



Legislative Council  
**Standing Committee on Law and Justice**  
**Legislation on altruistic surrogacy in NSW**

The Chair of the Law and Justice Committee, the Hon Christine Robertson MLC, has today announced the tabling of the Committee's report on Legislation on altruistic surrogacy in NSW.

"The practice of surrogacy, altruistic or commercial, gives rise to diverse and often irreconcilable views. I would like to acknowledge this diversity of views and the fact that the Committee itself is divided with regard to the views of its members," stated Ms Robertson.

"There is currently very limited regulation of the practice of altruistic surrogacy in NSW. In regard to the need for further regulation, the Committee has adopted the principle of minimal government intervention, focussing its recommendations on areas where it believes the process can be improved, by way of independent assessment and independent legal advice for parties entering into surrogacy arrangements. The Committee has not made recommendations regarding eligibility and suitability criteria. These decisions are best left in the hands of clinicians and counsellors with experience in the field."

"The Committee has sought to protect the best interests of children born through surrogacy arrangements by removing, where possible, any disadvantage that may currently exist for them. One such disadvantage arises from the fact that the parents raising the child are not currently recognised as the legal parents, or recorded as such on the child's birth certificate, until and unless they succeed in adopting the child, a process that can take some years. To remedy this situation, the Committee has recommended a transferral of parentage mechanism allowing intending parents in a surrogacy arrangement to apply for legal parentage of the child born through the arrangement after six weeks of the birth of the child."

"The Committee recognises the importance that children born through surrogacy arrangements have access to the full picture regarding their parentage and genetic heritage. To this end, the Committee has recommended that the child's original birth certificate record the names of all parties to the surrogacy arrangement, including the birth parent(s), the intending parent(s) and gamete donors where they exist. Once parentage is transferred to the intending parents, through the mechanism recommended by the Committee, a new birth certificate would be issued recording the names of the intending parent(s) only, and including notation that an original birth certificate exists."

A copy of the electronic report can be obtained from the Committee's website at [www.parliament.nsw.gov.au/lawandjustice](http://www.parliament.nsw.gov.au/lawandjustice). Hard copies are available on request from the Committee Secretariat on 02 9230 3509 or email [lawandjustice@parliament.nsw.gov.au](mailto:lawandjustice@parliament.nsw.gov.au).

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