

CONCEPT FERTILITY SURROGACY PROGRAM



*“Sometimes when making something precious,
we need a helping hand.”*

Welcome

to the Concept Fertility Centre Surrogacy Program and thank you for allowing us to help facilitate your surrogacy journey. This booklet contains important information regarding the surrogacy process, including a step by step guide of what is required to hopefully achieve a successful surrogacy outcome. Please read through the information carefully and direct any questions you may have to our Surrogacy Team at surrogacy@conceptfertility.com.au or contact your allocated Surrogacy Nurse Coordinator directly on (08) 9382 2388.

Surrogacy is a form of Assisted Reproduction Technology (ART) where a woman (the surrogate) offers to carry a baby through pregnancy on behalf of another person or couple and then relinquishes the baby to the intended parent(s) once it is born. For many intended parents, surrogacy is their only hope of a having a baby.

This booklet is designed to outline the surrogacy process at Concept. This booklet, along with our experienced team, will guide you and your partner through the medical, psychosocial and legal implications associated with surrogacy. Your Fertility Specialist and the Surrogacy Nurse Coordinator will be your main points of contact throughout your surrogacy journey and can be relied upon for both information and guidance throughout the entire process.

What is Surrogacy?

The word 'surrogate' is derived from Latin and means 'elect as a substitute'. A surrogate is a woman who carries a child with the intention of giving that child to intended parent(s) when the child is born. There are two types of surrogacy arrangements, gestational surrogacy and traditional surrogacy.

Gestational Surrogacy

Within this arrangement the surrogate has no genetic link to the child who is to be born. The embryo that is created and transferred to the surrogate involves eggs and sperm produced by the intended parents. On occasion an egg and/or sperm donor may also be required. Once the embryo is created it is then transferred into the uterus of the surrogate with the goal of implantation and pregnancy.

Traditional Surrogacy

This type of surrogacy arrangement occurs in situations where the eggs of the surrogate woman are used in the conception of the child, resulting in a genetic connection to the child who is to be born. At Concept, we do not facilitate a traditional surrogacy arrangement.

There are important clinical and psychosocial considerations when contemplating a surrogacy arrangement. First, any pregnancy presents the risk of a serious health complication. Your treating Fertility Specialist will outline all of these associated risks. Second, disputes about the future parentage of the child can occur. Our experience has been that the establishment of a trusting relationship between the surrogate and the intended parent(s) is essential and of paramount importance in reducing the potential for parentage disputes.

At Concept, we consider it critical to ensure the safety of a surrogacy arrangement at every step for every participant involved. It is important to remember that surrogacy is a serious undertaking and one that should not be entered into lightly. A key part of this is ensuring that all the participants, particularly the surrogate, look back on all decisions involved with confidence and contentment.

The Concept Surrogacy Program is overseen by the Surrogacy Executive Team and our Medical Director. All applications for surrogacy are reviewed by the Team, ensuring that our surrogacy program is in accordance with the highest ethical standards.

Who is Eligible for Surrogacy in WA?

A person (woman) is deemed eligible to commission a surrogate under the following circumstances if she:

- 1) is unable to conceive a child due to medical reasons;
- 2) would be likely to conceive a child affected by a genetic abnormality or a disease if she were to conceive a child herself;
- 3) is unable for medical reasons to give birth to a child, although able to conceive herself.

Medical reasons that may warrant the need for a surrogate can include, but are not limited to:

- 1) reproductive abnormalities;
- 2) many unsuccessful attempts to conceive involving In Vitro Fertilisation (IVF) and embryo transfers;
- 3) a history of repeated miscarriages.

The medical reasons for being unable to conceive a child that are referred to in the definition of eligible person do not include:

- 1) a reason arising from a person's age; or
- 2) a reason prescribed for the purpose of the [Human Reproductive Technology Act 1991 \(WA\)](#), section 23(1)(d).

Who Can Be a Surrogate?

To reduce the risks associated with surrogacy for both the intended parent(s) and the proposed surrogate, Concept have a number of conditions that must be fulfilled before treatment is offered.

To satisfy the conditions of becoming a surrogate, a candidate must:

- 1) be at least 25 years of age;
- 2) have had a live birth their own;
- 3) have no history of pregnancy related illnesses or complications;
- 4) be in a monogamous relationship if sexually active;
- 5) have an established relationship with the intended parents;
- 6) not suffer from any untreated significant psychological disorder that would impair decision-making or the care of a child (this also applies to the intended parents); and
- 7) not use her own eggs, although an egg donor is permissible.

