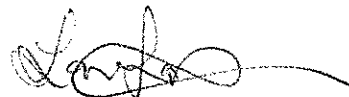
(c) any persons seeking to be regarded, in applying paragraph (a), as members of a couple are — (i) married to each other; or (ii) in a de facto relationship with each other and are of the opposite sex or same sex to each other;

We appreciate your consideration of our proposed changes. If you would like any further clarification of any of the points raised. Please do not hesitate to contact me.

Kind regards,



Rachel Pearce  
Manager Health Services



Lana Hogan  
Practice Nurse

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