

Submission – For the legalisation of Surrogacy in Queensland.

I am a supporter of Surrogacy and it should be legalised nationally so that all states can conform to the same rules. It is unfair that in NSW which is only 2 and a half hours from where I live people can be surrogates yet here in Qld it is illegal.

As the sister-in-law of a woman who has had countless attempts at IVF with no success, I would like to be able to help her achieve parenthood, every woman should be given access to whatever options required to be able to have their own child. I have been lucky enough to have four children with no complications and to be able to give her this gift which is her own child anyway would be awesome.

Also if the egg and sperm belong to the natural parents I think you should consider making them the legal parents as well, this child would not belong to me as I would only be carrying it to term, the only thing my sister-in-law can't do, she can produce the eggs and her husband the sperm, so why shouldn't they be able to have children too.

If people can use sperm and egg donors to have children and they are accepting that child as their own even though they aren't the biological parents, why should people who have their own eggs and sperm be unable to have a child because the woman is unable to carry it to full term.

I don't understand why it is even considered illegal people who go into these agreements don't do so lightly and fully consider the circumstances of their actions. I can understand concerns over surrogacy if the egg used belongs to the surrogate, as there would be some attachment there, however if the egg and sperm have no attachment to the surrogate I feel that the surrogate would not become attached to the child.

For me personally this is a way to help my sister-in-law who has spent thousands of dollars and many nights in hospital when IVF just can't help. I could think of nothing better than to be able to give her and her husband the gift of a child they want so desperately, which would be loved and cherished above all else. When is this world when we have people giving birth to kids everyday that end up in foster care or dead due to neglect and abuse by those who take it for granted the gift of having children.

Some people don't have the money to fly to America or move to NSW to have a child and the adoption process is so long and drawn out that people are put off by it. So please just make it legal nationally and put into place the regulations needed to safeguard both the parent and the surrogate to ensure this process can proceed smoothly for both parties. And please recognise that the natural parents are the biological parents whose eggs and sperm are used. The surrogate is only an incubator to ensure the safe arrival of a gift these people are unable to have, the surrogate is not the biological parent and the birth certificate should not state their name, only the names of the biological parents.

BK

Belinda Kiem

Sent: Monday, 7 July 2008 11:59 PM

To: Surrogacy Committee

Subject: Online Submission - Investigation into Altruistic Surrogacy Committee

SUBMISSION FROM

Name : Belinda Kiem

SUBMISSION

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

Legal restrictions for altruistic surrogacy should be removed, I think the biological parents should be recognised on the birth certificate without going through the adoption process, I think its unfair for couples who cant conceive naturally to be restricted when this may be there only option left, people considering surrogacy have exhausted all other options, and if they are lucky enough to have a family member or close friend willing to do this for them then why make them out to be criminals. It is unfair when some couples can have children so easily and others nearly kill themselves trying. I think the surrogate should be over 25years of age and have had a child of their own, I think this will ensure that they are not likely to want to keep the child as they will have an understanding of the relationship with their own child versus carrying a donor child. Screening both the surrogate and commissioning parents before they enter into the agreement to ensure that it is being done for the right reasons is essential, however this should not be another longwinded process, I am sure that anyone considering this step is only doing so because they have no other options, the best interests for the child would be to make this process simple and easily understood, children are not stupid, I have four children from 8 to 13 and they have an aunt who is unable to carry a child to full term, we live in Queensland but will consider going to Canberra to complete this process should Qld not change the legal restrictions, so we have discussed with them that I would carry their cousin for their aunt as she is unable, my children think it is an awesome idea and cant wait for us to be able to do it. By restricting us to go to Canberra you are risking the health and wellbeing of someone like myself who would have to travel frequently to and from to complete this process. So to protect the health and wellbeing of Qld patients willing to undergo this process at any cost make it legal, this would also prevent any conflict between the surrogate and commissioning parents, by registering the biological parents on the birth certificate immediately, ensuring anyone entering into this process signs legal papers that state they are aware that the legal rights of the child belong to the commissioning parents, that the surrogate hands over the child/ren at birth, that they surrogate is able to carry at least 2 embryos to increase the chances of conceiving creating less strain on both parties, the best interests of the child are to be allowed to legally come into this world and be recognised immediately as the commissioning parents child without the legal battle, the more you put conditions and regulations on the process the harder you are making it for the process to be completed with the following things you want most for the child, surrogate mother and commissioning parents. It is very easy for those who have had their own children to sit there and say no it is unfair to the child/surrogate mother, but for those who have tried everything to have a child with no success this is very likely their last option as adoption is restricted, expensive and drawn out, the one thing people need to remember is that this child is wanted, will be loved, cherished and adored, any person willing to be a surrogate will have had their own child and want their friend or family member to be able to have this same gift, it is their child not the surrogates, I think that is the most important thing to remember the child belongs to the commissioning parents not the surrogate and as a mother willing to be a surrogate I do not in anyway view this child to be mine, I clearly see this child to be my future niece or nephew that without me my children would never be able to have this cousin in their lives. I really dont know how to impress upon this committee enough to legalise surrogacy for those who are unable to carry their own children to term, my sister-in-law has spent thousands of dollars over the last ten years only to get to 14 weeks in her pregnancy and go through the loss of her child again and again. PLEASE HELP US. Keep it simple and smart. Surrogates to be over 25years of age and have their own child/ren Biological parents to be recognised on birth certificate immediately Legal paperwork to be completed before process starts Commissioning parents able to pay for medical costs for surrogate thankyou Belinda Kiem

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

no adoption is already to hard for most people, if you make surrogacy the same as adoption you are doing so to make it impossible for it to happen

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

the commissioning parents should be at least one genetic parent, the surrogate should not be using her eggs or partners sperm

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?

no genetic relationship otherwise there could be complications in releasing the child to the commissioning parents

What legal rights and responsibilities should be imposed upon the commissioning parent/s and/or surrogate?
legal transfer to genetic parents immediately upon birth, registered genetic parents on birth certificate, to be monitored and enforced should the surrogate change their mind as the child is not genetically the surrogates

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

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

If the mother is unable to carry child to term or would be risking her life or the child's this should be medically defined and determined to be legal reasons for surrogacy to be approved

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

If the surrogate has no genetic relationship then it is no different than the current law that recognised the genetic relationship between child and 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?

very important to recognise the genetic parents immediately, signed by the surrogate and commissioning parents and registered on the birth certificate

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 to his or her genetic parentage? Who should hold this information?

the child should be able to access this information, if both parties have made this decision together then they should be happy to have the information registered on the birth certificate, the register of births, deaths and marriages