

## **CLAUSE NOTES**

### **Surrogacy (Consequential Amendments) Bill 2011**

#### **PART 1 – Preliminary**

##### **Clause 1: Short title**

sets out the name (also called the short title) of the proposed Act

##### **Clause 2: Commencement**

provides for the commencement of the proposed Act on a day or days to be appointed by proclamation

#### **PART 2 – Anti-Discrimination Act 1998 Amended**

##### **Clause 3: Principal Act**

Provides that the Principal Act for Part 2 is the *Anti-Discrimination Act 1998*.

##### **Clause 4: Section 3 amended (Interpretation)**

Amends the interpretation section of the Anti-Discrimination Act 1998 so that the concept of surrogate child and surrogate parent/s are captured in the Act.

#### **Part 3 – Domicile Act 1980 Amended**

##### **Clause 5: Principal Act**

Provides that the Principal Act for Part 3 is the *Domicile Act 1980*.

##### **Clause 6: Section 8 amended (Domicile of certain children)**

Provides that a surrogate child is to take the domicile of the intended parents as opposed to the birth parents. These provisions mirror those for adopted children.

## **PART 4 – Duties Act 2001 Amended**

### **Clause 7: Principal Act**

Provides that in Part 4 the Principal Act is the *Duties Act 2001*.

### **Clause 8: Section 3 amended (Interpretation)**

Includes a definition of surrogate child in the *Duties Act 2001* which will enable surrogate children to be included in the Act.

### **Clause 9: Section 4 substituted**

Section 4 of the Principal Act provides the meaning of child for the purpose of definition of “related person” in section 3 of the Principal Act. The definition now takes into account children born as a result of a surrogacy arrangement.

### **Clause 10: Section 225 amended (Intergenerational rural transfers)**

Provides that a relative of a person includes a surrogate child of the person.

## **PART 5 – Evidence Act 2001 Amended**

### **Clause 11: Principal Act**

Provides that the Principal Act for the purposes of Part 5 is the *Evidence Act 2001*.

### **Clause 12: Section 3 amended (Interpretation)**

Inserts the concept of surrogate child and surrogate parent into the definitions section of the Evidence Act 2001 which will enable surrogate children and surrogate parents to be included in the Act.

## **PART 6 – Local Government Act 1993 amended**

### **Clause 13: Principal Act**

Provides that the Principal Act for Part 6 is the *Local Government Act 1993*.

**Clause 14: Section 112 amended (Interpretation of Division 8)**

Inserts the concept of surrogate child into the interpretation of part 8 of the Principal Act which deals with farm rating relief.

**PART 7 – Parliamentary (Disclosure of Interests) Act 1996 amended**

**Clause 15: Principal Act**

Provides that the Principal Act for Part 7 is the *Parliamentary (Disclosure of Interests) Act 1996*.

**Clause 16: Section 3 amended (Interpretation)**

Inserts the concept of surrogate child into the definitions section of the Principal Act which will enable surrogate children to be included in the Act.

**PART 8 – Relationships Act 2003 Amended**

**Clause 17: Principal Act**

Provides that the Principal Act for the purpose of Part 8 is the *Relationships Act 2003*.

**Clause 18: Section 3 amended (Interpretation)**

Amends the interpretation section of the Relationships Act 2003 to include the concepts of surrogate child and surrogate parent which will enable surrogate children and surrogate parents to be included in the Act.

**Clause 19: Section 7 amended (Family relationships)**

Outlines the familial relationships in relation to a surrogate child.

**PART 9 – Testator’s Family Maintenance Act 1912 Amended**

**Clause 20: Principal Act**

provides that in Part 9 the Principal Act is the *Testator's Family Maintenance Act 1912*.

**Clause 21: Section 2 amended (Interpretation)**

Introduces the concept of surrogate child to the *Testator's Family Maintenance Act 1912* which will enable surrogate children to be included in the Act.

## **PART 10 – Legislation repealed**

### **Clause 22: legislation repealed**

Provides that the legislation referred to in Schedule I is repealed

## **PART 11 – Repeal**

### **Clause 23: Repeal**

Provides that this Act is repealed on the ninetieth day from the day on which it commences.

## **SCHEDULE I – Legislation Repealed**

### **Section 22:**

The Surrogacy Contracts Act 1993 is repealed.

