



Committee recommends national surrogacy laws

In response to growing concerns about exploitation of surrogate mothers and children, a federal Parliamentary Committee today recommended new national laws to harmonise existing State and Territory surrogacy legislation.

The Standing Committee on Social Policy and Legal Affairs report into surrogacy highlighted a range of challenging and complex ethical and legal issues that arise from the practice. While supporting the current ban on commercial surrogacy by Australian States and Territories, the Committee recommended that the Australian Government consider options for developing a streamlined legislative response to altruistic surrogacy.

The Committee found that differences in State and Territory surrogacy laws were a barrier for many Australians who sought to enter into altruistic surrogacy arrangements. While altruistic surrogacy is legal in Australia, it can be hard for intended parents to find suitable surrogates and different laws may not provide adequate protections for all parties.

The Committee recommended that the Australian Law Reform Commission (ALRC) inquire into and develop a national model law on altruistic surrogacy to be presented to the Australian, State and Territory Governments for implementation. The Committee identified issues to be considered by the ALRC including the need for counselling, background checks, and independent legal advice for all parties, the transfer of parental responsibility, reimbursement for the surrogate and the need for a closed register of surrogates and intended parents.

The Committee also considered the issue of those who may seek to engage in offshore surrogacy arrangements, recommending that such arrangements be scrutinised by the Australian Government. The Committee recommended that practices in key surrogacy destination countries be assessed to ensure consistency with the principles of the proposed national law. Where Australians have sought a passport for a child to return to Australia, the Committee recommended that an assessment to ensure that no Australian or international laws on surrogacy have been breached should be undertaken. Where breaches have occurred, the Committee recommended that the Minister for Immigration should be given the power to determine matters relating to the welfare of the child.

Further information on the inquiry, including a full copy of the report is available on the Committee website at www.aph.gov.au/surrogacy.

For media comment – please contact Lynn Bonanno in the Chair’s office on (07) 4944 0662.

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