

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Output 1.1**

**Question No. 115**

**Senator Nettle asked the following question at the hearing on 27 May 2008:**

Has any state or territory removed the discrimination that same-sex couples face, in all areas covering adoption, surrogacy and IVF?

**The answer to the honourable senator's question is as follows:**

Tasmania and Western Australia and the ACT allow same-sex couples to adopt. The laws in these jurisdictions allow same-sex couples to be assessed and approved to adopt in line with each jurisdiction's legislation. For inter-country adoption, countries of origin set additional eligibility criteria. No country with which Australia has an adoption program accepts applications from same-sex couples.

On the information available in the areas of surrogacy and IVF the ACT comes closest to having removed barriers relating to same-sex couples. In the ACT there are no legislative restrictions placed on access to artificial reproduction technology (ART) services. Legislation permits the birth mother's same-sex partner to be registered on the birth certificate as the legal parent of the child. Altruistic surrogacy is permitted, and same-sex parents of a child born through a surrogacy arrangement can apply to the Supreme Court for recognition as legal parents.