



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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SURROGACY BILL; FAMILY (SURROGACY) BILL

Mr CRIPPS (Hinchinbrook—LNP) (12.06 pm): I rise to make a contribution to the debate on Labor's Surrogacy Bill and the LNP's Family (Surrogacy) Bill being debated in cognate. Labor's Surrogacy Bill seeks to decriminalise altruistic surrogacy and provide a legal mechanism for the transfer of parentage of a child born as a result of an altruistic surrogacy arrangement from the birth mother to the intended parent or parents including heterosexual, married and de facto couples, singles and same-sex couples. The LNP's Family (Surrogacy) Bill seeks to decriminalise and provide a legal mechanism for the transfer of parentage of a child born as a result of an altruistic surrogacy arrangement from the birth mother to intended eligible parents. This would be limited to heterosexual couples, both married and de facto, and would not extend to same-sex couples or singles.

As has been discussed previously during this debate, on 14 February 2008 the parliament resolved to appoint the Investigation into Altruistic Surrogacy Committee to investigate and report on whether altruistic surrogacy should be decriminalised and, if so, what the role of government should be in that process. The parliament asked the committee to give consideration to the criteria, if any, for persons to meet before entering into an altruistic surrogacy arrangement; the legal rights and responsibilities to be placed on parties involved in a surrogacy arrangement; whether there should be a genetic relationship between the child and parties to the arrangement; and the right of a child to have access to information about his or her genetic parentage.

Subsequently, on 8 October 2008, the committee tabled its report. The key recommendations in the report included that altruistic surrogacy be decriminalised in Queensland subject to a regulatory framework; the government's role should include implementing legislative reform, including a mechanism to transfer legal parentage; altruistic surrogacy arrangements should be enforceable under state law; a genetic connection between the intended parent or parents and the child should not be a prescribed requirement; and births be reregistered after the transfer of legal parentage for a child and children have access to their original birth certificate when they turn 18 years of age.

The committee's report made no specific recommendation to legalise altruistic surrogacy to singles or same-sex couples, yet Labor's bill proposes to do so. The LNP was not aware that it was the intention of the Bligh Labor government to include in this bill matters relating to single and same-sex parenting as they relate to altruistic surrogacy arrangements. Indeed, matters relating to single and same-sex parenting as they relate to altruistic surrogacy arrangements were not in the terms of reference provided to the committee by the parliament.

That is why the bill introduced by the LNP has been put forward. The bill proposed by the LNP is consistent with the terms of reference provided to the committee by the parliament. The LNP bill achieves the objective of implementing a regime for altruistic surrogacy for heterosexual married and de facto couples. As the Bligh Labor government's bill pools together the issue of altruistic surrogacy with the issue of single and same-sex parenting it has effectively chosen to complicate the question of altruistic surrogacy with the issue of single and same-sex parenting.

The LNP's bill seeks to separate what many members of this parliament and many people in the wider community consider to be a complicated and difficult question regarding single and same-sex

parenting. Indeed, it seeks to separate the issue from the complicated circumstances of the government's bill as it relates to the original intent of the committee's terms of reference and the committee's recommendations regarding altruistic surrogacy. Therefore, I will be opposing Labor's Surrogacy Bill and supporting the LNP's Family (Surrogacy) Bill. We have heard from Labor members during this debate all sorts of criticisms of the LNP for pursuing this course of action. Those criticisms are unfounded. It is Labor that has complicated the parliament's consideration of this issue and it is responsible for the LNP being required to introduce this alternative bill.

I wish to point out that the LNP has excluded provisions from Labor's bill in respect of both singles and same-sex couples. This is because the fundamental principle being defended by the LNP is that we believe strongly that a child has the right to grow up with both a mother and a father in their lives. As such, the LNP is saying in this bill that we believe that a parenting model that involves only a sole parent or two parents of the same sex is not ideal as far as the child is concerned and, as such, singles and same-sex couples ought not to be provided access to lawful altruistic surrogacy arrangements. Of course, that is not to say that the LNP does not recognise that in many cases heterosexual couples, both married and de facto, are far from model parents and do not provide the ideal environment for a child to grow up in. Sadly, in far too many instances heterosexual couples, both married and de facto, fail in their duty to their children.

Also, the LNP is not saying that single people or individuals in same-sex relationships are not good people. The LNP is not reflecting on the capacity of those people to love or care for others. There are many single parents in the community who devote themselves to their children and have their best interests at heart. There are many people in same-sex relationships who are undoubtedly very committed to their partners and their families. However, the LNP is supporting the principle that a child ought to have the right to grow up with both a mother and a father in their lives.

For that reason, we are consistently applying the principle that other models of parenting, both singles and same-sex couples, ought not to have lawful access to altruistic surrogacy arrangements, and that is a consistent approach. In doing so, the LNP is putting what we consider to be the best interests of the child first. Certainly, that is a value judgement. I acknowledge in this debate that others in this place and in the wider community will have their own values that differ from mine. I accept that and I respect that. I am aware that others in this place and in the wider community will have differing views not only about the availability of lawful altruistic surrogacy to singles and same-sex couples but about the very prospect that anyone or any couple, regardless of their preferences, should be able to enter into an altruistic surrogacy arrangement.

