



Surrogate Parenthood Act 1988

Reprinted as in force on 9 November 1995

Reprint No. 1*

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This Act is reprinted as at 9 November 1995.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use expressions consistent with current drafting practice (s 29)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- omit the enacting words (s 42A).

This page is specific to this reprint. A table of reprints is included in the endnotes.

See endnotes for information about editorial changes made in the reprint including the table of obsolete and redundant provisions.

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).



Queensland

Surrogate Parenthood Act 1988

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Surrogate Parenthood Act 1988

[reprinted as in force on 9 November 1995]

An Act to proscribe surrogacy in relation to child bearing and for related purposes

1 Short title

This Act may be cited as the *Surrogate Parenthood Act 1988*.

2 Meaning of expressions

In this Act—

act as a surrogate parent means to lend oneself as the bearer of a child to the performance of a prescribed contract that has been made or that is to be made.

prescribed contract means a contract, agreement or arrangement made between 2 or more persons, whether formally or informally and whether or not for payment or reward, under which it is agreed—

- (a) that a person shall become or shall seek or attempt to become the bearer of a child and that a child delivered as the result thereof shall become and be treated, whether by adoption, agreement or otherwise, as the child of any person or persons other than the person firstmentioned in this paragraph; or
- (b) that a child delivered from a person who is the bearer of any embryo, foetus or child at the time when the prescribed contract is made shall become and be treated, whether by adoption, agreement or otherwise, as the child of any person or persons other than the person firstmentioned in this paragraph.

3 Surrogacy prohibited

- (1) A person shall not—
 - (a) publish or cause to be published any advertisement, statement, notice or other document that—
 - (i) is intended or likely to induce a person to agree to act as a surrogate parent; or
 - (ii) seeks or purports to seek a person to agree to act as a surrogate parent; or
 - (iii) states or implies that a person is willing to agree to act as a surrogate parent; or
 - (iv) states or implies that a person is willing to enter into a prescribed contract; or
 - (b) make, give or receive or agree to make, give or receive a payment or reward for or in consideration of—
 - (i) entering into a prescribed contract; or
 - (ii) a person agreeing to act as a surrogate parent; or
 - (c) enter into or offer to enter into a prescribed contract.

Maximum penalty—100 penalty units or 3 years imprisonment.
- (2) A person who does an act that is prohibited by subsection (1) commits an offence against this Act and is liable to be punished therefor if—
 - (a) the act occurs in Queensland, irrespective of the whereabouts of the offender at that time; or
 - (b) the offender is ordinarily resident in Queensland at that time, irrespective of where the act occurs.

4 Effect in Queensland of prescribed contracts

- (1) A prescribed contract made after the commencement of this Act is void.
- (2) No action shall be maintained in a court of Queensland—

- (a) for the enforcement of a prescribed contract made after the commencement of this Act; or
- (b) for the recovery of any money or other thing paid or given in connection with a prescribed contract made after the commencement of this Act;

wherever the contract may be made and whatever law may be the proper law of the contract.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Surrogate Parenthood Act 1988 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	6 October 1988	9 November 1995

5 List of legislation

Surrogate Parenthood Act 1988 No. 65

date of assent 6 October 1988

commenced on date of assent

6 Table of obsolete and redundant provisions

under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
penalty provision permitting fine or imprisonment permits both	Penalties and Sentences Act 1992 s 180A