

Queensland



ANNO TRICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE



**No. 65 of 1988**

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

[ASSENTED TO 6TH OCTOBER, 1988]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

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

**2. Meaning of expressions.** (1) For the purposes of this Act, to 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.

(2) In this Act the expression “prescribed contract” means a contract, agreement or arrangement made between two 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 first-mentioned in this paragraph (a);

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 first-mentioned in this paragraph (b).

**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;

(ii) seeks or purports to seek a person to agree to act as a surrogate parent;

(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;

(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.

Penalty: 100 penalty units or imprisonment for three years or both.

(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 connexion 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.