How Do I Find A Surrogate?

It is the responsibility of the intended parents to find their own surrogate. It is a criminal offence under the *Surrogacy Act 2008 (WA)* to receive or seek to receive a reward for introducing parties for a surrogacy arrangement. Any publication stating willingness to make surrogacy arrangements for reward is NOT permitted. Concept are unable to assist with any aspect of a surrogacy arrangement where there is evidence of commercial inducements.

The Surrogacy Process

Surrogacy is a highly complex process, and there are many important steps to ensure that both parties are well aware of all of the implications of their arrangement and make the best decisions in the interest of all parties. The process therefore includes extensive implications counselling, psychological assessment and independent legal advice. Concept's Surrogacy Team will guide and support you throughout this journey.

Excluding the time it takes for you to find your surrogate, it is not unusual for the mandatory steps of a surrogacy arrangement to take six months or more to complete before the medical aspects of embryo creation can commence. The timeline can be extended and affected by wait times for appointments with doctors, psychologists, counsellors and legal professionals. Delays to appointment times are outside of the control of Concept. It is therefore important that all parties involved in a surrogacy arrangement fully understand the process and are proactive and organised in their approach to completing the mandatory requirements in a timely manner. Concept will assist by communicating regularly with you and guiding you through each step to

ensure that expected timelines are met. The intended parents are generally seen as the point of contact for follow-up and information exchange.

Due to the complexity of a surrogacy arrangement, Concept believes the key to success is communication, quality care and exceptional support. For this reason, once you have booked your appointments with the Medical Director and clinic counsellor you will be allocated to one of our Surrogacy Nurse Coordinators. Your Surrogacy Nurse Coordinator will become your point of contact for anything you need, be it a listening ear, appointment change request or lingering questions. If unavailable or, in their absence, any member of the Surrogacy Team will be able to assist you.

Our commitment is to walk alongside you every step of the surrogacy journey. Please see [Appendix 1](#) for an outline of the full process timeline.

Step 1: Initial Medical Consultation

Both the intended parents, the surrogate and their partner (if applicable) and the egg donor and partner (if applicable) must see Concept's Medical Director who will obtain/assess the following:

- 1) full medical history of all intended parties;
- 2) indications for surrogacy;
- 3) the past physical and mental health of the intended parents and the surrogate;
- 4) the past obstetric health of the surrogate;
- 5) overall eligibility of all parties to the surrogacy arrangement.

At the initial appointment information will be provided about the Assisted Reproductive Technologies (ART) and associated medical treatment that will be required as part of the surrogacy arrangement. This consultation will include the provision of information regarding the medical complexities of surrogacy. The doctor may request further medical history or reports from associated medical practitioners, including but not limited to, obstetricians or psychiatrists as required.

Step 2: Concept Fertility Counselling

All parties involved in a surrogacy arrangement must undergo implications counselling with one of our approved fertility counsellors. This is a mandatory requirement for making an application to the Reproductive Technology Council (RTC).

Each individual couple must attend counselling alone with the counsellor, including any egg donor and her partner (if applicable) that may be required for the arrangement. Where donors are involved, an additional individual session with the intended parents is required, as well as an additional session with the surrogate (and partner, if applicable) and the intended parents. At the completion of all sessions, all couples must attend a group session. Ideally the group session should occur within one week

of the individual sessions. Please note that the additional counselling can be requested by the Counsellor at any time if deemed necessary.

The Concept Fertility Counselling is carried out at the beginning of the process and completion of the first group session marks the beginning of a three month cooling off period. It is advisable to schedule follow-up (final) counselling sessions at the beginning of the cooling off period in order to avoid any delays in the process. This will be explained further in Step 5.

Step 3: Legal Documents

Each party involved in the surrogacy arrangement must seek independent legal advice. Concept is able to provide details of lawyers who specialise in surrogacy arrangements; however, we are unable to offer recommendations. We do suggest selecting a lawyer based in Western Australia, as surrogacy legislation is specific to WA. Please see [Appendix 2](#) for contacts.

The lawyer of the intended parents is responsible for drawing up a legal contract for the surrogacy arrangement, which requires sign-off by all parties.

