

FAMILY FIRST

Some things are worth fighting for

A comment on altruistic surrogacy and same-sex parenting

Tuesday 8th September 2009



The Qld government is introducing legislation to decriminalise altruistic surrogacy. Queensland could go from having the tightest surrogacy laws to some of the most liberal in the country. However the proposed law does much more than this. In fact the legislation has the potential to redefine the meaning of parenthood.

The most radical move in the legislation is that it sanctions same-sex parenting.

By linking the decriminalisation of surrogacy with assisting same-sex parenting the government has distorted the objective of the proposed legislation. Ray Campbell, Director of the Qld Bioethics Centre, appeared before the Parliamentary Committee and pointed out the inappropriateness of linking the decriminalisation of surrogacy with the issue of same-sex parenting. His entreaty was ignored.

Premier Bligh said the following when announcing the proposed legislation:

- *"each and every Queenslanders who wants to become a parent should be allowed the opportunity to do so."*
- *"everyone, regardless of their sexual status or their gender, should be afforded the privileges of parenthood"*
- *"Any Queenslanders will be able to enter into a surrogacy arrangement and people will be able to utilise any of the various methods for conception, such as in-vitro fertilisation, artificial insemination and self-insemination as well as natural conception"*.

All surrogacy has the potential to be the source of questions of personal identity for the child in the future. The proposed legislation will deny to some children their fundamental rights to both a father and a mother and to know and be reared within, his or her own biological family. A new class of child could be conceived - the legally fatherless child and the legally motherless child. In getting the *"balance between helping childless Queenslanders and protecting the rights and interests of the child"* (Hansard 18th Aug, p.1593) **the legislation is weighted heavily against the child. It is clearly about satisfying the desires of adults. No-one has a right to a child. A child is a subject of human rights, not an object of someone else's rights.**

What is in the best interests of the child? Article 3 of the Convention of the Rights of the Child states: *'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.'*

The Australian Christian Lobby has urged political parties to allow members a conscience vote on the issue but Ms Bligh has ruled that out for Labor MPs despite admitting that surrogacy is a complex ethical and moral issue.

Please write to the Director, Strategic Policy, Department of Justice and Attorney-General and make your concerns known. Comments on altruistic surrogacy or same-sex parenting must be in by 18 September and can be made by:

- email to legalpolicysubmission@justice.qld.gov.au
- writing to Director, Strategic Policy, Department of Justice and Attorney-General, GPO Box 149, Brisbane 4001

Suggested comments:

While we understand the desire of adults to have children, we should not be placing those desires above the rights of a child. Children are not commodities and their interests should always come before the desires of adults. This is a form of social engineering and experimentation with children which would undermine the natural family in a way that would be of great concern to many people in this State. The new laws would not discriminate against same sex couples but rather discriminate against the right of a child to have both a mother and a father.