

Sent: Friday, 6 June 2008 2:54 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 I believe that the legal restrictions and criminal penalties against altruistic surrogacy should be removed.

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

Yes I also believe that the government should play a part in the regulation. I don't believe there would be any serious issues for the child born as it could be easily explained to them when they are older. They will not have identity issues as their parents are their biological parents. It is easier explained than in the instance of IVF Donated Fertilised Embryo's where the child born is not biologically related to the birth mother/father. I don't know that intrusion into people's private lives can be avoided. It doesn't get more personal than this. I believe this should fall under general IVF Privacy. To undertake altruistic surrogacy fertility clinics would need to be involved for example QFG (Queensland Fertility Group) These organisations can put measures in place to ensure that people meet the criteria for altruistic surrogacy and undertake the procedure and provide counselling just as they do with their IVF process. I think that the biological parents should be protected at all costs. The commissioning parent should have legal rights to the child, the surrogate should not have any legal right to keep the child.

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

Commissioning parents should pay all expenses relating to the pregnancy, birth etc. I believe there should be an age limit imposed and that the commissioning parents must prove that they are infertile or unable to carry a child. This can be determined by their gynaecologist as per IVF procedure. All other avenues must be attempted and surrogacy seen as a last option. As mentioned, I believe that this 'procedure' could be added to current IVF procedures. As an unsuccessful IVF patient myself I already have fertilised embryos in storage. My surrogate could go into hospital for the implantation instead of me. I don't believe there needs to be an 'adoption' process. I believe that all surrogacy arrangements are to be recorded and handled by a fertility clinic (QFG) and that at the time of birth the commissioning parent should have their names recorded on the birth certificate. I don't see there being any need to have the surrogate mother's details recorded on the birth certificate. This would eliminate any need for adoption.

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

No. Adoption criteria is very specific when it comes to age, health etc. Because I have had cervical cancer I am unable to adopt. Its because I have had cervical cancer that I am unable to carry a pregnancy. Adopting someone else's child (one that would otherwise become a ward of the state) should have far higher regulations for the adopting parent. But when you are providing your own fertilised embryos and just requiring someone else to carry the pregnancy for you it is your baby. Not someone else's. The general public and IVF patients do not have to undergo certain criteria to have their own child, so would should a commissioning parent.

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 the commissioning parent and surrogate mother should already have a close relationship, but I am not against not knowing each other. I personally could not use someone I did not know as I would want my child and the surrogate mother to have a close relationship, that of maybe aunt and niece/nephew etc.

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

This I don't know. I can't say yes because as a person who desperately wants a child, I can not say to another person you can have one because you can not have your own. I suppose if they could otherwise be eligible for Embryo Donation I can not see why not.

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

Again, I have not thought a lot about this aspect. I believe if the surrogate mother had no genetic relationship to the child it would be 'easier' legally for the commissioning parents should the surrogate mother want to keep the child. Ideally I don't think the surrogate mother should also be the biological mother.

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

Conditions for access to assisted reproductive technology should fall under the same guidelines as IVF. Legal parentage should be arranged prior to birth of the child. No expense for the surrogate. All expenses to be covered by the commissioning parent. Legal contract to be entered into. Handing over the child to the commissioning parent should be enforceable by law. I don't know if advertising for a surrogate should be allowed. There could be a register for people who wish to offer to be a surrogate.

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

I don't know.

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

Case by case with referral from gynaecologist.

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

I don't know

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?

I think it is very important to have separate procedures in place for surrogacy than adoption.

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

I don't see there being any extra consequences for a child born through surrogacy above the current determined risks for children being born via donated embryos. Unless the child has no genetic link to the commissioning parents (No link to the parents at all)

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?

I believe that the surrogate mother's details should not be recorded on the birth certificate at any stage. If this must be done, then I believe that a solicitor should hold a form pre-signed by the surrogate transferring birth prior to the birth of the child.

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?

The same rights as per current IVF procedure in relation to donated embryos.

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

I think everyone that has the responsibility to decide if Altruistic surrogacy should be decriminalised should attempt to put themselves in the shoes of people who are unable to have children. Really think about it. Remember that just because you don't agree with one part doesn't mean the whole thing needs to be disregarded. In my instance I have fertilised embryos. I have had 5 unsuccessful IVF attempts. I already have a family member prepared to carry my child. All I need is for you to say that my doctor can thaw my embryos and implant it into my sister in law and that when the child is born she can give it back to me. To be frank - she is only the oven. This lady is going to be my child's aunt anyway, she is already going to be a special part of their life. My sister in law and her husband have already had their children and don't want anymore (he has had a vasectomy). She tried for a long time to fall pregnant and knows how much I want to be a mum. I don't see anything wrong at all in her being able to do this for me. If this law does not change while I am trying to have babies, but because of my participation in this, one day the law does change, I will be happy I have helped someone else. Thank you for reading this. Please remember, it might be your daughter needing this help one day. With thanks
Melanie Douglas