

LEGISLATIVE ASSEMBLY

ASSISTED REPRODUCTIVE TREATMENT BILL 2008

(Amendment to be moved by Mr Stensholt)

Clause 147, page 100, after line 34 insert—

**"19A Surrogacy arrangements where commissioning parents' gametes used**

- (1) This section applies if a child born under a surrogacy arrangement was conceived using the gametes of the commissioning parents.
- (2) Despite section 19, and any other provision of this Act to the contrary, the following presumptions of parentage apply and are irrebuttable—
  - (a) a commissioning parent who donated the sperm used to conceive the child is presumed to be the father of the child;
  - (b) a commissioning parent who donated the egg used to conceive the child is presumed to be the mother of the child.
- (3) If one commissioning parent is presumed to be a parent of the child under this section, the second commissioning parent (if any) may apply to the court for a substitute parentage order.
- (4) A substitute parentage order referred to in subsection (3) may only confer legal parentage on the second commissioning parent in addition to, but not in place of, the commissioning parent who is presumed to be a parent of the child under this section."