

**SURROGACY CONTRACTS ACT 1993**

No. 4 of 1993

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AN ACT to prohibit surrogacy contracts in relation to child bearing

[Royal Assent 20 April 1993]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Surrogacy Contracts Act 1993*.

Commencement

2—This Act commences on a day to be proclaimed.

Interpretation

3—In this Act, unless the contrary intention appears—

“reward” includes any benefit or other kind of property that has a monetary value;

“surrogacy contract” means a contract, agreement or arrangement, with or without payment or reward, under which—

(a) a person agrees to become, or is already, pregnant and agrees to surrender to another person the custody or guardianship of, or rights in relation to, a child born as a result of the pregnancy; and

(b) the other person agrees to accept custody or guardianship of such a child.

Surrogacy contracts

4—(1) A person must not introduce, or agree to introduce, prospective parties to a surrogacy contract.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.

(2) A person must not induce another person to enter into a surrogacy contract.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.

(3) A person must not arrange or negotiate, or agree to arrange or negotiate, a surrogacy contract on behalf of another person.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.

(4) A person must not make or receive, or agree to make or receive, a payment or reward in relation to a surrogacy contract.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.

Technical and professional services

5—A person must not provide any technical or professional services in relation to achieving a pregnancy which to that person's knowledge is, or is to be the subject of, a surrogacy contract.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.

Advertising

6—A person must not publish, or cause to be published, an advertisement, notice or other document that—

- (a) states that a person is or may be willing to enter into a surrogacy contract; or
- (b) states that a person is seeking another person who is willing to enter into a surrogacy contract; or
- (c) states that a person is willing to arrange or negotiate a surrogacy contract on behalf of another person.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.

Effect of surrogacy contract

7—A surrogacy contract is void and unenforceable wherever the contract is made and whatever law may be the proper law of the contract.

Other laws not affected

8—This Act does not affect the operation of any law relating to the adoption or guardianship of children.

Administration of Act

9—Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Minister for Community and Health Services; and

- (b) the Department responsible to the Minister for Community and Health Services in relation to the administration of this Act is the Department of Community and Health Services.
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*[Second reading presentation speech made in:—
House of Assembly on 11 November 1992
Legislative Council on 19 November 1992]*