



Australian Capital Territory

Substitute Parent Agreements (Consequential Amendments) Act 1994

No. 70 of 1994

An Act to amend certain Acts in consequence of the enactment of the *Substitute Parent Agreements Act 1994*

[Notified in ACT Gazette S229: 1 November 1994]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Substitute Parent Agreements (Consequential Amendments) Act 1994*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on the day on which the provisions of the *Substitute Parent Agreements Act 1994* (other than sections 1 and 2) commence.

Children's Services Act 1986

3. After section 159 of the *Children's Services Act 1986* the following section is inserted:

Director to notify births under substitute parent agreements

“159A. (1) Where the Director becomes aware that a child was born as a result of a pregnancy that was the subject of a substitute parent agreement, the Director—

- (a) shall make such inquiries as he or she thinks reasonable to inform himself or herself correctly of the particulars that are required to be entered in the Register of Births under the *Registration of Births, Deaths and Marriages Act 1963* in relation to the child; and
- (b) shall furnish the particulars that have come to his or her knowledge to the Registrar-General.

“(2) In subsection (1)—

‘substitute parent agreement’ means a contract, agreement, arrangement or understanding under which—

- (a) a person agrees to become, or to attempt to become, pregnant and that a child born as a result of the pregnancy is to be taken to be (whether by adoption, agreement or otherwise) the child of another person; or
- (b) a person who is pregnant agrees that a child born as a result of the pregnancy is to be taken to be (whether by adoption, agreement or otherwise) the child of another person.”.

Public Health (Private Hospitals) Regulations

4. (1) Regulation 3 of the Public Health (Private Hospitals) Regulations is amended by inserting the following definition:

“ ‘substitute parent agreement’ means a contract, agreement, arrangement or understanding under which—

- (a) a person agrees to become, or to attempt to become, pregnant and that a child born as a result of the pregnancy is to be taken to be (whether by adoption, agreement or otherwise) the child of another person; or

- (b) a person who is pregnant agrees that a child born as a result of the pregnancy is to be taken to be (whether by adoption, agreement or otherwise) the child of another person;”.

(2) Regulation 11 of the Public Health (Private Hospitals) Regulations is repealed and the following regulation substituted:

Suspension and cancellation of registration

“11. (1) The Minister may suspend the registration of a private hospital if—

- (a) the proprietor, or an employee of the proprietor, contravenes these Regulations;
- (b) the proprietor, or an employee of the proprietor, provides or offers to provide advice or services to another person to facilitate—
 - (i) that other person entering into a commercial substitute parent agreement;
 - (ii) that other person procuring a person to enter into a substitute parent agreement; or
 - (iii) a person who is a party to a commercial substitute parent agreement becoming pregnant; or
- (c) in the opinion of the Minister, it is in the public interest to do so.

“(2) Where the Minister suspends the registration of a private hospital on a ground referred to in subregulation (1), the Minister may, after giving written notice to the proprietor, cancel the registration on that ground.”.

[Presentation speech made in Assembly on 19 May 1994]