

## **SUBMISSION**

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

Yes, I absolutely believe that the legal restrictions and criminal penalties against altruistic surrogacy should be removed from the Surrogate Parenthood Act 1988 (Qld). The Act is completely out of date and imposes very harsh unnecessary penalties on people who merely wish to have a family and on those who wish to assist them with purely altruistic motives.

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

The Government should play a role to ensure the integrity of the arrangement by establishing basic guidelines, but once both parties, the potential surrogate and the commissioning parents enter into their agreement, then the Government should allow them to proceed with minimal interference.

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

The Government needs to act to remove the penalties and establish a way that Queensland couples can access surrogacy if that is what they need to allow them to have a family. Infertile couples can access donor eggs, donor sperm, donor embryos, but if their issue involves the carrying of the baby, that is there is a problem with the woman's uterus, then surrogacy is the only remedy and this has been denied to Queensland couples for too long.

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

The only criteria I believe there should be is that the commissioning couple are medically infertile, or there is a health risk involved for the woman with pregnancy, and that the surrogate is genuine and not in any risk to her own health.

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

No. People going through infertility treatment are not subject to any criteria other than their medical needs.

### **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 the best arrangement is for the surrogate to not be genetically linked to the child. The surrogate merely carries the child of the commissioning parents. The best scenario would be for the child to be the genetic child of both commissioning parents, their embryo, however in cases where this is not possible, then donor egg or sperm would be used. The legal parentage should always be with the commissioning parents, not the surrogate, regardless of genetic relationship.

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

Yes, I believe that it would be best for there to be a genetic relationship with one or both of the commissioning parents.

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

I believe that the best scenario is for the surrogate to have no genetic relationship with the child, then her role is clear, that of carrier of the embryo.

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

No, I think that is too limiting, it should not preclude agreements from outside Queensland. Altruistic surrogates are not always easy to find and it should not be limited only to Queensland.

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

The infertility or health risk to the mother simply needs to be confirmed by a qualified medical practitioner.

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

As a layperson, I believe that the transfer of parentage to the commissioning couple is quite clear, and fits in with current approaches with family law and adoption. The agreement entered into between commissioning parents and surrogate would be quite clear regarding intention, which is then made even more clear, when there is no genetic relationship between surrogate and child.

### **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 believe there needs to be a clear mechanism for transfer of legal parentage specific to surrogacy arrangements, for the benefit of all parties, as surrogacy arrangements are different from adoption etc.

I am writing to you in relation to your role as Chairperson of the Committee looking into Altruistic Surrogacy.

I made an online submission, but feel as though I wasn't able to put my heart and soul into the submission, so am writing to you personally in the hope that you might take on board the sentiment of my letter.

I have been involved with infertility for many years, both as a sufferer myself, (but now happily the mother of two) and also through my involvement for many years with the Friends of the Queensland Fertility Group, (*Friends*), a support group for infertile couples in Queensland. So I am acutely aware of the suffering involved with infertility.

Through my work with *Friends* I saw many couples go through their battle and then finally be successful, through the wonders of the science of IVF - the success rates have gone through the roof, so to speak. And then there is the whole area of donated gametes which has allowed more couples to experience the joy of parenthood.

However, the one area that has been off limits in Queensland, has been where the woman can not, for some reason, carry the baby. Science just doesn't seem to have the answer for these cases. Their only option seems to be a surrogate. My own sister, was diagnosed with uterine lining issues on her first cycle of IVF. She was given a 5% chance of success. Her desire for a child was so strong that she has endured cycle after cycle, clinging to the hope of that 5% success. She and her husband produce wonderful embryos but she has such thin uterine lining, her doctor likened it "to trying to grow a tree in concrete". Put quite simply she needs a donated uterus. If I could just give her an egg, it would be very simple. I want to offer to be a surrogate for her, as my infertility issues did not involve uterine lining, but the laws here have precluded that thus far.

My motives are purely altruistic, as I have witnessed her pain and just want to help her achieve her dream of a child. I understand that the baby I would carry would be my niece or nephew. Had the laws in Queensland been different, my sister and brother-in-law may now be parents. I believe whole-heartedly that the laws need to change to allow families like ours, to just get on with it. Allow me to legally help my sister and give her family legal security by allowing her and her husband to be the legal parents of their child and recognise that I would be the carrier and that is all.

I have been an active member of the Labor Party for many years and was so pleased to see that Anna Bligh set up the Committee and was even more pleased to see that you were chosen to be the Chair.

I would be happy to discuss any aspect of surrogacy that you might wish to discuss with a "consumer" as I am passionate about the issue.

I also thoroughly endorse the submission of ACCESS and would recommend that you ask Sandra Dill to address the Committee.

Thank you and kind regards