

1 February 2023

Tangi Utikere  
Chairperson  
Health Committee

By email: [health@parliament.govt.nz](mailto:health@parliament.govt.nz)

Tēnā koe Tangi

**Re: Improving Arrangements for Surrogacy Bill**

I am writing to you on behalf of the New Zealand Law Society Te Kāhui Ture o Aotearoa, regarding the *Improving Arrangements for Surrogacy Bill*, which is currently before the Health Committee.

In July last year, the Law Society made a submission on this Bill, prepared with the expertise of its Family Law Section, including members who actively practise in the area of surrogacy law. The Law Society recommended that the Bill not proceed, and officials instead be directed to undertake the work necessary to implement the recommendations of the Law Commission, set out in the report *Te Kopū Whāngai: He Arotake*. This was a substantial report, making 63 recommendations within a complex and important area of law.

With the Committee now considering whether to incorporate the Law Commission's recommendations into this Bill, there is the prospect that much of the drafting on which the public was consulted will be extensively revised. The significance and complexity of this is such that – if the Bill is revised and proceeds – the Law Society considers further public consultation to be essential. This is important not only for the legislative process; it also ensures that the Bill – which relates to deeply personal rights and responsibilities and the recognition of whānau – is technically workable and substantively sound in relation to both domestic and international law. The Law Society and its Family Law Section are committed to participating in this process for the benefit of the public.

It may be that the Committee has already considered this. I would appreciate if you could advise how and when we might expect further consultation to occur.

Please feel free to contact me if you would like to discuss. I can be contacted via Aimee Bryant, Manager Law Reform and Advocacy ([aimee.bryant@lawsociety.org.nz](mailto:aimee.bryant@lawsociety.org.nz)).

Nāku iti noa, nā



Ataga'i Esera  
**Vice President**