

Surrogacy: Australia's legal framework

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Prepared by Kate Fitzpatrick, Board Member, Surrogacy Australia.

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Overview

This summary of Australia's federal Medicare regulations and state/territory laws concerning surrogacy has been provided in response to a question on notice from the Universal Access to Reproductive Health Senate Committee.

Surrogacy in Australia is regulated in each State and Territory. There is no federal legal uniformity, unlike in Canada, the UK or New Zealand, although some of the laws in each State and Territory conform to similar principles.

Eligibility for Medicare assistance for Intended Parents (IPs) going through surrogacy is covered by federal regulations. At the time of writing, it's illegal in Australia for surrogates or IPs to receive Medicare benefits on ART procedures, unlike others going through IVF.

In this document, the first section looks at key aspects of surrogacy regulations including Parentage Orders and Medicare regulations. The second summarizes surrogacy laws for each State and Territory, demonstrating inconsistencies.

Surrogacy Australia would like to thank Ms Sarah Jefford OA for providing information and assistance towards the completion of this document. If further legal advice is required by the Committee, she will be happy to oblige. Sarah can be reached at

Section 1

Introduction

Surrogacy is legal across Australia. Surrogates are usually over 25 years old, and surrogacy must be altruistic (unpaid). Commercial (paid) surrogacy is illegal in all States and Territories, which is consistent with Canada, the UK and New Zealand. The USA is the only large English-speaking country which allows commercial surrogacy.

The Intended Parents (IPs) must have a medical or social need for surrogacy. That means they must not be able to either conceive or carry a baby themselves, or if they can, to do so would pose serious risks to their health. However, who can access surrogacy, specifically in the LGBTQI+ context, varies state to state. There is some confusion over whether embryos can legally be created if IPs have not yet found a surrogate.

Across Australia, surrogates and IPs must undertake several rounds of legal and psychological counselling at the IPs' expense before an embryo transfer can take place. In Victoria and Western Australia, an independent

ethics board makes the final decision as to whether the surrogacy can go ahead. In the rest of the country, the process is overseen by the ART clinic.

The inconsistency of surrogacy laws across Australia has long been a cause for concern and frustration in the ART and surrogacy communities. Key aspects of law, such as the criteria for becoming a surrogate, whether traditional surrogacy is eligible for IVF, Medicare rebates, advertising for a surrogate and the presence of an ethics board to review the surrogacy case are different depending on where one lives. Some states require a surrogate to be a resident of that state, but not to undertake IVF treatments there for a Parentage Order to be granted. In other states, it's the reverse. There is very little margin for error. The situation is confusing and stressful for all concerned.

Although the law around creation of a baby via surrogacy is independent to each State and Territory, it's important to note that regulations concerning Medicare benefits for IVF treatments intended for a surrogate pregnancy are federal. No egg extraction, embryo creation or transfer is, at present, eligible for Medicare rebates, meaning the cost of these procedures is 2-3 times higher for IPs pursuing surrogacy as opposed to those looking at traditional IVF.

Parentage Orders

In Australia, IPs endure a wait of not less than 28 days (in some states, more) and no more than six months after their baby is born to be granted parental rights.

When the baby is born, the birth is registered in the state where the birth takes place, with the surrogate and her partner, if she has one, listed as the baby's parent(s) on the Birth Certificate. After the birth, the IPs can apply to the Supreme Court for a Parentage Order in the state where they live. The Order transfers parentage from the birth parents to the intended parents. The same system is used in the UK. The Birth Certificate is then re-issued with the new parents listed, instead of the surrogate and her partner. New Zealand IPs must adopt a child born through surrogacy; in Canada, largely, the IPs' lawyer applies for the birth certificate to be created with the IPs' names at the time of birth.

Surrogacy teams must be very careful to check the law in their State or Territory, as Parentage Orders are dependent on where the ART cycle took place and, sometimes, where the surrogate and the IPs reside. These laws are not consistent around Australia. Parentage Orders are also contingent on all the counselling and legal steps being followed before the surrogacy begins, and sometimes on the IPs being present at the birth.

In instances of abuse, for example, a Parentage Order can be revoked by any of the parties involved; by the child if they're over 18; or by the Attorney General in extreme circumstances.

