

2002

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

ARTIFICIAL CONCEPTION AMENDMENT BILL 2002

EXPLANATORY MEMORANDUM

Circulated by authority of the
Attorney General
Jon Stanhope MLA

Outline

The purpose of the Artificial Conception Amendment Bill 2002 is to extend the period of operation of the amendments made by the *Artificial Conception Amendment Act 2000*.

The *Artificial Conception Amendment Act 2000* amended the *Artificial Conception Act 1985* to give the Supreme Court power to make parentage orders in favour of the genetic parents of children born under surrogacy arrangements, rather than the birth parents.

The effect of a parentage order is that, for all purposes:

- the child becomes in law a child of the genetic parents, and the genetic parents become in law the parents of the child as if the child had been born to the genetic parents;
- the child ceases to be a child of the birth parents or any adoptive parent or guardian, and any such person ceases to be a parent of the child; and
- the relationship to one another of all persons is determined on this basis.

The sunset clause in the Act will come into effect on 1 July 2002, so that the genetic parents of children conceived on or after that date under a surrogacy arrangement will not be able to make use of the provisions in the Act to make an application to the Supreme Court for a parentage order.

The sunset clause was included in the amendments pending consideration of the issue by the ACT Law Reform Commission as part of the Commission's reference on assisted reproductive technology. The ACT Law Reform Commission has not yet completed its report on this reference as anticipated at the time the expiry date of 1 July 2002 was included in the legislation.

The amendment proposed in this Bill will extend the period of operation of the amendments made by the *Artificial Conception Amendment Act 2000* until 1 July 2004. The amendment is intended to preserve the current law to allow further time for proper consideration of the issues by the community and the Legislative Assembly.