



Australian Capital Territory

Parentage Regulation 2024

SL2024-14

made under the

Parentage Act 2004

Republication No 1

Effective: 10 July 2024

Republication date: 10 July 2024

Regulation not amended

About this republication

The republished law

This is a republication of the *Parentage Regulation 2024*, made under the *Parentage Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 July 2024. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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Parentage Regulation 2024

made under the

Parentage Act 2004

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 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was made as part of the *Parentage (Surrogacy) Amendment Act 2024* (see A2024-31, s 4 and sch 2) and is taken to have been made under the *Parentage Act 2004* A2004-1 (see A2024-31, s 4 (1)).

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taken to have been notified LR 9 July 2024 (A2024-31 s 4 (2) (a))
s 1 commenced 9 July 2024 (LA s 75 (1))
remainder commenced 10 July 2024 (A2024-31 s 4 (2) (b))

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