Medicare

Australian society has deemed infertility enough of a health issue to warrant Medicare support for IVF because it cuts to the heart of quality of life. In 2018, the [Medicare Benefits Schedule Review Taskforce recommended](#) that Medicare funding be provided to support women going through altruistic surrogacy ART with their own eggs or donor eggs:

2) The Committee recommended providing MBS funding support to those undergoing an ART stimulated cycle as part of an altruistic (non-commercial) egg donation or surrogacy arrangement. This is intended to provide access for consumers for whom autologous ART stimulated cycle treatment (with their own eggs) is not ideal for valid medical reasons.

This was not implemented, even in the most recent GMST and MBS changes in 2022.

The number of surrogacy embryo transfers has never exceeded 240 per year in Australia and New Zealand; live gestational surrogacy births have never exceeded 92 per year. This represents no significant cost to the taxpayer. There were [81,049 IVF cycles in Australia in 2019](#); another couple of hundred is a minor addition. [Given the fertility rate and number of births in Australia has been decreasing over the last 10 years](#), it seems strange not to encourage more births domestically.

Without Medicare support, those who need IVF most because of genetics, sexuality or injury have to pay \$16k-\$18k per cycle, [triple](#) the \$4k-\$5k that any other hopeful parent would. Some of these intended parents have already suffered serious trauma.

Correcting the situation is straightforward. Two amendments will be needed, one within each of the following regulations:

1. Removal of 2.37.7 from the Health Insurance (General Medical Services Table) Regulations 2012:

2.37.7 Items relating to assisted reproductive services not to apply in certain pregnancy-related circumstances

Items 13200 to 13221 do not apply to a service provided in relation to a patient's pregnancy, or intended pregnancy, that is, at the time of the service, the subject of an agreement, or arrangement, under which the patient makes provision for transfer to another person of the guardianship of, or custodial rights to, a child born as a result of the pregnancy.

2. Removal of the following paragraph from Note T1.4 Assisted Reproductive Technology ART Services (Items 13200 to 13221) of the Medicare Benefits Schedule:

Medicare benefits are not payable for assisted reproductive services rendered in conjunction with surrogacy arrangements where surrogacy is defined as 'an arrangement whereby a woman agrees to become pregnant and to bear a child for another person or persons to whom she will transfer guardianship and custodial rights at or shortly after birth'.

Section 2

Victoria

Victoria's surrogacy laws were recently updated, after the [Gorton Review](#) was released in 2019. The review made 80 recommendations about surrogacy, ART and donor conception. A bill was introduced to Parliament in 2021 by then Health Minister Martin Foley, which passed both houses and became the [Assisted Reproductive Treatment Amendment Act 2021](#).

Question	Answer
Who is eligible for surrogacy?	Any man or woman, single or in a couple, regardless of sexual orientation, who is unable to become pregnant, unlikely to be able to become pregnant without placing their life or health, or that of the baby, at risk either from pregnancy or birth. All ART must take place in Victoria, in order for the Parentage Order to be granted.
Who is eligible to be a surrogate?	A surrogate must be at least 25 years old, must previously have been pregnant and given birth to a live child, and must not use her own eggs in the surrogacy arrangement. She must undergo a health assessment by an Obstetrician before she can undertake treatment. She does not have to be a Victorian resident.
How do IPs find a surrogate?	It's illegal for IPs to advertise for a surrogate, making 'matching' with a surrogate who is not already known to the IPs very difficult. IPs have the choice to go overseas or use an organization like Surrogacy Australia.
Can donor eggs and sperm be used?	Yes. Donor eggs and sperm can be used to create embryos, as long as there is a 'particular woman' in the arrangement into whom the embryos will be implanted. If there is no such woman, clinics may refuse to create the embryos.
Is a written surrogacy agreement mandatory?	No
Is legal consultation mandatory?	Yes. The IPs and the surrogate must each retain separate legal advice. The IPs pay for both lawyers. A letter from both lawyers must be submitted to the Patient Review Panel.

Question	Answer
Is counselling mandatory?	Yes
Is there an Ethics Board?	Yes. The Patient Review Panel meets every two months, and makes the final decision on every altruistic, gestational surrogacy in Victoria.
Is traditional surrogacy legal?	Yes, but cannot be facilitated by an IVF clinic.
Are Medicare benefits provided?	No. There is no Medicare rebate available for any ART process, including the extraction of eggs, the creation of embryos or the implantation of those embryos in the context of surrogacy.
Does a surrogate's partner need to consent?	No
Can donors withdraw consent once the embryos are created?	No
Who makes decisions about the pregnancy?	The surrogate mother has the same rights as any other pregnant woman to make decisions or take actions in relation to the management of the pregnancy and the birth of the child. This means it's ultimately the surrogate's choice whether to continue the pregnancy in the case of a genetic abnormality in the foetus, for example.
What expenses do the IPs cover?	All medical, counselling and pregnancy-related expenses incurred by the surrogate <i>and her partner</i> . This includes obvious costs like doctors' appointments, but also lost income for time off work, transport, pre-natal vitamins, extra counselling as required, and private health insurance, if desired.

