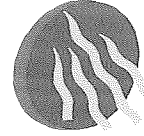
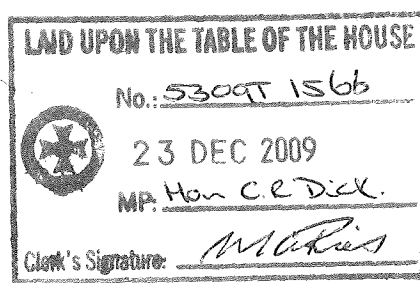




Hon Cameron Dick MP
Member for Greenslopes



Queensland
Government

In reply please quote: 526286/1, J/09/08535

Attorney-General
and Minister for Industrial Relations

23 DEC 2009

Mr Neil Laurie
The Clerk of Parliament
Queensland Parliamentary Service
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter dated 25 November 25 2009 about petition 1319-09 concerning surrogacy.

I have noted the petitioners' concerns. The petitioners in particular ask the House to '... not allow children to be created through artificial reproductive technology and placed in relational constructs that deliberately deny them their biological bonds and the love, care and role modelling of both a mother and a father.'

Pursuant to Standing Order 125 I provide the following ministerial response to the petition.

On 26 November 2009, I introduced into the Legislative Assembly the *Surrogacy Bill 2009* (the bill), which seeks to decriminalise altruistic surrogacy and provide a legal mechanism for the transfer of parentage from the birth mother to the intended parents.

The Explanatory Notes to the bill provide a detailed outline of the bill's background and the reasons for the bill. They can be accessed at:
<http://www.legislation.qld.gov.au/Bills/53PDF/2009/SurrogacyB09Exp.pdf>

The Government's decision to introduce this legislation follows an extensive consultation process that involved investigation (which included public hearings) by a Parliamentary Committee established to investigate and report on the decriminalisation of altruistic surrogacy. This was followed by the release of a Queensland model for surrogacy for public consultation and the tabling of an exposure draft of the bill.

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The October 2008 Report (the Report) of the Investigation into Altruistic Surrogacy Committee (the Committee) noted that despite the current prohibition, it is clear that surrogacy has continued and will continue to occur in Queensland as a last resort for some people to have a child. As the Committee identified, the lack of a regulatory environment to support altruistic surrogacy creates risks for the parties and legal uncertainty for the child.

Following careful consideration of the arguments for and against decriminalisation, the Committee concluded that altruistic surrogacy should be supported along with an appropriate legislative and regulatory framework which would manage the risks for the child and the parties, and which would address the child's legal uncertainty by providing for the transfer of legal parentage. The Committee's Report can be accessed at:

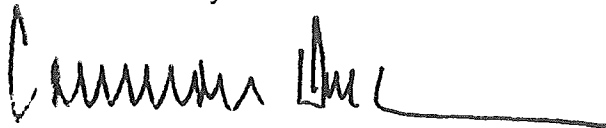
<http://www.parliament.qld.gov.au/view/historical/documents/committees/SURROGACY/Report.pdf> The Government is of the view that the criminalisation of altruistic surrogacy is no longer sustainable.

Consistent with the Committee's recommendations the Bill includes principles to guide the way the Act is administered and decisions are made under the Act. The Bill (clause 6) is underpinned by the main principle that the wellbeing and best interests of a child born as a result of a surrogacy arrangement are paramount. Further to this, the Bill also provides that each child born as a result of a surrogacy arrangement enjoys the same status, protection and support irrespective of the circumstances of the child's birth or the status of the persons who become the child's parents as a result of a transfer of parentage.

As noted in the Explanatory Notes to the bill, if the parent-child relationship is not legally recognised, the child will have reduced rights or entitlements than other children within the community. What is important is that each child is treated the same, including equal legal recognition at law.

In conclusion I reiterate that this bill is an important measure in ensuring the same legal status, rights and protection for all children irrespective of how they were conceived. However, I note that in recognition that there are differing views on surrogacy; Labor members are being given a conscience vote on the bill.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cameron Dick', with a long horizontal line extending to the right.

**Hon Cameron Dick MP
Attorney-General
and Minister for Industrial Relations**