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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 these penalties & restrictions should be removed as it is denying the chances of many couples who without the aid of a healthy uterus are unable to have a family of their own even though they are able to successfully have many viable embryos. Without these changes, the choice for many of these couples is to remain childless as adoption is even more difficult & in many cases the time has run out for this option.

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

By legislating in a manner that protects the child & the biological parents as well as not abusing the surrogate. Recognition of the biological mother as the mother, not the woman giving birth.

What other issues should be addressed by the Government?

Ensure that the only money to be paid to surrogate is for medical expenses, not for the service.

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

What money is to be paid to surrogate. What visiting rights surrogate may have. All legalities settled prior to surrogacy taking place.

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

No. Adoption is extremely restrictive & only allows for a handful of successes each year

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

The biological parents should be legal parents.

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

Yes

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

It would be easier to manage if the surrogate doesn't use her gametes

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

Reasonable expenses for surrogate. Transfer of legal rights as parent from surrogate to biological parents. Body to oversee the formation of all agreements & monitor outcomes.

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

No

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

More than 5 unsuccessful attempts at IVF or 2 separate medical opinions stating that couple is infertile

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

I don't think that the transfer of parentage should be by adoption. The law should recognise the biological parents as legal parents.

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?

Extremely as there is no other circumstance where it is 100% clear of who is biological parents.

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

I don't think they would feel any differently than any child conceived via assisted reproductive techniques.

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?

The state government