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# New surrogacy laws for Queensland

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Altruistic surrogacy is now legal in  
Queensland.

The *Surrogacy Act 2010* commenced on 1 June 2010 after extensive research and public consultation during 2008 and 2009.

For people unable to start a family, this historic milestone has meant they can legally pursue altruistic surrogacy (that is, non commercial arrangements) as a way to experience the joy of becoming parents.

Tomorrow's Queensland: strong, green, smart, healthy and fair

# What is a surrogacy arrangement?

A surrogacy arrangement is an arrangement between a woman (the birth mother) and another person or couple (the intended parents) where the birth mother agrees to become pregnant with a child for the intended parents.

## How does a surrogacy arrangement work under the new Act?

There are eight key steps when entering into a surrogacy arrangement.

Step 1	The parties to obtain independent legal advice prior to entering into the surrogacy arrangement. The lawyer who advises the intended parents cannot be the same lawyer who advises the birth mother and her spouse (if any).
Step 2	The parties to obtain counselling prior to entering into the surrogacy arrangement. This counsellor can provide counselling to more than one of the parties.
Step 3	Agreement is reached about the terms of the arrangement and a written surrogacy arrangement is prepared.
Step 4	The child is conceived. There are no limitations on how the pregnancy can occur or the genetic material that can be used. This is the personal decision for the birth mother. During pregnancy, the birth mother has control over her pregnancy.
Step 5	Birth of the child. The birth parents must register the birth of the child at the Births, Deaths and Marriages Registry. The child must reside with the intended parents for 28 days before an application can be made to the court for an order transferring parentage.
Step 6	Obtain a surrogacy guidance report by an independent and appropriately qualified counsellor – this cannot be the same counsellor the parties spoke with prior to entering into the surrogacy arrangement. The birth parents and intended parents must see this counsellor after the child is born.
Step 7	Intended parents to lodge the court application. The child must be at least 28 days old before an application can be filed. The application to be filed not before the child is 28 days old and not after the child is 6 month old. The documents to be given to the court are set out in section 25 of the <i>Surrogacy Act 2010</i> . The court may also request other documents depending upon the circumstances of the case. The court must be satisfied of the matters set out in section 22 of the <i>Surrogacy Act</i> .
Step 8	If the court makes the parentage order, the parentage order may be registered with the Registry of Births, Deaths and Marriages, so that the intended parents details are recorded on the child's birth certificate.

For more information on surrogacy arrangements visit [www.justice.qld.gov.au](http://www.justice.qld.gov.au) or contact Births, Deaths and Marriages on telephone (07) 3247 5811.

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