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18 JUN 2008

Ms Linda Lavarch, MP
Chair, Investigation into Altruistic Surrogacy Committee
Parliament House
George St
BRISBANE QLD 4000

Dear Ms Lavarch, MP

Investigation into altruistic surrogacy – Call for public submissions

I refer to your letter of 6 May 2008, to Professor Warwick Anderson, CEO, NHMRC inviting the NHMRC to make a submission to the investigation into altruistic surrogacy that is being undertaken in Queensland. Professor Anderson has asked me to reply on his behalf.

Thank you for your request for the NHMRC's comments on this important matter and for providing a copy of the issues paper on altruistic surrogacy. As you would be aware, the NHMRC is Australia's peak body for developing health advice for the Australian community, health professionals and governments and for providing advice on ethical behaviour in health care at a national level.

In your issues paper, you refer to the NHMRC's '*Ethical guidelines on the use of assisted reproductive technology in clinical practice and research*', 2007 (ART guidelines). The ART guidelines recognise that noncommercial surrogacy is prohibited in some states and territories and provides ethical advice for noncommercial surrogacy where it is not prohibited.

As you are aware, the Standing Committee of Attorneys-General is currently investigating the feasibility of national uniform legislation in this area. The NHMRC is aware of this review and plans to make comments on this proposal to harmonise surrogacy legislation as part of any public consultation process that is undertaken. The NHMRC is supportive of the work that is being undertaken to harmonise the national regulation of surrogacy and supports any changes that seeks to protect the best interests of the child and minimises the scope for disputes between the surrogate mother and the intended parents.

Yours sincerely

Dr Timothy M Dyke
Executive Director
Quality and Regulation Branch
11 June 2008