



Speech by

Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Tuesday, 18 August 2009

MINISTERIAL STATEMENT

Altruistic Surrogacy

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (10.13 am): The release by the Premier today of the Queensland model for the decriminalisation of altruistic surrogacy and the transfer of legal parentage heralds a new era for many Queensland couples. The fulfilment of our commitment to these important reforms means that many people who once only ever had the dream of being able to start a family will now be able to make that dream a reality.

Furthermore, the proposed changes to the legal status of children being cared for by same-sex parents will ensure that same-sex parents and their children are afforded the same legal entitlements as any other family. These announcements represent significant law reform for our state, and I am very pleased to outline for the House the details of the model we are proposing.

The Queensland model for the decriminalisation of altruistic surrogacy and the transfer of legal parentage is underpinned by the fundamental guiding principle that the best interests of the child should always remain paramount. Once a child is born through a surrogacy arrangement, the Queensland model will allow court ordered legal transfer of parentage to the intending parents to ensure that the people who seek to raise the child can be recognised at law as the child's parents.

To permit the transfer of parentage to intending parents, however, a number of requirements will need to be satisfied. Under our model, surrogacy arrangements will have to be in writing and the arrangement must be made prior to the child's conception. The birth mother, her partner—if there is one involved—and the intending parent or parents will all have to freely consent to the arrangement and must have the capacity to do so. Any payment, reward or other material benefit to either party to the arrangement will be prohibited and will be punishable by criminal penalty. These and other specific safeguards aim to ensure that the best interests of the child are upheld before the transfer of parentage occurs. And, at the end of the day, if a birth mother chooses not to relinquish that child when it is born, she will not be able to be forced to do so.

Certain safeguards will also be built into the court process for the transfer of parentage to protect the rights and interests of the child and ensure that the parties understand the social, psychological and legal implications of the surrogacy. These include a requirement for all parties to seek independent counselling and provide the counsellor's report to the court; a requirement for all parties to obtain separate independent legal advice about the implications of the surrogacy before they enter into the surrogacy arrangement; the court must be satisfied that there is an established medical or social need for the surrogacy; the child must have lived with the intending parents for at least 28 consecutive days prior to the application for transfer of legal parentage being made; the birth mother and the intending parent or parents must be at least 25 years of age at the time; and the application cannot be made after the child is six months old. If the court is satisfied that these requirements have been met, an order to transfer parentage can be made and a new birth certificate issued listing the intending parent or parents.

Surrogacy arrangements and the transfer of parentage are complex issues. We want to ensure that the best outcome for the child is achieved. That is why we have developed a model that will provide protection for children. It is a model that will help childless Queenslanders who long for the opportunity to raise children in a loving family environment to do so. And it will ensure that no child is socially or legally disadvantaged, regardless of their personal circumstances or those of their parents.