

Te Kōpū Whāngai: He Arotake | Review of Surrogacy

Terms of Reference

Te Aka Matua o te Ture | Law Commission will undertake a review of surrogacy in Aotearoa New Zealand. Surrogacy is an arrangement where a woman (the surrogate) agrees to become pregnant, and carries and delivers a child on behalf of another person or people who intend to raise the child from birth (the intending parent(s)).

Scope

The review will examine surrogacy law, regulation and practice in Aotearoa New Zealand. It will make recommendations to ensure that the law meets the needs and expectations of New Zealanders and protects and promotes the rights and interests of people involved in surrogacy arrangements, including children born as a result of a surrogacy arrangement, surrogates and intending parents.

The review will include (but not be limited to) consideration of:

- surrogacy from an ao Māori perspective and how the law should address any matters of particular concern to Māori;
- how surrogacy arrangements should be regulated in Aotearoa New Zealand;
- whether the types of payments intending parents can make under a surrogacy arrangement should be expanded, and if so, what types of payments should be permitted;
- how the law should attribute legal parenthood in surrogacy arrangements;
- how international surrogacy arrangements (where either the intending parent(s) or the surrogate live overseas) should be provided for in Aotearoa New Zealand law; and
- what information should be available to children born from surrogacy arrangements.

The review will consider various statutes as they apply to surrogacy arrangements, including the Human Assisted Reproductive Technology Act 2004, Status of Children Act 1969 and Adoption Act 1955.

The Commission will refer to its previous work on surrogacy and related matters including its 2005 report, *New Issues in Legal Parenthood* (NZLC R88, 2005). That report is available on the Commission's [website](#).

Review process and timing

The Commission will hold a public consultation process in 2021. The Commission intends to report to the Minister in 2022.

