1. The draft Surrogacy Bill 2009 (the Bill) decriminalises altruistic surrogacy; allows parties to enter into an altruistic surrogacy arrangement where a woman agrees to conceive and carry a child for another person or another person and that person’s spouse; and provides for a court to make an order for the transfer of the parentage of the child born as a result of the surrogacy arrangement.
2. This is achieved by the repeal of the *Surrogate Parenthood Act 1988* and making related amendments to the *Births, Deaths and Marriages Registration Act 2003*, the *Births, Deaths and Marriages Registration Regulation 2003*, the *Criminal Code Act 1899*, the *Domicile Act 1981*, the *Evidence Act 1977*, the *Guardianship and Administration Act 2000* and the *Powers of Attorney Act 1998.*
3. The draft Bill will prohibit surrogacy arrangements being made where the birth mother receives a payment, reward or other material benefit or advantage for entering into the surrogacy arrangement (except for the payment of her reasonable costs associated with the surrogacy arrangement).
4. The draft Bill also includes amendments to the *Status of Children Act 1978* to provide for the parenting presumptions to be extended to cover the lesbian same-sex partner of the birth mother, where the birth mother has used a fertilisation procedure to conceive the child with the consent of her same-sex partner. A consequential amendment to the *Births, Deaths and Marriages Registration Act 2003* is also included in the Bill to allow for the birth mother’s partner to be recorded as parent on the child’s birth record.
5. This draft Bill is the product of the Government Response to the Report by the Investigation into Altruistic Surrogacy Committee, *Investigation into the Decriminalisation and Regulation of Altruistic Surrogacy in Queensland* (the Report), that committed the Government to implementing the central recommendations in the Report to decriminalise altruistic surrogacy and provide for the transfer of legal parentage of the child from the birth mother to the intending parents.
6. Cabinet approved the Surrogacy Bill 2009 be released as an exposure draft for a period of one month prior to introduction of the Bill.
7. *Attachments*
* [Surrogacy Bill 2009 – Consultation Draft](Attachments/Bill.pdf)
* [Explanatory Notes](Attachments/Explan%20Notes.pdf)