

Australian Capital Territory

Parentage Regulation 2024

Subordinate Law SL2024-14

made under the

[[Parentage Act 2004](https://www.legislation.act.gov.au/a/2006-38/" \o "A2006-38)](http://www.legislation.act.gov.au/a/2004-1)

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1 Name of regulation

This regulation is the Parentage Regulation 2024.

2 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation.

Note 2 A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation provides otherwise or the contrary intention otherwise appears (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 155 and s 156 (1)).

3 Notes

A note included in this regulation is explanatory and not part of this regulation.

Note See the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 127 (1), (4) and (5) and the legal status of notes.

4 Reasonable expense—Act, s 24 (2)

(1) Expenses of the following kind are prescribed in relation to becoming or trying to become pregnant and a pregnancy or a birth (both antenatal and postnatal):

(a) any reasonable medical expenses incurred by the birth parent;

(b) any reasonable travel or accommodation expenses incurred by a presumed parent;

(c) if the birth parent obtains insurance—the insurance premium paid or increase in an existing insurance premium paid;

(d) for becoming or trying to become pregnant—the expense in reimbursing the birth parent for a loss of earnings as a result of any unpaid leave taken;

(e) for a pregnancy or a birth—the expense in reimbursing the birth parent for a loss of earnings as a result of unpaid leave taken, but only for the following periods:

(i) a period of not more than 2 months during which the birth happened or was expected to happen;

(ii) any other period during the pregnancy when the birth parent was unable to work on medical grounds related to pregnancy or birth;

(f) if the birth parent is the primary caregiver for another child, any reasonable out-of-pocket expenses associated with child care—

(i) incurred by the birth parent; and

(ii) including the expense in reimbursing the birth parent’s partner for a loss of earnings as a result of unpaid leave taken to care for the child while the birth parent is unable to care for the child;

(g) the expense in reimbursing the birth parent’s partner for a loss of earnings as a result of unpaid leave taken to care for the birth parent on medical grounds in accordance with a carer’s medical certificate provided by a doctor;

(h) any reasonable expenses, including reasonable medical expenses, incurred in respect of the child of the surrogacy arrangement.

(2) Expenses of the following kind are prescribed in relation to entering into and giving effect to a surrogacy arrangement:

(a) the reasonable expenses associated with a presumed parent receiving counselling in relation to the surrogacy arrangement;

(b) the reasonable expenses associated with a presumed parent obtaining legal advice in relation to the surrogacy arrangement;

(c) the reasonable expenses associated with an application for a parentage order, including reasonable travel and accommodation expenses.

(3) In this section:

medical expenses do not include expenses that are recoverable by the presumed parent under—

(a) Medicare, in accordance with the [Health Insurance Act 1973](https://www.legislation.gov.au/C2004A00101/latest/text) (Cwlth); or

(b) any health insurance or other scheme.

obtains insurance means enter into a contract for health, life or disability insurance or increase the level of insurance on an existing contract for the insurance.

5 Prescribed person—Act, s 25

The following people are prescribed:

(a) a doctor who is registered under the [Health Practitioner Regulation National Law (ACT)](https://legislation.act.gov.au/a/db_39269/) to practise in the specialty of psychiatry;

(b) a person registered under the [Health Practitioner Regulation National Law (ACT)](https://legislation.act.gov.au/a/db_39269/) to practise in the psychology profession (other than as a student);

(c) a person with a social work qualification that provides eligibility for membership of the Australian Association of Social Workers;

(d) a person who is a member of the Australian and New Zealand Infertility Counsellors Association (other than as a provisional member or an affiliate member).

Dictionary

(see s 2)

Note 1 The [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) contains definitions relevant to this regulation. For example:

 prescribed.

Note 2 Terms used in this regulation have the same meaning that they have in the [Parentage Act 2004](http://www.legislation.act.gov.au/a/2004-1). For example, the following terms are defined in the Act, dict:

 birth parent

 partner

 presumed parent

 surrogacy arrangement.

Endnotes

1 Making of regulation

This regulation was made as part of the [Parentage (Surrogacy) Amendment Act 2024](https://www.legislation.act.gov.au/a/2024-31/) (see A2024‑31, sch 2) and is taken to have been made under the [Parentage Act 2004](http://www.legislation.act.gov.au/a/2004-1) A2024‑1 (see A2024-31, s 4 (1)).

2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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