New South Wales

Surrogacy legislation in NSW is covered by the [Surrogacy Act 2010](#). There was a [statutory review](#) of this Act tabled in July 2018 which recommended some of the more esoteric laws be repealed, for example the ban on paid advertising, however at the time of writing, none of these have been implemented.

Question	Answer
Who is eligible for surrogacy?	Any man or woman, single or in a couple, over 18, regardless of sexual orientation, who is unable to become pregnant, unlikely to be able to become pregnant without placing their life or health, or that of the baby, at risk either from pregnancy or birth. If one or both IPs is under 25, a Court must be satisfied they're mature enough to understand the implications of the Parentage Order. NSW IPs can also seek treatment outside NSW.
Who is eligible to be a surrogate?	A surrogate must be at least 25 years old and resident of NSW. She must not use her own eggs in the surrogacy arrangement. She must undergo a health assessment by an Obstetrician before she can undertake treatment. She may or may not have her own children.
How do IPs find a surrogate?	NSW IPs are allowed to advertise for a surrogate, so long as the arrangement is altruistic. This means it can't be a <i>paid</i> advertisement.
Can donor eggs and sperm be used?	Yes. Donor eggs and sperm can be used to create embryos, so long as there is a 'particular woman' in the arrangement into whom the embryos will be implanted. If there is no such woman, clinics may refuse to create the embryos.
Is a written surrogacy agreement mandatory?	Yes. This agreement must be signed by both parties.
Is legal consultation mandatory?	Yes. The IPs and the surrogate must each retain separate legal advice. The IPs pay for both lawyers. A letter from both lawyers must be submitted to the Patient Review Panel.
Is counselling mandatory?	Yes.
Is there an Ethics Board?	No.

Question

Answer

Is traditional surrogacy legal?	Yes, however it's murky as to whether it's possible to use an IVF clinic in this context.
Are Medicare benefits provided?	No. There is no Medicare rebate available for any ART process, including the extraction of eggs, the creation of embryos or the implantation of those embryos in the context of surrogacy.
Does a surrogate's partner need to consent?	Yes.
Can donors withdraw consent once the embryos are created?	No.
Who makes decisions about the pregnancy?	The surrogate mother has the same rights as any other pregnant woman to make decisions or take actions in relation to the management of the pregnancy and the birth of the child. This means it's ultimately the surrogate's choice whether to continue the pregnancy in the case of a genetic abnormality in the foetus, for example.
What expenses do the IPs cover?	All medical, counselling and pregnancy-related expenses incurred by the surrogate. This includes obvious costs like doctors' appointments, but also lost income for time off work, transport, pre-natal vitamins, extra counselling as required, and private health insurance, if desired.

ACT

Surrogacy legislation in the ACT is covered by the [Parentage Act 2004](#). The major difference between the ACT and other States and Territories is that traditional surrogacy is illegal in any context, and only one donor gamete can be used to create an embryo that will be used in gestational surrogacy. That is, at least one of the IPs must be genetically related to any baby carried by a surrogate.

Question	Answer
Who is eligible for surrogacy?	Any man or woman, single or in a couple, over 18, regardless of sexual orientation, who is unable to become pregnant, unlikely to be able to become pregnant without placing their life or health, or that of the baby, at risk either from pregnancy or birth. They must be residents of the ACT. The intended parents must be a couple – single people are not eligible for surrogacy in the ACT. All ART procedures must happen in the ACT for a Parentage Order to be granted.
Who is eligible to be a surrogate?	A surrogate must be at least 18 years old and does not have to be an ACT resident. She and her partner must not use their own genetic material in the surrogacy arrangement – traditional surrogacy is illegal in the ACT. She may or may not have her own children.
How do IPs find a surrogate?	It's illegal for IPs to advertise for a surrogate, making 'matching' with a surrogate who is not already known to the IPs very difficult. IPs have the choice to go overseas or use an organization like Surrogacy Australia.
Can donor eggs and sperm be used?	Yes, however only a donor egg or sperm is permitted, not both. One of the intended parents must be a genetic parent of the child. Embryos can be created so long as there is a 'particular woman' in the arrangement into whom the embryos will be implanted. If there is no such woman, clinics may refuse to create the embryos.
Is a written surrogacy agreement mandatory?	Yes. This agreement must be signed by both parties.
Is legal consultation mandatory?	Yes. The IPs and the surrogate must each retain separate legal advice. The IPs pay for both lawyers.
Is counselling mandatory?	Yes.

