

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: 1.4

Question No. SBE14/169

Senator Wright asked the following written question from the 20 November and 11 December 2014 hearings.

1. The Family Law Council has recommended examining the laws covering surrogacy, adoption and custody.
 - a) What is it about the existing laws that the Family Law Council views as flawed?
 - b) What changes to the law would the Family Law Council like to see, in relation to surrogacy?
 - c) Is it the Family Law Council's view that Australia's domestic surrogacy laws, despite being different in each state, encourage more Australians to engage in commercial surrogacy arrangements overseas?
 - d) In relation to overseas surrogacy, how does the existing legislation protect the rights of surrogate mothers and children born through surrogacy?
 - e) Is it your view the Federal Government should have oversight of surrogacy?
2. What advice has the Family Law Council given to the Attorney-General in relation to surrogacy over the past 12 months?

The answer to the honourable senator's question is as follows:

- 1(a), 1(b), 1(c) – As an independent advisory body, the Family Law Council provided its views and recommendations to the Attorney-General in its report *Parentage and the Family Law Act 1975*, available at:
<http://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Pages/FamilyLawCouncilpublicreports.aspx>
- 1(d), 1(e) – Surrogacy is regulated by the States and Territories.
2. – The Family Law Council provided advice on surrogacy to the Attorney-General on 17 December 2013, in its report *Parentage and the Family Law Act 1975*, available at:
<http://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Pages/FamilyLawCouncilpublicreports.aspx>