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To: Surrogacy Committee

Subject: Online Submission - Investigation into Altruistic Surrogacy Committee

SUBMISSION FROM

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SUBMISSION

Should the legal restrictions and criminal penalties against altruistic surrogacy be removed from the *Surrogate Parenthood Act 1988* (Qld)?

Yes

Should the Queensland Government play a role in regulating altruistic surrogacy arrangements in Queensland?

Yes to ensure that the surrogate and commissioning parents receive whatever counselling might be necessary. This would be for the best interests of everyone including the child. To ensure that all parties involved have a complete understanding of all the implications and are in agreement. The Government should hold records of the arrangement so that it becomes legal and binding and clarifies subjects such as child support and medical insurances. They also need to control the child's right to their genetic history.

What other issues should be addressed by the Government?

That the commissioning parents be automatically recorded as the child's parents on the birth certificate. No adoption required.

What criteria, if any, should the commissioning parent/s and/or surrogate have to meet before entering into an altruistic surrogacy arrangement?

The commissioning parents should be infertile or have medical reasons for not being able to carry their own child. Surrogacy should never become anyone's preferred choice to have a family. Both criteria are assessable by the medical profession so should be easily enforced.

Should criteria for commissioning parents be similar to that for adoptive parents?

Not all criteria. To become an adoptive parent means parenting a child who has more often than not been abandoned or mistreated therefore facing many more issues. So naturally this requires a far more extensive program to ensure the adoptive parents are ready for such a role. To be born a child through surrogacy should need no more criteria than any parent having their first child. Just knowledge and understanding of the child's needs and best interests. Criteria that should be the same are being infertile and in good health.

What role should a genetic relationship between the child and the commissioning parent/s and/or surrogate play in an altruistic surrogacy arrangement?

The surrogate mother should not have a genetic relationship to the child.

Should at least one of the commissioning parents have a genetic relationship with the child?

No. If both commissioning parents are infertile or unable to produce embryos they should still be allowed a child through surrogacy.

Should the surrogate be able to use her gametes or should she have no genetic relationship to the child?

She should have no genetic relationship. If the child was her biological child it would greatly increase the risk of her being unable to relinquish the child. This causing conflict would in turn not be the best for the child. If an egg is needed then a donor egg should be sought.

What legal rights and responsibilities should be imposed upon the commissioning parent/s and/or surrogate?

Commissioning parents should have the right to be automatically named on the child's birth certificate therefore automatically adopting all rights of a parent. Couples requiring a surrogate should be given the same rights for assisted reproductive technology as any other infertile couple. Surrogates should have the right to be covered for any expenses caused by or relating to the pregnancy including any loss of pay. Although it would be more desirable for the surrogate to be a sister, cousin or close friend, access to advertising should be allowed for commissioning parents so long as it is not for financial reward. The commission parents should also have the right to be involved in the pregnancy.

Should the definition of altruistic surrogacy only include pre-conception agreements in Queensland?

Yes

If infertility and/or health risk to the mother or child is a criterion for surrogacy, how should these criteria be defined?

Infertility ONLY for reasons that prevent the commissioning mother from being able to carry the child herself. Or where carrying a child poses ANY kind of serious health risk to the mother.

How well does the transfer of legal parentage in a surrogacy arrangement fit with contemporary approaches in family law and adoption?

I believe that if a surrogacy arrangement is properly in place prior to the birth of the child then legal parentage should automatically be that of the commissioning parents.

How important is it for there to be a mechanism for the transfer of legal parentage that is specific to surrogacy arrangements? What would this be?

There are no other arrangement like surrogacy where an arrangement is securely in place before the child is conceived. The child is

conceived due to the commissioning parents desire for a child. There should be no need for transfer of parentage. The child should be born to the commissioning parents.

What are the consequences for children born of a surrogacy arrangement in Queensland of maintaining the status quo?

Children born through surrogacy arrangements need to be informed of their genetic history.

Should the surrogate's rights to be automatically recorded as the child's parent on the birth certificate and to approve legal transfer after birth remain if she has no genetic connection to the child?

No

What rights should a child born through an altruistic surrogacy arrangement have to access information relating his or her genetic parentage? Who should hold this information?

All rights