

South Australia

# Surrogacy Regulations 2020

under the *Surrogacy Act 2019*

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## Legislative history

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### 1—Short title

These regulations may be cited as the *Surrogacy Regulations 2020*.

### 2—Commencement

These regulations come into operation on the day on which the *Surrogacy Act 2019* comes into operation.

### 3—Interpretation

In these regulations, unless the contrary intention appears—  
*Act* means the *Surrogacy Act 2019*.

### 4—Accredited counsellor

For the purposes of the definition of *accredited counsellor* under section 4(1) of the Act, an accredited counsellor must be a member, or be eligible for membership, of the Australian and New Zealand Infertility Counsellors Association subcommittee of the Fertility Society of Australia.

### 5—Reasonable surrogacy costs—prescribed payments

For the purposes of section 11(1)(b) of the Act, payments representing loss of income of the surrogate mother of the following kinds are prescribed in relation to the pregnancy to which the lawful surrogacy agreement relates:

- (a) loss of income during any period of the pregnancy when the surrogate mother was unable to work due to attendance at medical appointments relating to the pregnancy;
- (b) loss of income during any period of the pregnancy when the surrogate mother was unable to work on medical grounds relating to the pregnancy;

- (c) loss of income during any period within 2 months after the end of the pregnancy when the surrogate mother was unable to work on medical grounds relating to the end of the pregnancy.

## **6—Court orders relating to lawful surrogacy agreements—prescribed requirements and circumstances**

- (1) For the purposes of section 18(7) of the Act, the following provisions of Part 3 of the Act are prescribed:
  - (a) section 10(3)(a) to (f) (inclusive);
  - (b) section 10(4)(a) to (e) (inclusive);
  - (c) section 10(4)(g);
  - (d) section 10(5)(a) to (d) (inclusive).
- (2) For the purposes of section 18(9)(c) of the Act, circumstances in which the Court is satisfied that the other intended parent has impaired decision making capacity are prescribed.

## **7—Offence to arrange etc surrogacy agreement for another person—prescribed acts**

For the purposes of section 24(2)(b) of the Act, the following acts are prescribed:

- (a) a legal practitioner negotiating, or arranging or obtaining the benefit of, a lawful surrogacy agreement on behalf of an intended parent or a birth mother;
- (b) a legal practitioner or an accredited counsellor acting in accordance with the requirements of the Act;
- (c) a person registered under the *Assisted Reproductive Treatment Act 1988* for the provision or proposed provision of assisted reproductive treatment in accordance with that Act.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2020	212	<i>Gazette 18.6.2020 p3413</i>	1.9.2020: r 2