As I said earlier, the fundamental basis on which the LNP is approaching this question is a position which we believe to be in the best interests of the child. That concept of framing public policy based on the best interests of the child was canvassed in this place in August 2009 when members debated the Adoption Bill. Interestingly, that bill, introduced by the Bligh Labor government, did not extend the right to adopt children to singles or same-sex couples. The member for Bundaberg asked the Minister for Child Safety the following question without notice in this place on 26 November 2009 in relation to the reforms to adoption laws that had recently been passed by the parliament. The member for Bundaberg asked—

Will the minister remind this House why these laws quite correctly continued to maintain the ban on same-sex couples from adopting children?

The Minister for Child Safety replied in part as follows—

While many long-awaited reforms will be made with this new act, some fundamental principles will not be changed. Two primary principles will continue to guide the adoption practice and philosophy in Queensland: firstly, the best interests of the child are paramount in all aspects of adoption practice; and, secondly, adoption is a service for children not a service for adults.

We know from the minister's answer that the two primary principles guiding the adoption practice and philosophy in Queensland under the Bligh Labor government are, firstly, the best interests of the child and, secondly, that adoption is a service for children, not adults. We must therefore assume that the view of the Bligh Labor government is that adoption of children by same-sex couples and singles does not align with those two primary principles. I am of the view that these two primary principles ought to be similarly applied to the regulation of access to lawful altruistic surrogacy arrangements.

Altruistic surrogacy arrangements involve children as well as would-be parents and surrogates. Surely we must keep foremost in our minds the best interests of the child. Surely we must not consider altruistic surrogacy to be a service for adults, not children. Surely any reasonable interpretation of legislative consistency in Queensland would demand that in relation to singles and same-sex couples, in view of the fact that this parliament only months ago resolved that they ought not be permitted to adopt children, they should also not be given lawful access to legal altruistic surrogacy arrangements in this state.

Labor members must see the inconsistency they are proposing in their Surrogacy Bill compared to the provisions of the Adoption Bill they supported only months ago. Surely, at its core, in relation to both the regulation of the adoption of children and the regulation of access to lawful altruistic surrogacy arrangements in Queensland, we are making value judgements about the appropriateness and capacity of

adults in different circumstances to be parents to children. As such, there should be no difference between the regulation of adoption and the regulation of lawful altruistic surrogacy if the Bligh Labor government truly believes, as the Minister for Child Safety indicated that it did, in the guiding principles of prioritising the best interests of the child. That would be a consistent approach.

I want to acknowledge the Deputy Leader of the Opposition for canvassing a number of issues that confronted some of the arguments promoted by Labor members in this debate. I want to acknowledge the contribution of the member for Gladstone, who made, I feel, a genuine contribution promoting arguments that were both honestly and genuinely held. I want to acknowledge also the contribution of the Deputy Premier, who, amongst government members, made the most thoughtful and respectable observations about this bill.

The Deputy Premier attempted to mount a defence of the inconsistency between the provisions of Labor's Adoption Bill, which prevented singles and same-sex couples from adopting, and the provisions of Labor's Surrogacy Bill, which does propose to extend access to lawful altruistic surrogacy arrangements to singles and same-sex couples. The Deputy Premier insisted that the reason this inconsistency between the Adoption Bill and Surrogacy Bill is justified relates to the fact that some overseas countries from which the majority of adoptions occur oppose the adoption of children by same-sex couples or singles and that to participate in intercountry adoption programs Queensland must endure this inconsistency.

Unfortunately for the Deputy Premier, this argument is inconsistent with the answer provided by the Minister for Child Safety to the question asked by the member for Bundaberg in this place on 26 November last year, when the minister said in no uncertain terms that the two primary principles guiding the adoption practice and philosophy in Queensland are, firstly, the best interests of the child and, secondly, that adoption is a service for children, not adults. There was no mention of the views on adoption of overseas countries. That is of course until the exact same question was asked by the member for Bundaberg of the Minister for Child Safety yesterday to which he gave a different answer from last year, before Labor's Surrogacy Bill was on the agenda, and different from the answer he gave to the same question today when he gave no answer at all. Unfortunately for the Deputy Premier, this inconsistency on the part of the Minister for Child Safety is fatal for his argument.

The LNP in contrast has been consistent. The LNP supported the Adoption Bill and those primary principles. It is Labor that is being inconsistent. The LNP is pleased to stand firm on these principles, and we believe that they reflect the views and the values of the majority of Queenslanders. I am pleased to support the LNP's Family (Surrogacy) Bill and oppose Labor's Surrogacy Bill. The fundamental question being asked here is who is best equipped to care for and raise children. I believe it is two parents: a mother and a father.