



**Investigation into Altruistic  
Surrogacy Committee**

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*The Queensland Parliament appointed the Investigation into Altruistic Surrogacy Committee to investigate and report on the regulation of altruistic surrogacy in Queensland. The committee, which commenced on 26 February 2008, will report to Parliament in September 2008.*

## *Media Release*

### **SHOULD SURROGACY BE A CRIME? - PARLIAMENTARY COMMITTEE INVESTIGATING**

Queenslanders who pursue surrogacy arrangements are currently breaking the law, a Parliamentary issues paper has advised.

The Parliament's Investigation into Altruistic Surrogacy Committee, today released an issues paper stating that whilst altruistic surrogacy is permitted in all other Australian states and territories, it is a criminal offence in Queensland, attracting a fine of up to \$7,500 or 3 years imprisonment.

Committee Chair and former Attorney General, Mrs Linda Lavarch MP, said that the prohibition in Queensland had the potential to draw families contemplating altruistic surrogacy into the criminal justice system and severely penalise anyone involved.

Mrs Lavarch said that, "The committee is investigating whether the time has come to decriminalise altruistic surrogacy in Queensland and join with the rest of Australia in managing this issue."

"In 2006-2007, only 14 children were available for adoption in Queensland. Decriminalising altruistic surrogacy may offer some Queenslanders their only hope of having a child.

"The committee understands how strongly some Queensland couples who cannot have children want altruistic surrogacy decriminalised, however, we will give balanced consideration to all views put forward.

"The committee considers the interests of the child as the most important factor here," Mrs Lavarch said.

The Queensland Parliament established the committee to report to the Parliament on whether altruistic surrogacy should be decriminalised and regulated by the Queensland Government.

The issue was highlighted by the recent case of Federal Senator Stephen Conroy, who in 2006 had a child through a surrogacy arrangement.

The committee will consider a number of issues including: the conditions and requirements of surrogacy arrangements; legal parentage issues; and a child's right to information about their parental history.

The committee is seeking written submissions from interested groups and individuals.

For a copy of the committee's issues paper and guidelines on how to make a submission visit the committee's website at

[www.parliament.qld.gov.au/surrogacy](http://www.parliament.qld.gov.au/surrogacy).

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**Useful facts:**

*The case of Senator Conroy:*

Senator Stephen Conroy and his wife, Paula Benson, travelled to NSW from Victoria to undertake a surrogacy arrangement. Victorian legislation requires a surrogate to be infertile. NSW fertility laws permit assisted reproductive technology procedures for surrogacy when the surrogate is fertile.

Ms Benson was unable to bear a child due to ovarian cancer and a hysterectomy. The couple could not adopt as Ms Benson was required to be cancer free for five years. In the birth of their daughter Isabella, one friend provided the egg, which was fertilised by the Senator using IVF and implanted into another friend to carry the child to term.

The Senator has been recognised by the Court as the legal father of the child but Ms Benson is not legally regarded as the mother. Had this occurred in Queensland, Senator Conroy and his wife would have been breaking the law. Under the *Surrogate Parenthood Act 1988* it is illegal for Queenslanders to travel interstate to enter surrogacy contracts.

*Recent developments in Australia include:*

- The Western Australia Surrogacy Bill 2007 provides for the regulation of surrogacy arrangements and the parentage of children born of such arrangements (see: [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au));
- Report 26 of the South Australian Social Development Committee, *Inquiry into Gestational Surrogacy*, tabled 13 November 2007, recommended amendments to surrogacy legislation in South Australia. A Ministerial Response was tabled on 31 March 2008 (see: [www.parliament.sa.gov.au](http://www.parliament.sa.gov.au));
- A Victorian Law Reform Commission report, *Assisted reproductive technology & adoption: Final Report*, endorsed by the Victorian Government, recommended legalising and regulating altruistic surrogacy (see: [www.lawreform.vic.gov.au](http://www.lawreform.vic.gov.au)); and
- Tasmania's Legislative Council Select Committee on Surrogacy was established on 1 April 2008 to investigate amendments to surrogacy legislation in Tasmania (see: [www.parliament.tas.gov.au](http://www.parliament.tas.gov.au)).

For media comment, contact Mrs Linda Lavarch MP on 07-3205 6779.

For background information, contact Julie Conway, Research Director, committee secretariat, on 07-3406 7310.