

07 June 2023

Hon Kiritapu Allan
Minister of Justice

By email: kiri.allan@parliament.govt.nz

Tēnā koe Minita

Improving Arrangements for Surrogacy Bill

I am writing following your recent announcement that the Government will be adopting the *Improving Arrangements for Surrogacy Bill* as a Government Bill,

The New Zealand Law Society Te Kāhui Ture o Aotearoa welcomes the news that the Justice Committee will be considering whether the Bill can be redrafted to incorporate *Te Kōpū Whāngai: He Arotake*, the report of Te Aka Matua o te Ture. The Bill was drafted before that report was released, so did not have the benefit of its comprehensive evidence, analysis and recommendations. As drafted, the Bill is inconsistent with international requirements, and would raise significant issues around international compliance and workability.

The Law Society's [submission](#) on the Bill was prepared by a working group established by our Family Law Section, comprised of lawyers who work frequently in this complex area of law. The Law Society recommended the Bill not proceed, and that officials instead be directed to commence work based on the recommendations of Te Aka Matua o te Ture.

In the time that has passed since oral submissions were heard on the Bill, the Law Society has contacted the Justice Committee and the Ministry of Justice to seek information on the Bill's progress, and to encourage further public consultation if it is to be redrafted. Individual lawyers, including members of the working group mentioned above, have done the same. Unfortunately, the Ministry was not in a position to provide information about whether more consultation would occur, and a substantive response was not received from the Justice Committee.

Any redrafting of the Bill to incorporate *Te Kōpū Whāngai: He Arotake* and international considerations is likely to be significant. For the integrity of the legislative process – but also to ensure the resulting law is correct and workable – further consultation is critical.

It is important we get the Bill right, and avoid any unanticipated consequences or difficulties for the whānau who will come to use it.

Needless to say, the Law Society is available to discuss this with yourself and/or officials. I am happy to answer any questions, and look forward to the opportunity to contribute further to this important work.

Nāku noa, nā



Frazer Barton
President

cc: ju@parliament.govt.nz