The costs associated with this legal requirement are not included in Concept fees and are payable directly to the service provider once services are rendered.

It is highly recommended that this process is started as soon as possible in order to avoid delays in the approval process. The legal document produced as a result of this assessment will be required by Concept and is required for RTC approval.

Step 4: Clinical Psychological Assessment

In accordance with the *Surrogacy Act 2008 (WA)*, all parties to the surrogacy arrangement must separately undergo an assessment with a Clinical Psychologist. Only one psychologist is required. Once individual assessments are completed all parties must attend together, although the number and the sequence of these appointments will be determined by the Clinical Psychologist providing the service.

Concept is able to provide details of Clinical Psychologists who specialise in surrogacy assessments, but are unable to offer recommendations. See [Appendix 3](#) for contacts.

It is highly recommended that this process is started as soon as possible in order to avoid delays in the approval process. The psychological report produced as a result of this assessment will be required by Concept and is required for RTC approval.

The costs associated with the psychological assessments are not included in Concept fees and are payable directly to the service provider once services are rendered by the clinical psychologist.

Step 5: Final Counselling

At the end of the counselling 3 month cooling off period ([Step 2](#)) all parties to the arrangement must again attend the Concept Fertility Counsellor as individual parties and finally as a group. This requirement is mandatory. At the conclusion of all sessions, the Counsellor produces a letter indicating the successful completion of counselling. This document is required for RTC approval.

Step 6: RTC Application Forms

Surrogacy in Western Australian is legislated by the *Surrogacy Act 2008 (WA)*, the *Human Reproductive Technology (HRT) Act 1991 (WA)* and guided by the National Health and Medical Research Council (NHMRC) Ethical Guidelines. All applications for surrogacy must be submitted and then approved by the RTC. Applications for surrogacy are considered at the RTC council meetings, which are held on a monthly basis.

The intended parents will be emailed the RTC application forms to be completed by themselves, the surrogate, their partner (if applicable), and any donors (if applicable). Once these forms have been completed, they must be emailed back to Concept.

Step 7: Preparation of Application

The Concept Surrogacy Team will prepare the application and complete the necessary supporting letter. At this point in time Concept will issue an invoice for the Surrogacy Management Fee. Applications cannot be submitted to the RTC until this payment has been received.

Step 8: RTC Cooling Off Period

The RTC mandate another 3 month cooling off period to be undertaken, which commences from the latest date that any of the mandatory documents were signed, i.e. legal documents, independent psychological report, or medical approval.

If any required documentation is outstanding at the end of the Concept counselling cooling off period, then this will cause a delay in the process. Therefore the importance of ensuring that all other mandatory documents are completed within the initial 3 month cooling off period cannot be underestimated.

Step 9: Submission of RTC Application

Applications for surrogacy can only be submitted to the RTC for consideration once the RTC 3 month cooling off period has expired. The RTC publishes their council meeting dates, which assists in establishing a potential timeline for required submission and expected reply.

Step 10: RTC Approval

Concept will receive verification of the outcome of the application very soon after the meeting date. Once this occurs there is only one more step required before treatment can commence begin treatment.

Step 11: Final Medical Review

As a significant amount of time will have passed since the initial medical review, our Medical Director requires that all parties attend a consult to both reassess the health of all participants and prescribe orders for treatment.

It is strongly advisable to make this appointment as far in advance as possible, as the wait times to see the Medical Director can be extensive. Once it is determined which RTC meeting date is the goal for submission of the application, it is recommended to book this final medical review appointment. Concept will assist you with this.

Step 12: Treatment Commences

The treatment orders, once prescribed, will be received by our Nurse Coordination Department. Treatment orders indicate the type of treatment required, the medications needed (if any), and grants the Nurse Coordination Team responsibility to act as the liaison between the patient and their specialist during treatment.

An appointment will need to be made with a member of the Nurse Coordination Team prior to the commencement of treatment. This appointment is mandatory for any participant that will require Assisted Reproductive Services (ARS), e.g. an egg collection for the intended mother/egg donor, an embryo transfer for the surrogate.

The Nurse Coordinator will discuss the treatment and medications prescribed by the Medical Director, provide the relevant consent forms for treatment, and facilitate all treatment related aspects of the journey.

