



Australian Capital Territory

Parentage Regulation 2024

Subordinate Law SL2024-14

made under the

[Parentage Act 2004](#)

Contents

	Page
1 Name of regulation	1
2 Dictionary	1
3 Notes	1
4 Reasonable expense—Act, s 24 (2)	1
5 Prescribed person—Act, s 25	3

Contents

	Page
Dictionary	4

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](#), 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](#), 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* (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)* to practise in the specialty of psychiatry;
- (b) a person registered under the *Health Practitioner Regulation National Law (ACT)* 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](#) 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](#). 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](#) (see A2024-31, sch 2) and is taken to have been made under the [Parentage Act 2004](#) 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.