Question	Answer
Is there an Ethics Board?	No.
Is traditional surrogacy legal?	No.
Are Medicare benefits provided?	No. There is no Medicare rebate available for any ART process, including the extraction of eggs, the creation of embryos or the implantation of those embryos in the context of surrogacy.
Does a surrogate's partner need to consent?	Yes.
Can donors withdraw consent once the embryos are created?	No.
Who makes decisions about the pregnancy?	The surrogate mother has the same rights as any other pregnant woman to make decisions or take actions in relation to the management of the pregnancy and the birth of the child. This means it's ultimately the surrogate's choice whether to continue the pregnancy in the case of a genetic abnormality in the foetus, for example.
What expenses do the IPs cover?	All medical, counselling and pregnancy-related expenses incurred by the surrogate. This includes obvious costs like doctors' appointments, but also lost income for time off work, transport, pre-natal vitamins, extra counselling as required, and private health insurance, if desired.

Queensland

Surrogacy in Queensland is governed by the [Surrogacy Act 2010](#). The law here is a little more flexible on the whereabouts of the surrogate during the embryo transfer and during the pregnancy.

Question	Answer
Who is eligible for surrogacy?	Any man or woman, single or in a couple, over 25, regardless of sexual orientation, who is unable to become pregnant, unlikely to be able to become pregnant without placing their life or health, or that of the baby, at risk either from pregnancy or birth. The IPs must be Queensland residents but do not have to seek IVF treatment within Queensland.
Who is eligible to be a surrogate?	A surrogate must be at least 25 years old and does not have to be a Queensland resident. She may or may not have her own children.
How do IPs find a surrogate?	It's illegal for IPs to advertise for a surrogate, making 'matching' with a surrogate who is not already known to the IPs very difficult. IPs have the choice to go overseas or use an organization like Surrogacy Australia.
Can donor eggs and sperm be used?	Yes. Embryos can be created so long as there is a 'particular woman' in the arrangement into whom the embryos will be implanted. If there is no such woman, clinics may refuse to create the embryos.
Is a written surrogacy agreement mandatory?	Yes. This agreement must be signed by both parties.
Is legal consultation mandatory?	Yes. The IPs and the surrogate must each retain separate legal advice. The IPs pay for both lawyers.
Is counselling mandatory?	Yes.
Is there an Ethics Board?	No.
Is traditional surrogacy legal?	Yes.

Question

Answer

Are Medicare benefits provided?	No. There is no Medicare rebate available for any ART process, including the extraction of eggs, the creation of embryos or the implantation of those embryos in the context of surrogacy.
Does a surrogate's partner need to consent?	Yes.
Can donors withdraw consent once the embryos are created?	No.
Who makes decisions about the pregnancy?	The surrogate mother has the same rights as any other pregnant woman to make decisions or take actions in relation to the management of the pregnancy and the birth of the child. This means it's ultimately the surrogate's choice whether to continue the pregnancy in the case of a genetic abnormality in the foetus, for example.
What expenses do the IPs cover?	All medical, counselling and pregnancy-related expenses incurred by the surrogate. This includes obvious costs like doctors' appointments, but also lost income for time off work, transport, pre-natal vitamins, extra counselling as required, and private health insurance, if desired.

South Australia

In 2019, South Australia reviewed its [Family Relationships Act 1975](#). Surrogacy is now governed by the [Surrogacy Act 2019](#). The laws here are very strict regarding the introduction of surrogates and IPs. It's illegal to make these introductions or match surrogates with IPs, in addition to no paid advertising.

