



Speech by

Mark Ryan

MEMBER FOR MORAYFIELD

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SURROGACY BILL; FAMILY (SURROGACY) BILL

Mr RYAN (Morayfield—ALP) (9.33 pm): I rise to make a contribution to the cognate debate regarding the Surrogacy Bill, introduced by the Attorney-General, and the Family (Surrogacy) Bill, introduced by the shadow Attorney-General. As we have heard in the chamber today, there is a variety of opinions and positions regarding the important issue of the criminality and regulation of surrogacy arrangements in Queensland. I take this opportunity to thank the people who have taken the time to contact me about their views on surrogacy arrangements. Those people expressed myriad opinions about the bills before the House.

I note that the members of the Australian Labor Party have been granted a conscience vote with respect to these bills. With that in mind, I have conscientiously and thoroughly considered the terms of both bills, the reports and the evidence of the 2008 parliamentary select committee, experts and other commentators, and the views of the people of the Morayfield state electorate. Accordingly, I have come to the position that I will be supporting the Surrogacy Bill and I will be opposing the bill introduced by the shadow Attorney-General. I will therefore contain the rest of my contribution to this cognate debate to the terms of the Surrogacy Bill.

In my view it is essential to this debate that a consideration of the history of the bill's journey to the House be presented. In 2008 a bipartisan parliamentary select committee commenced an inquiry into the decriminalisation and regulation of altruistic surrogacy in Queensland. The committee held public hearings and accepted submissions from members of the public. In October 2008 a report called *Investigation into the decriminalisation and regulation of altruistic surrogacy in Queensland* was tabled in the House. This report stated that all committee members—government, opposition and Independent members—unanimously supported the decriminalisation of altruistic surrogacy. The report highlighted the committee's proposed policy principle that every child enjoys the same status and legal protection irrespective of the circumstances of their birth or the status of their parents. In tabling the report, the committee chair stated—

I would like to report that the committee has unanimously agreed that altruistic surrogacy should be decriminalised in Queensland. However, the committee has also taken a cautionary approach. Our position should not be interpreted as encouraging surrogacy.

...

The committee is agreed that the government's role is to ensure the protection of vulnerable people from harm without unduly restricting the liberty of consenting adults. The committee's recommendations also reflect its view that the government should ensure parity for families created through altruistic surrogacy by providing a mechanism to transfer legal parentage to the intending parents.

In April 2009 the government provided its response to the committee's report and in August 2009 a paper called the *Queensland government model for the decriminalisation of altruistic surrogacy and the transfer of legal parentage* was released for public comment. Of the 540 responses received, 506 were in total support. In October 2009 an exposure draft of the Surrogacy Bill was released for public consultation. Of the 16 submissions received in respect of the surrogacy aspects of the bill, six were in total support of the bill, eight supported the bill with only minor amendments and two did not support the bill.

I highlight this history to emphasise the thoughtful and thorough process in bringing this bill to the House. The process has been open, inclusive and extensively consultative. In my view legislation passed

by this parliament is to be underlined by several principles. The laws passed by this parliament should address injustices, should send a message to the community about the type of society we hope to live in, should not unfairly and unnecessarily interfere with the rights of individuals and should fulfil a broader vision for a Queensland community that is open, tolerant, supportive, compassionate and understanding.

I am convinced that the current legal prohibition on surrogacy arrangements facilitates a grave injustice and does not adequately protect vulnerable people from harm. I am also convinced that the current legal framework which applies criminal sanctions against those who enter into a surrogacy arrangement discourages people from accurately and clearly articulating the legal implications of any participation in a surrogacy arrangement and creates a situation in which the people who care for the child do not have the ability in law to make many of the decisions which benefit the child. This is not in the best interests of the child.

Whilst not constrained in their love of or commitment to raising a child, the current legal framework means that many people—people who would make outstanding parents—are currently constrained by the law from becoming parents. Surely the constraining aspects of the current law are not in the best interests of the child.

On the other hand, I am satisfied not only that the provisions of the bill are in the best interests of the child but also that the bill has significant mechanisms which promote the best interests of the child. In particular, I note that the bill requires the parties to an intended surrogacy arrangement to receive independent legal advice, to receive counselling, to be of a certain age and to have a medical or social need for the surrogacy. My vision for Queensland is that together we can continue to build open, tolerant, supportive, understanding and compassionate communities where we together promote a normalisation agenda to ensure that all Queenslanders—all people—are treated equally, irrespective of their marital status, sexuality, race or religion and where we together support children equally, irrespective of the circumstances of that child's birth or the nature of their family structure.

Contrary to some of the criticism we have heard in the House today, it is my view that this bill is about recognising and supporting the many different types of family structures that exist in Queensland. The bill is about the love of a parent for their child, and it is that commitment to that child that needs to be encouraged, nurtured and promoted, irrespective of the marital status, sexuality, race or religion of that parent. It is that value, that commitment, that love which is in the best interests of the child. We facilitate a grave injustice by continuing a legal framework of criminality and uncertainty or by supporting the discriminatory nature of the bill introduced by the shadow Attorney-General which does not recognise the modern realities and views of the contemporary society in which we live.

This bill contributes to making Queensland a fairer place to live for all Queenslanders, irrespective of their relationship status or sexual orientation. This bill ensures that all children born in Queensland enjoy the same status, support and protection, irrespective of the relationship status or sexual orientation of the child's parents. In my view, this approach is a significant improvement on the current law and puts the interests of the child first. I want to acknowledge the contributions made by all members to this debate, but particularly I acknowledge the work of the Attorney-General and his staff, the departmental staff and the Parliamentary Counsel in bringing the Surrogacy Bill to the House. I commend the Surrogacy Bill to the House.