



Speech by
Grace Grace

MEMBER FOR BRISBANE CENTRAL

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SURROGACY BILL; FAMILY (SURROGACY) BILL

Ms GRACE (Brisbane Central—ALP) (3.53 pm): I, too, rise to contribute to this cognate debate on the Surrogacy Bill 2009, a debate that I believe has been long overdue in Queensland. First of all, let me start by thanking all those who have contacted me with their views and comments. They were very much appreciated and valued, even though I clearly did not agree with them all. In particular, I thank my constituents who took the time to write and call. I received letters from church groups, including a letter from Archbishop John Bathersby, who, in case members do not know, is actually one of my constituents. My daughter played in his backyard, which backs onto the school that she attended. I know the values of the Catholic Church. I also know that, regardless of a child's family situation, the Catholic Church would never turn its back on any child who wants to attend its school. I have been through the Catholic school system. My daughter is also going through that system at the moment. Even though he expressed some concerns, I know the values of the church are that it will accept a child regardless of their family situation. I also want to thank the many members of the LGBT community, especially PFLAG's president, Shelley Argent, who took the time to let me know of their views. I assure all that I have not taken this issue lightly and I have considered all input.

As stated in this House before, surrogacy is not new, happening from biblical times and in the rest of Australia. It is probably happening legally as we debate these bills today. It is probably happening, unfortunately illegally, in Queensland at the moment. I believe that Queenslanders should not be disadvantaged or made to travel interstate, whether one supports it or not, simply to fulfil their desire to have a family. I firmly believe that altruistic surrogacy should not be a criminal offence. I support wholeheartedly its decriminalisation.

I do not know who benefits in society by having a law that severely fines or jails parents. How can that be in the best interests of the child? At the time when the child needs their parents—because they were born into this world through no fault of their own—the law currently states that the parents are criminals and that it will jail them and remove them from the child.

I concur with the Deputy Premier that the debate in this House to date has appalled me at times. I have found it to be narrow-minded, sometimes just cruel and bordering on bizarre. I believe that it is probably based on ignorance and prejudice. I refer specifically to the issue of toileting of children by two women or two men and, of course, the bizarre linking of this issue to the Stolen Generation. I believe that this is both insulting and disrespectful to the Stolen Generation and demonstrates a gross lack of understanding of the pain and suffering of the Stolen Generation. How do you compare the forced removal of children with consensual arrangements made between adults where the birth mother may not have any biological ties to the child born and will, under Labor's bill, have the final say about the arrangement going forward?

This is an important issue and there are some important points that I wish to make. Whether you support altruistic surrogacy or not, I do not believe that it should be a criminal offence for any person wishing to have a family, particularly where the decision is being made between consenting adults fully aware of the situation and where the gift of a child is given altruistically by a woman. An example is the case of the cousin of Jodie Hodgson that we saw outlined in this morning's paper.

My story is a somewhat interesting one when it comes to this issue. Members can tell that I am very passionate about this issue. Unfortunately, my husband and I found ourselves in the situation where we were unable to have our own children. It is no surprise to those in this House that I am an adoptive mother—the proud and very loving parent of a most wonderful baby daughter who arrived to us and whom we are still totally and utterly besotted with and love and care for every day of our lives.

Having gone through that, I understand probably more than anybody in this House the anguish, heartache and loss and the feeling of wanting to have a child and not being able to do so. This is something that I would not wish on my worst enemies and surely not something that I would want to deny anybody who found themselves with the very strong desires that my husband and I found ourselves with. I believe that those desires would have been just as strong in me whether I was married, single or in any sort of relationship. We were lucky. I was brought up with a mum and dad. I also know the heartache and the anguish that my immediate family went through. I saw it in their faces; I saw it in their hearts. It is something that is inexplicable and it is something that, as I said, one would not wish on one's worst enemy.

I am very happy that I was able to adopt domestically in Queensland. But I was very resentful of the fact that when I looked at surrogacy I found it to be illegal in this state and that if we pursued it I would have been branded a criminal. I would not have been able to serve on the many boards which I represented workers on. I probably would not have been able to even enter into parliament—all because we simply wanted to have a child. I believe that no-one should have to go through that pain and anguish.

I also believe that if you come into this world in the very many ways that we enter it you should not be discriminated against or born with any stigma. Why did many parents years ago not tell their children about their adoption? Because of the social stigma often attached to it. How happy am I that my daughter can go to school and live her life free of any stigma because of her adoption and that she is accepted in society today much more willingly than she was many years ago. That is a society I want to be part of. That is a society that my conscience tells me is the right society.

There is a saying that says you cannot pick your family but you can pick your friends. We all know that we want to be proud of our families. Families come in all sorts, shapes and sizes and no-one can choose their family. It is impossible to determine who will or will not be a good parent. Parenting is as individual as we all are, and we should not be stereotyping any children coming from the many forms of families. Of course ideally we would love to have a situation where there is a mother and a father and a loving and caring relationship. But we all know that the reality is that that is not the case in every single circumstance. Let us not bury our heads in the sand in regard to this issue. There are widows and widowers, single parents, divorced parents, step-parents and many parents who I know today in the LGBT community. Good parenting, we all know, is much more than just having kids. Just ask the department of child safety about the many thousands of children in this state who find themselves in difficult and horrible situations.

I also question the questioning, the questionable and often, I found, insulting research which does nothing more than stereotype innocent children who can do little to change their circumstances. Attitudes must change in my view just like attitudes have changed towards single mums, adoptions and, yes, even same-sex couples. No child should be made to feel ashamed or embarrassed or be teased because of the composition of their family. What is important is that they are in a loving and caring environment, nurtured to grow into well-balanced adults and a welcome and happy member of our society.

