

Deputy Premier  
Attorney-General  
Minister for Justice  
Minister for Health

Tabled by  
Hon. D. Parkinson MLC  
26/10/08.



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Dr Colin Huntly  
Clerk Of Committees  
Parliament House  
**HOBART TAS 7000**

Dear Dr Huntly

Thank you for your letter of 26 August 2008 regarding the Report of the Legislative Council Select Committee on Surrogacy.

In response, I wish to convey my support and general agreement with each of the recommendations made in the Report. I have included comments related to Recommendations 3 and 4:

**Recommendation 1**

- The Committee recommends that section 5 of the *Surrogacy Contracts Act 1993*, be repealed and a new section 5 be inserted in the following terms: [as described in the report].

**Recommendation 2**

- The Committee recommends that the Tasmanian Government implement the final recommendations of the Standing Committee in relation to legal recognition of parentage achieved by surrogacy arrangements, at the early possible time.

**Recommendation 3**

- The Committee recommends that a national, or otherwise uniform, birth certificate be implemented with a facility to store relevant parental data in a complimentary register so as to protect the wellbeing of the child in question while preventing any form of discrimination on the basis of parentage.
- It is the Government's view that provisions regarding access to this data would need to be clearly identified and protocols approved.

#### **Recommendation 4**

- The Committee recommends that supervision and sanction of lawful, albeit unenforceable, pre-conception altruistic surrogacy agreements together with the making of relevant parent recognition orders and general parenting orders be referred to the Family Court.

It is the Government's view that this would be beneficial only if all jurisdictions implement the same orders.

#### **Recommendations 5**

- The Committee recommends that any prospective party to a pre-conception altruistic surrogacy agreement should be required to undertake relevant recognised courses of therapeutic counselling and legal advice. A report from the counselling providers should be provided to the Court when any application to lodge a pre-conception altruistic surrogacy agreement is made. The Court should take due cognisance of any recommendations made in a post-counselling report when making, or refusing to make its order approving the pre-conception altruistic surrogacy agreement.

#### **Recommendation 6**

- The Committee recommends that any prospective party to a pre-conception altruistic surrogacy agreement should be not less than 21 years of age at the time when the agreement is reached.

#### **Recommendation 7**

- The Committee recommends that all prospective surrogate women should have carried at least one previous child to term before being eligible to enter into a pre-conception altruistic surrogacy agreement.

#### **Recommendation 8**

- The Committee recommends that parties to a pre-conception altruistic surrogacy agreement should be required to lodge an application for the making of relevant parent recognition orders to the Family Court between six weeks and six months from the date of birth of the child at the heart of the agreement.

Thank you once again for the opportunity to present my response.

Yours sincerely

Lara Giddings, MP  
**Deputy Premier**  
**Minister for Health**