

# Improving Arrangements for Surrogacy Bill

## Questions for Submission to the Health Committee garnered from the Interim Report (3<sup>rd</sup> draft)

1. Do you agree with the requirement in this section or have any other views about the nature or level of a provider's assistance with a surrogacy arrangement that should trigger the requirement for the arrangement to be approved by the ethics committee?
2. How may applications made by a surrogate and intended parents operate in an easy and cost effective way?
3. Should the cancellation of an approval of a surrogacy arrangement or an assisted reproductive procedure proposed to be undertaken in connection with a surrogacy arrangement only be able to be made before a particular step or stage of the surrogacy process? If so, what should that step or stage be?
4. Should there be provision for a review panel to review the decisions of the ethics committee in relation to applications for approval of surrogacy arrangements and assisted reproductive procedures, or is the ability of the ethics committee to reconsider applications sufficient?
5. Do you have any views on what information should be collected about surrogates and donors, including whether surrogates' and donors' hapū and iwi should be collected separately from their ethnicity and cultural affiliations?
6. Should there be an upper time limit for the initiation or completion of a transfer of parentage by operation of law or by a parentage order? If so, what should the time limit be? Should an older surrogate-born child be able to apply for a parentage order, or have an exclusive right to apply for a parentage order?
7. 7. After a surrogate-born person's parentage has transferred to the intended parents, in what circumstances should a marriage or civil union be prohibited between the surrogate-born person and the surrogate or a member of the surrogate's family? Is the approach in new section 36 appropriate, or could a less restrictive approach be appropriate? For example, should a surrogate-born person who has no genetic connection to their surrogate and whose parentage has been transferred be able to enter into a civil union or marriage with a person who is a child of the surrogate?
8. Should a transfer of parentage have any other legal effects?

9. Do you agree that the transfer of parentage by operation of law should take effect when the intended parents receive the surrogate's signed declaration? Or should the transfer of parentage by operation of law take effect on the date that the surrogate signs the declaration, or at some other time?
10. Should a transfer of parentage by operation of law only be available in respect of a surrogate-born child who is born in New Zealand?
11. Are declarations of parentage needed and, if so, in what circumstances might an application for a declaration of parentage be made? Or should the provisions of subpart 4 of new Part 3 be removed from the Bill?
12. Are there other circumstances in which an overseas parentage determination should be recognised in New Zealand?
13. Should identity information about a surrogate-born child be collected at this point?
14. Should there be a mechanism to alert surrogate-born people to the existence of their restricted information? If so, is the notification mechanism proposed in new section 92A appropriate? Or is there an alternative mechanism that would better balance the right to identity information and the right to privacy of personal information?
15. Do you agree with new section 4A proposed to be inserted in the Adoption Act 1955? Or do you have any other views on when a surrogate-born child should be able to be adopted?

**Download the Interim Report:**

<https://selectcommittees.parliament.nz/view/SelectCommitteeReport/c42b74e6-6022-4964-591d-08dcb66dedfe>

The Interim Report includes discussion around each of the questions above and provides the text of the redrafted *Improving Arrangements for Surrogacy Bill*, which has changed substantially since the Bill was first introduced to Parliament on 23 September, 2021.