Question	Answer
Who is eligible for surrogacy?	Any man or woman, single or in a couple, over 25, regardless of sexual orientation, who is unable to become pregnant, unlikely to be able to become pregnant without placing their life or health, or that of the baby, at risk either from pregnancy or birth. The IPs must be Australian PRs or Citizens and SA residents.
Who is eligible to be a surrogate?	A surrogate must be at least 25 years old and has to be an Australian PR or Citizen. She must undergo IVF in SA.
How do IPs find a surrogate?	It's illegal for IPs to advertise for a surrogate, making 'matching' with a surrogate who is not already known to the IPs very difficult. IPs have the choice to go overseas, but this is difficult given the Australian PR or Citizen restriction. It's illegal to use any kind of paid or free matching service in SA, or even to introduce people who are looking for a surrogacy arrangement to each other.
Can donor eggs and sperm be used?	Yes, however one of the IPs must be related to the baby. Embryos can be created so long as there is a 'particular woman' in the arrangement into whom the embryos will be implanted. If there is no such woman, clinics may refuse to create the embryos.
Is a written surrogacy agreement mandatory?	Yes. This agreement must be signed by both parties.
Is legal consultation mandatory?	Yes. The IPs and the surrogate must each retain separate legal advice. The IPs pay for both lawyers. A
Is counselling mandatory?	Yes.
Is there an Ethics Board?	No.
Is traditional surrogacy legal?	Yes.

Question

Answer

Are Medicare benefits provided?	No. There is no Medicare rebate available for any ART process, including the extraction of eggs, the creation of embryos or the implantation of those embryos in the context of surrogacy.
Does a surrogate's partner need to consent?	No. The surrogate's partner is not party to the agreement.
Can donors withdraw consent once the embryos are created?	No.
Who makes decisions about the pregnancy?	The surrogate mother has the same rights as any other pregnant woman to make decisions or take actions in relation to the management of the pregnancy and the birth of the child. This means it's ultimately the surrogate's choice whether to continue the pregnancy in the case of a genetic abnormality in the foetus, for example.
What expenses do the IPs cover?	All medical, counselling and pregnancy-related expenses incurred by the surrogate. This includes obvious costs like doctors' appointments, but also lost income for time off work, transport, pre-natal vitamins, extra counselling as required, and private health insurance, if desired.

Northern Territory

The Northern Territory Government passed the NT's first surrogacy laws in 2022 after years of campaigning by intended parents and women who wanted to be surrogates. The [Surrogacy Act 2022](#) brings the NT in line with the rest of Australia in permitting altruistic surrogacy.

Question	Answer
Who is eligible for surrogacy?	Any man or woman, single or in a couple, over 25, regardless of sexual orientation, who is unable to become pregnant, unlikely to be able to become pregnant without placing their life or health, or that of the baby, at risk either from pregnancy or birth. The IPs must be Australian PRs or Citizens. She must reside in the NT at the time of the Parentage Order.
Who is eligible to be a surrogate?	A surrogate must be at least 25 years old and has to be an Australian PR or Citizen. They must reside in the NT at the time of the Parentage Order.
How do IPs find a surrogate?	It's illegal for IPs to advertise for a surrogate, making 'matching' with a surrogate who is not already known to the IPs very difficult. IPs have the choice to go overseas, but this is difficult given the Australian PR or Citizen restriction. It's illegal to use any kind of paid or free matching service in the NT, or even to introduce people who are looking for a surrogacy arrangement to each other.
Can donor eggs and sperm be used?	Yes. Embryos can be created so long as there is a 'particular woman' in the arrangement into whom the embryos will be implanted. If there is no such woman, clinics may refuse to create the embryos.
Is a written surrogacy agreement mandatory?	No.
Is legal consultation mandatory?	Yes. The IPs and the surrogate must each retain separate legal advice. The IPs pay for both lawyers.
Is counselling mandatory?	Yes.
Is there an Ethics Board?	No.

Question

Answer

Is traditional surrogacy legal?	Yes.
Are Medicare benefits provided?	No. There is no Medicare rebate available for any ART process, including the extraction of eggs, the creation of embryos or the implantation of those embryos in the context of surrogacy.
Does a surrogate's partner need to consent?	No.
Can donors withdraw consent once the embryos are created?	No.
Who makes decisions about the pregnancy?	The surrogate mother has the same rights as any other pregnant woman to make decisions or take actions in relation to the management of the pregnancy and the birth of the child. This means it's ultimately the surrogate's choice whether to continue the pregnancy in the case of a genetic abnormality in the foetus, for example.
What expenses do the IPs cover?	All medical, counselling and pregnancy-related expenses incurred by the surrogate. This includes obvious costs like doctors' appointments, but also lost income for time off work, transport, pre-natal vitamins, extra counselling as required, and private health insurance, if desired.

Western Australia

In WA, surrogacy is governed by the [Surrogacy Act 2008](#), however as of May 2022, this Act is under review by a panel of experts. This is largely because the 2008 Act prohibited same sex couples and single women from pursuing surrogacy. The WA Premier Mark McGowan has promised that these restrictions will be rectified.

