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To: Surrogacy Committee
Subject: Online Submission - Investigation into Altruistic Surrogacy Committee

SUBMISSION FROM

Name : Brian Robertson

SUBMISSION

Should the legal restrictions and criminal penalties against altruistic surrogacy be removed from the *Surrogate Parenthood Act 1988* (Qld)?
No. I do not think that the legal restrictions ought to be removed. While I (and my wife) sympathise with infertile couples wanting to have a child, I do not think that altruistic surrogacy is the way to resolve the problem. As a couple, we tried for a child for six-and-a-half years and wrestled with the grief of inexplicable infertility, before my wife unexpectedly became pregnant in 1990 with our only child. We understand the sorrow and loss that accompanies infertility, but we would not have availed ourselves of an altruistic surrogacy arrangement - even if such an arrangement had been legal and available - because of the potential for identity confusion in the resulting child. I would be deeply concerned that, if altruistic surrogacy was decriminalised, the disruption to the natural links between marriage, conception, gestation, birth, and parenthood could undermine the sense of human identity in the resultant children and could cause psychological issues for those children as they reach adulthood.

Should the Queensland Government play a role in regulating altruistic surrogacy arrangements in Queensland?
The Queensland Government already plays a role in regulating the arrangements! Since 1988, the Government has determined that any form of surrogacy - both altruistic and commercial - is illegal and subject to criminal penalties. Obviously, if altruistic surrogacy is going to be decriminalised, then the Government ought to set certain legislative frameworks to safeguard the interests of potential surrogate mothers, potential intended 'parents', and resultant children. However, the biological and legal complexities that will result from the decriminalisation of altruistic surrogacy make the whole process, to my understanding, fraught with danger. I would much prefer to see the arrangements remain as they are!

What criteria, if any, should the commissioning parent/s and/or surrogate have to meet before entering into an altruistic surrogacy arrangement?
Again, without prejudicing my original comments that I do not think it advisable to abandon the current arrangements, I think that the sociological research that indicates that the best family model for the raising of children is in a two parent - one male and one female - situation ought to be taken into account. Of course, I recognise that in this day of anti-discrimination, it is not popular to suggest that some 'family' models are less appropriate than others. However, if the best interests of the child are truly to be considered, then surely the criteria ought to reflect what is likely to produce the best outcome for the child.

Should criteria for commissioning parents be similar to that for adoptive parents?
If altruistic surrogacy is to be decriminalised, then there probably ought to be a parallel between the two sets of criteria. Again, I would emphasise that I do not think it best to go down the way of decriminalisation!

What role should a genetic relationship between the child and the commissioning parent/s and/or surrogate play in an altruistic surrogacy arrangement?
This, and the following questions, simply highlight the biological and legal complexities that accompany the decriminalisation of any form of surrogacy! If children have enough problems coping with the discovery that they were adopted, imagine the difficulties that they would have trying to unravel the complexities of having been conceived in some form of surrogacy arrangement!

If infertility and/or health risk to the mother or child is a criterion for surrogacy, how should these criteria be defined?
I am convinced that infertility ought to be defined as medical infertility, and in no way be extended to include 'lifestyle' infertility!