Further Information

Counselling Requirements During Pregnancy

In accordance with the *Surrogacy Act 2008 (WA)*, Concept must facilitate joint counselling for the birth mother and the arranged parents at:

- 20 weeks after beginning of pregnancy
- 34 weeks after beginning of pregnancy
- 14 days after the birth of the child (or miscarriage)

The order and length of time of these sessions will be at the discretion of the counsellor, but in general are approximately 90 minutes. The counsellor will speak

firstly with the surrogate and their partner, the intended parents and then bring the group together for a period of time. These appointments can be done via video call.

Costs

A Surrogacy Management Fee is charged by Concept for the management and preparation of the surrogacy process and RTC application. This payment is required prior to the application being submitted to the RTC. This cost is non-refundable, regardless of the outcome. The intended parents are expected to pay for all of the out of pocket expenses incurred by the surrogate, her partner, and any donors involved in the surrogacy arrangement. In addition to these preparation costs, there are costs for the egg collection, embryo freezing, and embryo transfer procedure/s as outlined in the Concept Fee Schedule. Obstetric costs will be incurred which in part are rebated by Medicare; however, ARS procedures for the purposes of surrogacy are not subsidised by Medicare. We would be more than happy to discuss costs in more detail at any time. Please contact the General Manager at concept@conceptfertility.com.au.

Documents

Documents are an integral aspect of a surrogacy arrangement, therefore developing a folder system to systematically keep track of surrogacy documentation is highly recommended.

The RTC are now accepting copies of documentation, as opposed to the originals, for all surrogacy arrangements. It is suggested that you keep all the original documents, as these may be required for parentage orders.

Concept accepts and prefers documentation via email and will maintain correspondence with you primarily via email or telephone. It is therefore vital that contact details are kept up to date.

Parentage Order

Under the *Artificial Conception Act 1985 (Cth)* the legal parents are the woman who gives birth and her consenting partner. In surrogacy arrangements a parentage order from the Family Court is required to transfer the legal parent status to the intended parents after the child is born.

It is highly recommended that the intended parents engage with their surrogacy lawyer for assistance through this process. Preparation of a parentage order can commence during initial contact with the surrogacy lawyer when obtaining independent legal advice. Navigating the requirements for parentage orders can be complex but with early preparation, a thorough understanding of the requirements, and legal input, the process can be relatively stress free.

Applications for parentage orders are filed in the Family Court. The lawyer will guide the intended parents through what documentation is required for these orders to be processed. In order to apply for a parentage order, the intended parents must:

- 1) reside in Western Australia;
- 2) have met the requirements to be eligible for an ARS procedure under the *Human Reproductive Technology Act 1991 (WA)*; and
- 3) be at least 25 years of age.
- 4) A parentage order application cannot be made until the child is at least 28 days old. This gives all parties time to consider the decision of consenting to the making of the parentage order following the birth of the child. The parentage application should be made before the child is six months old.

Parenting Plan

A parenting plan should also be discussed during the initial meeting with the surrogacy lawyer. An approved parenting plan is a document that is signed by the intended parents, the surrogate (and their partner) and any egg or sperm donor (if applicable) and sets out the following details:

- any time the child is to spend, or communication that the child is to have, with the child's surrogate, their partner, or any other person (e.g. birth grandparents),
- any information that any of the parties will provide to the other party, or any other person, e.g. photos, school reports, etc.

