



Speech by
Jann Stuckey

MEMBER FOR CURRUMBIN

Hansard Thursday, 27 November 2008

INVESTIGATION INTO ALTRUISTIC SURROGACY COMMITTEE

Report, Motion to Take Note

Resumed from 9 October (see p. 3020), on motion of Mrs Lavarch—
That the House take note of the report of the Investigation into Altruistic Surrogacy Committee.

Mrs STUCKEY (Currumbin—LNP) (10.24 am): As a committee member and shadow minister for child safety, I am pleased to speak to the report of the Investigation into Altruistic Surrogacy Committee tabled on 8 October 2008. This investigation stimulated great interest in the community. We heard from a wide range of stakeholders, received 130 submissions and heard evidence from 37 witnesses. We consulted with over 50 people with knowledge or experience of the issue.

Altruistic surrogacy is an enormously sensitive issue, representing significant risks in terms of people's health and wellbeing. It involves legal uncertainties, raises deep moral and ethical issues, and touches the most intimate aspects of people's private lives. For some, it challenges articles of faith and religious convictions. For all of us, though, it challenges us to define what is in the best interests of a child.

It is for these reasons that this legislation may be deserving of a conscience vote over a vote along party lines. I remember well the struggle many honourable members had with the stem cell legislation and the passionate speeches the debate brought forth. Along with my colleagues, over the course of this investigation I have been made acutely aware how our actions in this place impact on people's lives. I would like to place on record my gratitude to all involved—fellow committee members, research staff, witnesses, everyone who sent in submissions and, of course, the guest speakers who shared their views and expertise in closed sessions.

At our public hearings on 7 and 8 July we were privileged to hear the evidence of nine courageous women who came forward to explain how their lives were impacted by the current law in Queensland. While their stories were deeply touching, developing regulation for altruistic surrogacy presented us with numerous challenges. We do not know how many surrogacy arrangements currently occur in Queensland as not all surrogacy requires medical assistance. Some arrangements are made informally through social networks or online.

The dilemma, then, of regulating altruistic surrogacy through access to assisted reproductive technology, or ART, is that not all surrogacy arrangements will be captured in the regulatory regime. We note in the report that the ACT, the jurisdiction with the most comprehensive legislative framework for facilitating altruistic surrogacy, only recognises legal parentage where the child has been conceived through ART, the birth mother has no genetic connection and at least one intending parent is genetically related.

Again, the dilemma of the ACT approach is that not all surrogacy arrangements go through ART. It does not account for individual circumstances and the capacity of the parties in relation to genetic connection. In addition, the law leaves some children with less legal certainty than others.

Just where should the balance lie between prevention of harm and protection of the liberty of consenting adults? Some of these decisions were difficult for the committee to make and further debate on these issues will no doubt ensue. With these few words, I look forward to the timely development of an appropriate legislative and regulatory approach for altruistic surrogacy in Queensland.