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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. This act does not address the growing issue of infertility in Queensland or reflect common attitudes towards reproductive technology in today's society.

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

Strict guidelines for surrogacy arrangements can be put into place.

What other issues should be addressed by the Government?

The right for the commissioning parents to be legally regarded as the parents of the surrogate child. The right for same sex couples to conceive a child which is genetically linked to them and legally regarded as theirs. The right for infertile couples to be able to access fertility treatment in their own state.

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

I think that the guidelines of Sydney IVF clinic for surrogacy provide a reasonable model as they aim to protect all the parties involved in the process. This can include... - Surrogate mothers being over 21 years of age and have one successful pregnancy - Commissioning parents to compensate all the surrogates medical expenses - There must already be a close and ongoing relationship between the commissioning parents and the surrogate mother - this ensures that the surrogate mother is able to achieve an association with the child, even at a distance - All arrangements must be approved by an ethics committee to ensure that it is in the best interests the child, protects health etc. - All parties involved must be of sound mental state and health - checked by psychologists, doctors etc. at length Guidelines such as these would ensure that surrogacy is regulated in a civilized and controlled manner. This would leave the regulation of such guidelines mainly to the clinics, however there would be less chance of nasty cases and greedy surrogates as there would already be a relationship with the commissioning parents.

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

It is important that adoptive parents are also in sound mind and are fit to raise a child, so medical and psychological counselling should be necessary.

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

I think it is an important right of all couples to be able to have a child which is genetically linked to both of them if they want. If this means gestational surrogacy, then this should be possible. This would mean that the surrogate mother would only be a vehicle for birth. If this was going to happen however, it would be imperative that the biological parents should also be able to be legal parents of the child, as the surrogate does not raise the child or share genetics. However if the surrogate mother is related to the child, she would be more attached with the child and should have the right to continue a close association with them if she wants to. However who is the genetic mother of the child and who they are born through is irrelevant compared to the quality of life that the commissioning parents should provide the child with - whether they be same sex couples, single mothers or not genetically related to the child at all.

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

It is not absolutely necessary, no.

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

Depending on the individual circumstances of the case - the wishes of the commissioning couple and the willingness of the surrogate, this should be an available option.

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

- all types of couples (married, de facto, same sex) should have a right access reproductive technology providing they satisfy the necessary conditions and are capable of providing a reasonable standard of living for the child - the intended parents should have the right to be legal parents of their child, especially if they

are genetically linked to it through gestational surrogacy. - the surrogate mother has a responsibility to give the baby to the commissioning parents; however nobody can force her to - commissioning parents have a responsibility to cover the surrogate's medical fees and ensure that she stays in good health during and after the pregnancy - both the commissioning parents and the surrogate mother have the moral responsibility to ensure that their relationship continues to be open and close before during and after 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?

Beyond a reasonable doubt.

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

They fit well as the Family Law Act aims to protect the child in every decision. By transferring the child onto the intended parents who have been proven to be able to give the child a good quality of life prior to the surrogacy arrangements and who have been planning on raising the child as their own, this is indeed protecting the child's best interests.

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?

It is important - if you look at NSW they have to apply to a special court for adoption etc. There should be a special clause or mechanism for arrangements like surrogacy where the birth mother does not plan to raise the child herself or is not even genetically related to the child.

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

As long as the commissioning parents are honest and open about the child's birth and provide a quality standard of living than the child is no different to any other.

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 - she went into the arrangement with the intentions of relinquishing the child after birth for another couple to raise, another couple who may be genetically linked to the child. Why should she be able to have legal parentage or dictate who gets legal parentage of the child if she the child isn't really her 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 child should have full rights to all information involved in their birth - it is the only way to ensure that they are completely understanding of their birth and feel more accepted. The commissioning parents should hold this information however this means that the responsibility to handle the information appropriately then exists.

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

Who can receive assisted reproductive techniques in Queensland - if it's time to consider decriminalizing surrogacy, it's time to consider same sex couples and single mothers are responsible and loving parents.