

Gary Cooper

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Request

- **In cases where there is a request for sperm from a deceased person the Coroner is not inclined to prevent the sample being taken because it will not interfere with the coronial investigation.**
- **If a sample is requested we will give consent pursuant to s.23(1) Human Tissue & Transplant Act 1982, like we**

Obtaining a sample

We appreciate there is only a small window of opportunity to obtain the sample, therefore we will give consent immediately.

We usually speak to the lawyer representing the wife/partner and advise of the consent but make it abundantly clear that:

The Coroner/State Mortuary is not responsible for obtaining/storing the sample, and any arrangements in that regard must be made by them.

— They usually enlist the services of a specialist

Obtaining a sample - 2

- **Secondly, we point out that obtaining the sample is the easy part and that our consent is but the first step of many to actually being able to use the sample.**

Finally

- I always advise lawyers to seek an Order from the Supreme Court.
- I point out the case in the UK (Diane Blood) that dragged on for years before the High Court forbade the use of a dead husband's sperm because there was no evidence put forward by the wife of an agreement between her and her husband to have any more children.
 - She eventually won: see [Diane Blood law victory gives her sons their 'legal' father](#)
- I understand the WA Courts are following the same precedent, but I may be wrong.
- Overall, we do not make moral/ethical judgements about the sample being provided. It is more that we do not want to stand in the way at the beginning of the process thereby rendering the obtaining of the sample a pointless exercise: