



Standing Committee on Justice and Community Safety

Inquiry into Parentage (Surrogacy) Amendment Bill 2023 **ANSWER TO QUESTION TAKEN ON NOTICE**

Asked by Mr Peter Cain MLA on 21 February 2024: Mr Ng took on notice the following question:

Reference: Hansard [uncorrected] proof transcript, 21 February 2024 [PAGE 3]

In relation to: commercial surrogacy prosecutions

THE CHAIR: Thank you very much. Look we are not going to take an opening statement so we will just get straight into questions.

So minister, I make reference to the Surrogacy Australia submission, and they make the point that the offence of compensated surrogacy remains one of extra territorial operation. Obviously under the Parentage Act Part 4, it is an offence for an ACT resident to engage with a commercial surrogacy arrangement overseas.

I am just wondering, and given the—I guess the strength of the Surrogacy Australia submission, have there been any prosecutions under that part of the parentage act? What has been the impact of that prohibition in that offence?

Mr Ng: Mr Cain, I am not sure that we have that information to hand at the moment. Can I take that on notice with the committee? If I can come back with an answer before the end of the hearing today, I would be happy to do so.

Ms Tara Cheyne MLA: The answer to the Member's question is as follows:—

There have been no prosecutions in the ACT for the following offences under the *Parentage Act 2004*: section 41 (entering into a commercial substitute parent agreement), section 42 (procurement of substitute parent agreement), section 43 (advertising in relation to substitute parent agreements) and section 44 (facilitating pregnancy in the context of a commercial substitute parent agreement).

One of the objectives of the criminal offences in the *Parentage Act* is to deter specified behaviour. The number of prosecutions does not indicate the number of times that individuals in the community may have been influenced by the existence of the criminal offences, and then not engaged in the specified behaviour.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date:

29/2/24

By the Minister for Human Rights, Ms Tara Cheyne MLA.