Question	Answer
Who is eligible for surrogacy?	Heterosexual couples who are unable to become pregnant, unlikely to be able to become pregnant without placing their life or health, or that of the baby, at risk either from pregnancy or birth. At least one member of the couple must be over 25. IVF must be conducted within WA. Single people or same-sex couples are ineligible.
Who is eligible to be a surrogate?	A surrogate must be over 25 and have already given birth to her own children.
How do IPs find a surrogate?	It is illegal to advertise for a surrogate in WA, and it is illegal for someone to publish anything that indicates they are willing to be a surrogate for someone else.
Can donor eggs and sperm be used?	Yes. Embryos can be created so long as there is a ‘particular woman’ in the arrangement into whom the embryos will be implanted. If there is no such woman, clinics may refuse to create the embryos.
Is a written surrogacy agreement mandatory?	Yes, the agreement must be signed by all parties.
Is legal consultation mandatory?	Yes. The IPs and the surrogate must each retain separate legal advice. The IPs pay for both lawyers.
Is counselling mandatory?	Yes.
Is there an Ethics Board?	Yes, the Reproductive Technology Council.
Is traditional surrogacy legal?	Yes.

Question

Answer

Are Medicare benefits provided?	No. There is no Medicare rebate available for any ART process, including the extraction of eggs, the creation of embryos or the implantation of those embryos in the context of surrogacy.
Does a surrogate's partner need to consent?	No.
Can donors withdraw consent once the embryos are created?	No.
Who makes decisions about the pregnancy?	The surrogate mother has the same rights as any other pregnant woman to make decisions or take actions in relation to the management of the pregnancy and the birth of the child. This means it's ultimately the surrogate's choice whether to continue the pregnancy in the case of a genetic abnormality in the foetus, for example.
What expenses do the IPs cover?	All medical, counselling and pregnancy-related expenses incurred by the surrogate. This includes obvious costs like doctors' appointments, but also lost income for time off work, transport, pre-natal vitamins, extra counselling as required, and private health insurance, if desired.

Tasmania

In Tasmania, surrogacy is governed by the [Surrogacy Act 2012](#). There are some restrictions here on the location of surrogates and IPs in order to qualify for a Parentage Order in Tasmania.

Question	Answer
Who is eligible for surrogacy?	Any man or woman, single or in a couple, over 21, regardless of sexual orientation, who is unable to become pregnant, unlikely to be able to become pregnant without placing their life or health, or that of the baby, at risk either from pregnancy or birth. The IPs must reside in Tasmania, and Tasmanian parents must find a surrogate who resides in Tasmania.
Who is eligible to be a surrogate?	A surrogate must be over 25 and have already given birth to her own children. She must be a Tasmanian resident for Tasmanian IPs, but she is also free to carry for IPs interstate.
How do IPs find a surrogate?	It is illegal to advertise for a surrogate in Tasmania, and it is illegal for someone to publish anything that indicates they are willing to be a surrogate for someone else.
Can donor eggs and sperm be used?	Yes. Embryos can be created so long as there is a 'particular woman' in the arrangement into whom the embryos will be implanted. If there is no such woman, clinics may refuse to create the embryos.
Is a written surrogacy agreement mandatory?	Yes, the agreement must be signed by all parties.
Is legal consultation mandatory?	Yes. The IPs and the surrogate must each retain separate legal advice. The IPs pay for both lawyers.
Is counselling mandatory?	Yes.
Is there an Ethics Board?	No.
Is traditional surrogacy legal?	Yes.

Question

Answer

Are Medicare benefits provided?	No. There is no Medicare rebate available for any ART process, including the extraction of eggs, the creation of embryos or the implantation of those embryos in the context of surrogacy.
Does a surrogate's partner need to consent?	No.
Can donors withdraw consent once the embryos are created?	No.
Who makes decisions about the pregnancy?	The surrogate mother has the same rights as any other pregnant woman to make decisions or take actions in relation to the management of the pregnancy and the birth of the child. This means it's ultimately the surrogate's choice whether to continue the pregnancy in the case of a genetic abnormality in the foetus, for example.
What expenses do the IPs cover?	All medical, counselling and pregnancy-related expenses incurred by the surrogate. This includes obvious costs like doctors' appointments, but also lost income for time off work, transport, pre-natal vitamins, extra counselling as required, and private health insurance, if desired.