

**Sent:** Monday, 12 May 2008 4:45 PM

**To:** Surrogacy Committee

**Subject:** Online Submission - Investigation into Altruistic Surrogacy Committee

**SUBMISSION FROM**

**Name :** Amanda Robertson

**SUBMISSION**

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

Legal restrictions and criminal penalties should apply only if payment is offered and / or taken for surrogacy. Must remain altruistic or will head down the path of rent-a-womb which I consider unethical.

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

Yes. In line with NH&MRC guidelines on donor gametes and embryos, ensure best interests of the child be protected with access upon maturity (age 18) of surrogate birth. \* believe there should be a central register, also as a tool to check whether illegal payment has been offered / taken. \* believe that laws should be clear and unambiguous and that a written contract be entered into by all involved parties clearly stating rights and responsibilities of all. \* Commissioning parent/s should be age-limited as per IVF clinic guidelines. eg not over 45/50max.

**What other issues should be addressed by the Government?**

\* written contract should be written by Government and records held in central office, including copy of contract (also copy of contract should be held by infertility clinic if involved in conception).

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

\* Condition for commissioning parent: Counselling by approved ANZICA counsellor familiar with reproductive issues. Acceptance onto IVF program (if needed) subject to written report from ANZICA counsellor clearly stating that subject/s have considered all appropriate questions and appear suitable for commissioning. \* Ditto for surrogate, and her partner if applicable \* that written consent and counselling be mandatory for partner of surrogate

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

I am not familiar with all the adoptive criteria.

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

All the more reason for both the commissioning parent/s and the surrogates to be counselled appropriately by ANZICA counsellor who has extensive experience in this field via work with donor egg, sperm and embryo cases in IVF clinics.

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

No, not necessary.

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

I think it would be best not to involve the gametes of the surrogate.

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

\* Surrogate has legal responsibility to ensure the good health of the foetus during pregnancy and birth \* Commissioning parent/s have legal responsibility to ensure no medical condition will be passed to the surrogate during conception (eg screen for HepB,C,HIV prior to attempting conception). \* I think it would be best if all surrogacy was handled through IVF clinics to ensure consistent screening practices.

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

Surrogate should not attempt conception if against medical advice.

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

It is a good fit, with increasing number of children born in Australia through non-conventional means (ART).

**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?**

This is of vital importance. The surrogate must enter into the agreement with the full understanding and full intent that they are to have no legal right to the upbringing / welfare of the child in future. Association between surrogate and child should be an option discussed by surrogates/ commissioning parents and written on contract before proceeding with conception.

**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?**

Name should remain on the birth certificate, to allow easier tracking of information in future.

**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?**

Upon reaching age 18, when considered mature, child should have the right to access identifying information about the surrogate. This would be consistent with current NH&MRC / RTAC guidelines on the rights of donor children. \* Records should be held in central Qld register, as well as the clinic in which the child was conceived (if ART used).