We talk about equal rights and equality before the law. These are principles that I value and respect very much. Article 1 of the UN declaration of human rights says that all humans are born free and equal in dignity and rights. I respect that article and I also respect the fact that all are equal before the law and are entitled, without any discrimination, to equal protection under the law.

I do not believe that the state should be in the business of telling people who should or should not have a child but it should be in the business of regulating to ensure the protection of children. Leaving this area unregulated without safeguards is something that this bill aims to address. These members of society are not criminals and they should not be subject to penalties. I believe that this legislation is in the best interests of the child.

When assisted reproduction technology is currently available to all but we want to deny some members of society, many of whom are already outstanding parents, this form of assisted reproduction technology, I do not understand the argument. I do not believe that this is a threat to the family values of love, commitment and caring—values able to exercised by all members of our community including single people and members of the LGBT community. I do not believe that it is appropriate for government to impose restrictions based on marital status, gender, sexual orientation or methods of conception and to class certain members of our community as unfit to become parents when I know many who are already wonderful, loving parents and more than able to successfully raise a family. For those who make moral judgements about what is largely people's own business—harming no-one and who love and feel just like

everyone else—they should open their eyes and not let their narrow-minded view of what is ideal cloud reality.

There is a big difference between the state placing a child for adoption and adults consenting to altruistic surrogacy. The state has a much more hands-on role in the adoption process to consenting adults agreeing on their situation. I believe that the issue of co-parenting rights goes hand in hand with this issue, and I welcome the Labor bill that provides a legal mechanism for the parentage of a child born as a result of a surrogacy arrangement to be transferred from the birth mother to the intended parents. Once again, this is the right role for government and it is encapsulated in regulating how this occurs, requiring the court to issue an order following a number of steps which must be undertaken by the intending parents. However, this merely confirms what children already know regardless of how they were born into this world: they know who their parents are and they know who loves them. But this gives parents legal peace of mind. This is an issue very important to the LGBT community. I know couples in this situation who are eager to be recognised in law.

This was an issue that was raised at the community engagement function hosted by me for the LGBT community in October last year to which all members of parliament were invited. I want to correct the member for Gympie, who said that there were more members of the LNP there than the ALP. That is simply not true. Unlike him, I kept a list and that is simply not the case. May I also add that I probably would not have been able to hold such a function 20 years ago, because 20 years ago homosexuality was illegal. It was a Labor government that legalised that practice and it is a Labor government that has a proud history in this area.

Present at that function were couples with children. There was a little child running around, and I knew—you felt it—they were being raised in a loving environment. Here we have members on the other side of the House attending that function and they were as transparent as plastic. Yesterday the member for Southern Downs in the debate at 5.30 pm used words against the Premier such as 'deceit', 'betrayal' and 'mistrust'. I throw those words back at the member for Southern Downs. While LNP members were all there, rubbing shoulders with that community, desperately trying to win their vote, pretending to be on their side, they were concocting a plan against them while trying to embrace them as if they were a part of that community. They will see through them, they will not be fooled and they will not accept the position that those on the other side are taking today.

I have listened intently to the debate in this House. Basically there is a constant theme. It is based on two main issues: a right for a child to a mum and dad and that babies are not commodities. There have been words used like 'trophies', 'pets', 'convenience', a 'quick fix' to gain a family. To suggest that some upstanding members of our community, because of their lifestyle decisions, would be referred to in this manner—to believe that somehow the desire to have a child makes those children a trophy, or a pet, or a commodity—disgusts and appals me. I believe the LGBT community should use those words against the LNP, and whoever used those words, time and time again.

I remember during the last election the member for Southern Downs rewrote history in the gay magazines about what the National Party had done for the gay community. But members of the gay community are smart. They saw through it. They corrected the record and they knew exactly what the National Party had done.

Mr Kilburn interjected.

Ms GRACE: I take the interjection from the member for Chatsworth—nothing. Absolutely nothing, and they will continue to do nothing.

I remember the words of the member for Cleveland, who said that if the LNP wins the next election it will reverse this. I look forward to seeing the member for Southern Downs stating clearly in the gay magazines that if the LNP is successful at the next election it will reverse this part of the bill. Let us see the LNP do that at the next election.

There was the member for Southern Downs rewriting history, rubbing shoulders, desperate for votes. Those opposite were doing whatever they could to win the election, yet at the same time they were becoming deceitful and mistrusting. Let me tell those members opposite: members of the gay community will recognise your disingenuousness and insincere attitude towards them and they will punish you at the next election. I will continue to do that as long as I have breath in my body as well.

I believe I am a fair-minded and practical person and am supportive of all members of our society. I have fought for most of my life against discrimination and prejudice. I have fought for equality and an equal opportunity for all, and I do not intend to stop now. I will exercise my true conscience vote with great care and conviction. I believe that people who want to have a family using assisted reproductive technology are not criminals. I do not believe it is the role of governments to judge who should or should not be a parent. I believe children should be allowed to live free of discrimination and prejudice and be proud, regardless of the structure of their family.

This is a serious issue and, as I said, it is long overdue to be addressed. I personally paid the price for the illegality that exists today. I am very proud to be part of correcting that injustice. I congratulate the select committee for doing a great job. I congratulate the Attorney-General and his staff and I am proud to be part of a Labor government that has finally legalised altruistic surrogacy for this state for all who wish to have a family. I support the Labor bill, I reject the opposition bill and I commend our bill to the House.