Legislative safeguards for responsible surrogacy

The Surrogacy Inquiry Final Report contains 47 recommendations for reforming surrogacy laws in Australia. This information sheet outlines the well-regulated domestic surrogacy process that the ALRC's recommendations would create. That process would incorporate a range of important safeguards to ensure the rights of all parties are respected.

Surrogacy for profit or reward (i.e. commercial surrogacy) would remain prohibited

Legislative safeguards

- Reason to access surrogacy
- Minimum age requirements
- Citizenship and residency requirement
- Previous successful pregnancy
- Medical assessment to confirm the arrangement can proceed without undue risk to surrogate
- Criminal history check (for intended parent(s))

- Independent legal advice
- Implications counselling
- Psychological assessment (where required)

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A compliant surrogacy agreement

- Legislative safeguards are met
- Agreement is in writing
- Signed by surrogate and intended parent(s)
- Entered into before pregnancy
- Provision about ongoing counselling
- Statement about surrogate's bodily integrity
- Statement of intention

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Compliance safeguards

- Surrogacy Support Organisation must not approve non-compliant arrangements
- ART service providers must not conduct a procedure that attempts to achieve a pregnancy via surrogacy unless the arrangement is approved
- National Regulator has oversight and compliance role, including through a civil penalty regime targeting failure to comply with requirements

Read the Final Report and Summary Report **here**