



MEDIA RELEASE

**Hon. John Hatzistergos MLC
Attorney General
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CALL FOR SUBMISSIONS ON NEW SURROGACY LAWS

As part of a move toward new surrogacy laws, the question of allowing couples with surrogate children to apply for legal recognition as parents will be discussed, said NSW Attorney General John Hatzistergos.

The national Standing Committee of Attorneys General (SCAG), as well as the ministerial councils for Community Services and Health, have released a paper calling for submissions on a national model for surrogacy regulation.

“The paper has been released for public discussion and a national model will be finalised after broad community consultation,” Mr Hatzistergos said.

Commonwealth Attorney-General Robert McClelland said laws on surrogacy varied throughout Australia.

“The differing laws on this complex and sensitive issue often force prospective parents to enter another Australian state or territory to have surrogate children,” said Mr McClelland.

“The Rudd Government supports this national initiative and has made the necessary amendments to the *Family Law Act* to recognise surrogacy arrangements made under state and territory law.”

Submissions on issues raised in the paper will be collated and sent back to Attorneys General at SCAG later this year.

Mr Hatzistergos said, “Laws in some jurisdictions make it difficult for parents to obtain a passport or a school enrolment for children born through surrogacy.”

To be discussed will be the issue of allowing couples that have children through surrogacy to seek a parentage order through the courts.

“If the national model is adopted, courts could grant a parentage order to a couple if it was in the best interests of the child and the surrogate mother had given her informed consent,” Mr Hatzistergos said.

“It could also be a condition of the parentage order, that all parties had undertaken specialist counselling before the conception of the child.”

While commercial surrogacy would remain illegal in Australia, the issue of allowing surrogate mothers to be reimbursed for losses and expenses incurred during pregnancy will also be discussed.

“The intended parents of a child could legally cover the cost of the surrogate mother’s medical treatment and lost wages,” Mr Hatzistergos said.

Meantime, the NSW Legislative Council Standing Committee on Law and Justice is conducting a review of surrogacy issues in NSW. Altruistic surrogacy is not regulated in NSW.

The review will feed into the NSW Government’s position on the proposed national model.