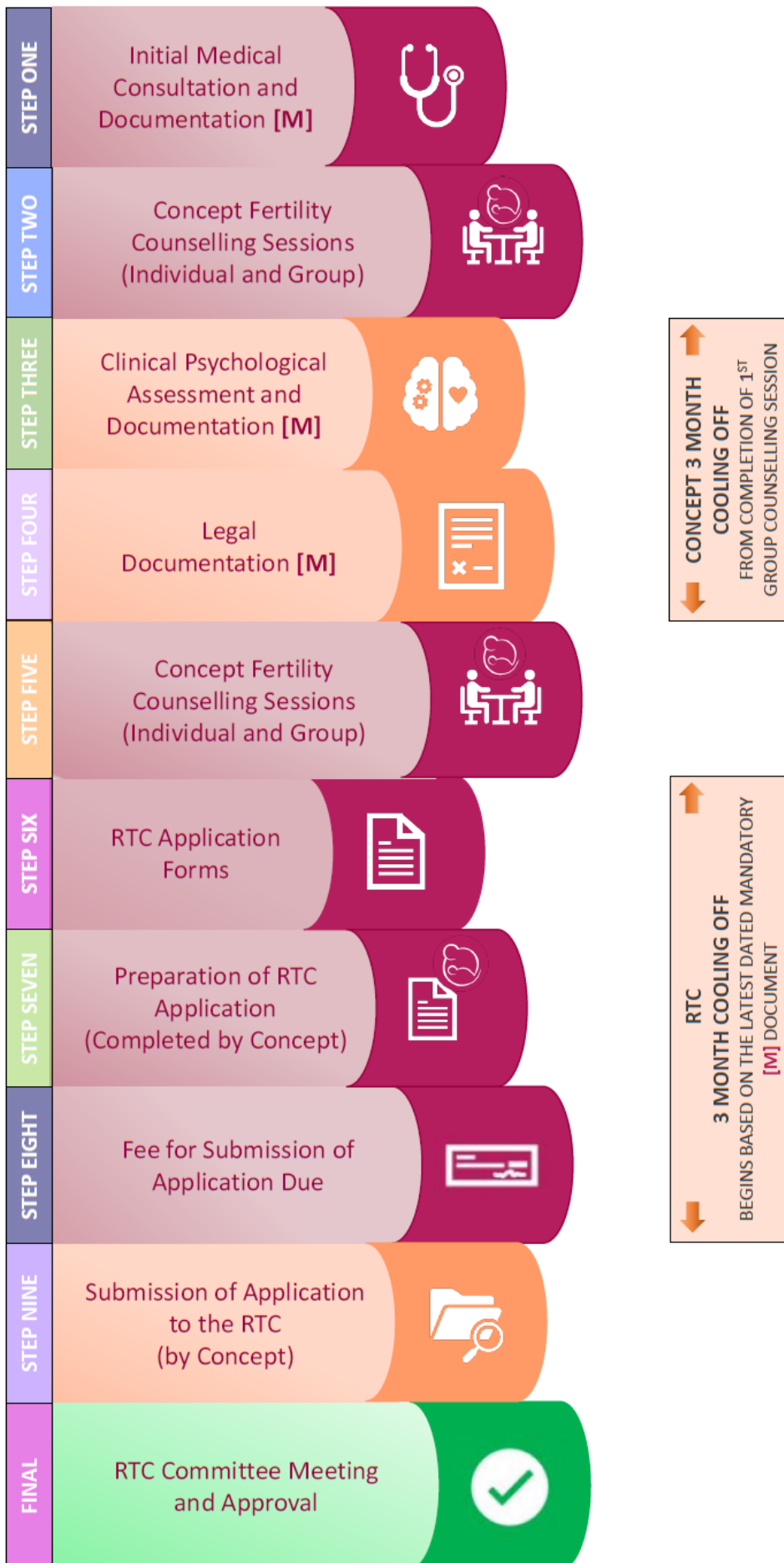
Here to Help

The surrogacy process although complex in nature, can be managed smoothly with the right guidance and support. Concept understands the emotional journey many couples have already endured by the time they reach the prospect of a surrogacy arrangement. We commit to taking the time to understand where you have been, where you are now and where you want to be.

Concept has a highly experienced team of professionals ready to commit, support and walk alongside you on this journey.

Please contact the Surrogacy Team now at surrogacy@conceptfertility.com.au or on (08) 9382 2388 for more information.

Appendix One – Process Timeline



Appendix 2 – Surrogacy Lawyers WA

Rachel Oakeley
John Toohey Chambers
(08) 63153300



Lisa Ellery
Ellery Brockman Barristers
and Solicitors
(08) 9022 2411



Kym Kerr
Mills Oakley
(08) 6167 9804



Surrogacy Lawyers WA Continued

Elizabeth Hynes
DCH Legal Group
(08) 9382 8488



Anna Westpal
Leach Legal
(08) 6555 2200



Lucy Thomas
Patterson and Dowding
(08) 9226 3300



Appendix 3 - Clinical Psychologists

Rikki Ambrosius

Nedlands
0401 671 300



Melanie Honnor

Perth City
(08) 9485 0801



Suzanne Midford

North Perth/Mt Hawthorn/Peel Region
(08) 9443 3709



Vanessa Green

North Perth/Mt Hawthorn/Peel Region
(08) 9443 3709

