

Sent: Thursday, 22 May 2008 2:02 PM

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, we are a couple who have 4 frozen fertilised eggs and because of current QLD laws we have no choice but to let them perish. It was not discussed with us at the time when the eggs were fertilized that we would not be able to on-donate our eggs, if we had of known that ,we would have only fertilised one egg at a time. Now we have 4 potential children who are also the siblings to our 2 year old son (born via IVF)that we cannot do anything with except to let them die and that is not something we can bear the thought of. It would cause us much grief and guilt.

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

Establish an agency that controls the various aspects of surrogacy just like any other welfare or health organisation such as blood donation, organ donation, IVF., adoption etc

What other issues should be addressed by the Government?

Legal matters such as the legal name of the child born to a surrogate mother. I understand that the bio parents have to legally adopt their own child?

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

Healthy, relatively young and financially secure, the latter applying to the bio parents. Counselling for surrogate mother, and also the right of the bio parents to donate a monetary gift to the surrogate mother should they desire to do so.

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

Yes, in fact I think that a surrogate mother should be able to select the commissioning parents that she would offer her services for. I believe that it would be sensible to have a points system so that childless couples are assessed on such factors as history of IVF attempts, circumstances that have led to the need for surrogacy, age, beliefs etc.

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

I believe that most surrogates have an altruistic, realistic and pragmatic approach to their kind gift, however I also believe that in normal circumstances a bond would develop between all parties which could become a lifelong healthy relationship for all concerned. As a potential commissioning couple we would welcome this outcome.

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

Yes, it gets too complicated for the child if one or both parents aren't genetically related.

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

It would be preferable if she has no genetic relationship to the child as circumstances change and emotional problems and/or attachment could form between the surrogate and her bio offspring. Scenario: If the surrogate loses her own child through accidental death or whatever she could possibly regret her decision and pine for the child that she acted as a surrogate for.

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

All of the above

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

At this stage yes

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

Age, medical problems, risk factors

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

Needs to be modified as it is archaic

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?

Absolutely essential it would have to be discussed and debated in detail

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

Unable to comment as I don't really understand the question.

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?

Every right but I don't think that this is as option see my comments above.

What, if any, other matters should be considered in the regulation of this issue?

The rights of the unborn child. What if it was YOU, I'm sure you would like someone to advocate for your right to life. IVF clinics should not fertilise eggs unnecessarily, maybe they should fertilize one or two maximum at a time to prevent storage, dilemma and wastage of human life.