
Surrogacy Bill 2010

Amendments proposed by Legislative Assembly on 10 November 2010.

No. 1 Page 7. Insert after line 34:

11 Geographical nexus for offences

- (1) This section applies for the purposes of, and without limiting, Part 1A of the *Crimes Act 1900*.
- (2) The necessary geographical nexus exists between the State and an offence against this Division if the offence is committed by a person ordinarily resident or domiciled in the State.

Note. Section 10C of the *Crimes Act 1900* also provides that a geographical nexus exists between the State and an offence if the offence is committed wholly or partly in the State or has an effect in the State.

No. 2 Page 13. Insert after line 8:

28 Maturity of younger intended parent must be demonstrated

- (1) If an intended parent was under 25 years of age when the surrogacy arrangement was entered into, the Court must be satisfied that the intended parent is of sufficient maturity to understand the social and psychological implications of the making of a parentage order.
- (2) An intended parent who was under 25 years of age when the surrogacy arrangement was entered into must provide evidence to the satisfaction of the Court:
 - (a) that he or she received counselling from a qualified counsellor about the surrogacy arrangement and its social and psychological implications before entering into the surrogacy arrangement, and
 - (b) that the counsellor was satisfied that he or she was of sufficient maturity to understand the surrogacy arrangement and its social and psychological implications.
- (3) This precondition is a mandatory precondition to the making of a parentage order.
- (4) This precondition does not apply to a pre-commencement surrogacy arrangement.
- (5) If the Court grants leave to an intended parent to make a sole application in respect of a surrogacy arrangement that involves 2 intended parents, it is not necessary to establish that the intended parent who is not a party to the application meets this precondition.