



Speech by

# Lawrence Springborg

MEMBER FOR SOUTHERN DOWNS

Hansard Wednesday, 11 November 2009

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## FAMILY (SURROGACY) BILL

### First Reading

**Mr SPRINGBORG** (Southern Downs—LNP) (Deputy Leader of the Opposition) (11.41 am): I present a bill for an act about surrogacy arrangements, to provide for the court-sanctioned transfer of parentage of children born as a result of particular surrogacy arrangements, to prohibit particular surrogacy arrangements including commercial surrogacy arrangements and to make particular related amendments of the Adoption Act 2009, the Births, Deaths and Marriages Registration Act 2003 and the regulation under that act, the Criminal Code, the Domicile Act 1981, the Evidence Act 1977, the Guardianship and Administration Act 2000 and the Powers of Attorney Act 1998. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

*Tabled paper:* Family (Surrogacy) Bill [[1314](#)].

*Tabled paper:* Family (Surrogacy) Bill, explanatory notes [[1315](#)].

### Second Reading

**Mr SPRINGBORG** (Southern Downs—LNP) (Deputy Leader of the Opposition) (11.42 am): I move—

That the bill be now read a second time.

The issue of altruistic surrogacy for married and de facto couples, heterosexual couples and same-sex couples is a unique issue that deserves to be debated openly and separately. The Family (Surrogacy) Bill 2009 will ensure and enshrine in law the principle that the interests and wellbeing of Queensland children are paramount and come before all other factors when dealing with the process of decriminalising altruistic surrogacy for married and de facto couples of the opposite sex.

The bill will make certain that young Queenslanders born through an eligible surrogacy arrangement will be cared for in a safe, stable and nurturing family and home life right through their childhood. The bill also makes it clear that the only form of surrogacy which will be legal will be non-commercial and for heterosexual couples only. Same-sex, single and commercial surrogacy arrangements will remain illegal. I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

The guiding principles of the Bill promote openness about the child's birth parents and encourage the development of the child's wellbeing, both physical and emotional.

The Family (Surrogacy) Bill 2009 will put the security and welfare of Queenslanders born through a surrogacy arrangement in the same league as those children that aren't.

Mr Speaker, the Bill will extend the legal right of altruistic surrogacy to married couples and for de-facto heterosexual couples who have been living together in a relationship for 2 years. This position has been established under the Adoption Act 2009.

Under the legislation, how the child is conceived, whether there is a genetic relationship between the child and their surrogate, and the relationship circumstances and status of which parentage has been transferred, will not impact upon or disadvantage the child born through surrogacy.

Mr Speaker, in 2008 a bipartisan Parliamentary Committee was formed to investigate altruistic surrogacy. This Committee's investigation and subsequent recommendations highlighted what an enormously sensitive issue altruistic surrogacy is in raising deep moral and ethical issues as well as some highly complex legal uncertainties for the people involved.

However Mr Speaker, one thing is clear, the Family (Surrogacy) Bill achieves the objectives of the Parliamentary Committees recommendations.

It will be welcome news for those Queensland couples who cannot naturally have children but want more than anything to start a family and be called mum or dad. As a parent I know what a special moment that is and continues to be.

Surrogacy, Mr Speaker is an arrangement or more so an understanding between a woman and another person or persons under which the woman agrees to become or try to become pregnant with the intention that the child born is a child of the other person or persons, not of the child bearer.

Mr Speaker, the Bligh Labor Government's draft Bill insisted on opening the debate for altruistic surrogacy available to anyone and everyone and to prescribe to this approach would risk having the issue high jacked by social engineers who wish to use the opportunity to redefine the mainstream understanding of family.

The Bligh Government has chosen a second consultation process with a draft Bill that lumps a number of serious moral and ethical issues into one Bill. The LNP's Bill does not support this approach and for good reason.

The Bligh Government's position on same sex surrogacy also contradicts Labor's position when the Government excluded same sex couples from adoption.

The LNP's Bill seeks to separate two of the key issues of altruistic surrogacy between eligible couples from singles and same sex couples, whilst also removing from the debate the recognition of parentage rights under fertilisation procedures, and returning the debate to reality by re-affirming this Bill's commitment to ensuring the rights and wellbeing of the child come before any other.

The issue of parentage or guardianship recognition for non biological parents of a child in a de facto same sex relationship should be definitely addressed. However it must be addressed separately to the issue of surrogacy.

The LNP's Bill will make the follow sweeping changes to the current legislation and return the focus of this Bill to ensuring the security and safety of Queensland families.

The Family (Surrogacy) Bill 2009 will decriminalise altruistic surrogacy for heterosexual couples and provide a valid legal mechanism for the transfer of parentage of a child born through an altruistic surrogacy arrangement from the birth mother to the intended eligible parents.

Mr Speaker this goes to the centre of the topic. The LNP believes in family and their well being and the rights of the child need to be considered and the proposed Bill does this.

The LNP has said from day one that we believe the changes to altruistic surrogacy laws, an important and contentious piece of legislation, should be voted upon and debated separately and be limited to married and de facto heterosexual couples, whilst allowing for a separate debate on the issue of parentage recognition for same sex female parents of a child conceived through assisted reproductive technologies.

The two issues in question here are major issues which many in the community will have different views about. These laws also have the ability to impact upon so many Queenslanders in many different ways and these impacts need to be examined and discussed in the Parliament on their merits as stand alone matters.

Mr Speaker legislation covering altruistic surrogacy should not be lost in a debate on same-sex parenting. The issues in question are of separate value judgements for all members on both sides of the house.

The Bligh Government's tricky decision to include altruistic surrogacy and same sex couples and singles having access to altruistic surrogacy challenges many different people in many different ways, philosophically, ideologically, ethically and intellectually.

The LNP's legislation will provide hope and optimism for eligible couples across Queensland who so desperately hold onto the dream of having a family. For many of these people though due to medical or health complications it just isn't possible and haunts their everyday existence as they look around at their siblings, friends, colleagues being able to live the dream of creating a family and a new life.

For many it's not a question of whether they would make loving or committed parents. For most it is dealing with the devastation of not being able to naturally create, carry and bring into the world a child. The LNP's legislation will ensure that the dream is kept alive for these Queenslanders through access to altruistic surrogacy.

Mr Speaker this legislation will touch on the intimate aspects of many peoples' personal lives and also challenge the religious faith that many members have had their entire lives. But most importantly it challenges us to think about what are the best interests of the child.

In the case for Altruistic surrogacy set out by Dr Adam P Morton, Dr Morton says that Altruistic surrogacy would allow them to have a child that is genetically their own without risking the mothers and infant's health. Mr Speaker for many Queenslanders wanting to have a baby, options for couples with a pre-existing disease are limited. The LNP's bill addresses these limitations and will give hope to those Queenslanders.

Mr Speaker, the LNP believes that proposed laws designed for hopeful mothers and fathers should not be tied to the passage of proposed laws pertaining to same-sex parenting, and that all proposed laws must properly balance the rights of children with the responsibilities of parents.

Mr Speaker, I present this single piece of legislation to Parliament, that recognises and gives hope to many whilst preserving mainstream family values. I commend the Bill to the house.