

South Australia

## **Family Relationships Variation Regulations 2016**

under the *Family Relationships Act 1975*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Family Relationships Variation Regulations 2016*.

#### **2—Commencement**

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978*).

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Family Relationships Regulations 2010***

#### **4—Insertion of regulation 3B and 3C**

After regulation 3A—insert:

##### **3B—Persons and bodies to be consulted in preparation of State Framework for Altruistic Surrogacy**

For the purposes of section 10FA(4)(a)(iv) of the Act the following persons and bodies are prescribed:

- (a) the Minister to whom the administration of the *Assisted Reproductive Treatment Act 1988* is committed;
  - (b) the Australian Human Rights Commission;
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- (c) the Council for the Care of Children;
- (d) the Donor Conception Support Group;
- (e) The Fertility Society of Australia;
- (f) the Health Consumers Alliance of South Australia Incorporated;
- (g) the Office for Women;
- (h) a person with knowledge and experience in the area of law relating to assisted reproductive treatment or surrogacy;
- (i) a person with knowledge and experience in relation to the adoption of children.

### **3C—Requirements for preparation of and consultation on State Framework for Altruistic Surrogacy**

For the purposes of section 10FA(4) of the Act, the State Framework for Altruistic Surrogacy (the *State Framework*) is to be prepared, and public consultation undertaken, in accordance with the following:

- (a) after consultation with the persons and bodies referred to in section 10FA(4)(a) of the Act, the Minister must prepare a draft of the State Framework and a report containing an explanation of the purpose and effect of the draft State Framework;
- (b) the Minister must cause the draft State Framework and the report to be published on a website determined by the Minister together with a notice—
  - (i) stating the places at which the draft State Framework and the report are to be made available for inspection; and
  - (ii) inviting interested persons to make written submissions in relation to the draft State Framework within the period specified in the notice (being not less than 60 days from the date of publication of the notice);
- (c) after consulting with the persons and bodies referred to in section 10FA(4)(a) of the Act on—
  - (i) the provisions of the draft State Framework; and
  - (ii) any alterations that the Minister proposes should be made to the draft State Framework (including as a result of matters raised in any written submissions received in response to the draft State Framework under paragraph (b)),

the Minister may—

- (iii) approve the draft State Framework as the State Framework for Altruistic Surrogacy; or
  - (iv) alter the draft State Framework and approve the draft State Framework as altered as the State Framework for Altruistic Surrogacy; or
  - (v) decline to approve the draft State Framework as the State Framework for Altruistic Surrogacy;
- (d) after approving the State Framework for Altruistic Surrogacy, the Minister must cause it to be published in the Gazette.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 27 October 2016

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