



Speech by

David Gibson

MEMBER FOR GYMPIE

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SURROGACY BILL; FAMILY (SURROGACY) BILL

Mr GIBSON (Gympie—LNP) (8.15 pm): I rise to speak in this cognate debate on the Surrogacy Bill 2009 and the LNP's Family (Surrogacy) Bill 2009. At the outset, I wish to put on the record my appreciation to both the Premier and the Leader of the Opposition for this important issue to be decided by a conscience vote. I am happy to indicate at this point that I will be voting in support of the LNP's Family (Surrogacy) Bill. These are issues that are not decided along party lines but, rather, by an individual's ethical, religious and moral values. It is debates like this that enlighten this chamber, as we consider the truly important questions about our understanding of life, the purpose of families and the moral aspects of modern medical science.

These two first questions have both plagued and challenged mankind for generations. Is there an ultimate answer, or is there just a nagging insecurity that we as humans innately have? Many have tried to address our understanding of life and the role of family. Perhaps one attempt to answer these questions that has impressed me the most is a painting by French artist Paul Gauguin. Members who have seen the painting would know that it reflects upon those eternal questions. Indeed, its title is found inscribed in the upper left corner of the canvass which, when translated from French, reads, 'Where do we come from? What are we? And where are we going?'

It is a result of both these bills that we are debating tonight that we are able to turn our mind to these important issues. From my listening to the debate so far it is clear that, for every report that is quoted from and every academic relied upon to prove one particular view, there is another to counter it. Indeed, it appears that the member for Chatsworth has developed Google research to a fine art. But the problem with that is that, if you ask only one question, you will get only one range of information. When he makes statements like, 'There is no research to support this,' his argument becomes biased and simplistic. There is, of course, research that challenges both views on this argument. Clearly, there is conflicting evidence, which makes it difficult to purely base a decision upon the evidence.

This being the case, we must accept that the decision that we will make today in debating this bill must be upon our own internal moral compass if we are to make the right decision. Any ethical debate that we have faced in our society has often looked to its religious roots and cultural backgrounds in search of an answer. Surrogacy is no different. One of the first ancient references to infertility occurs in the Book of Genesis when Jacob's wife, like many of her biblical peers, was unable to bear a child. After praying to God and begging her husband, she sends Jacob unto her maid and then adopts the resulting child as her own.

Some interesting studies have been conducted with regard to religious differences towards ethics and surrogacies, and the findings are quite interesting. In Jewish law a childless couple falls within the category of personal suffering, and there exists a clear obligation to assist them in every permissible way as long as no-one is harmed in the process.

The Catholic Church statement on assisted reproduction is clear and, indeed, we received today from Archbishop Bathersby a letter that reinforces that position with comments from Pope Benedict made just this week. The Eastern Orthodox Church supports medical and surgical treatment of infertility and the Anglican, Baptist, Methodist, Lutheran, Latter Day Saints, Presbyterian and Jehovah's Witness religions all

have liberal attitudes towards infertility treatments. Islamic law encourages attempts to cure infertility but only to the extent that IVF technologies involve both husband and wife. Because of their belief in karma, there is no conflict in Hinduism with assisted reproduction, which is generally accepted as a form of treatment and not an infringement on religious beliefs.

However, these views relate to surrogacy for medical reasons. When you overlay surrogacy for social reasons by singles or same-sex couples the views clearly change to one of general opposition. The debate today has been done a disservice by Labor's tricky manipulation of what is an important issue. The rushing of this bill forward from No. 9 on the Notice Paper to No. 2 was clearly a desperate attempt to avoid further scrutiny.

Mr Hoolihan: You've had 2½ months to scrutinise it. How long does it take you to read something?

Mr GIBSON: If we accept the argument from the member for Keppel, there are eight bills that were sitting above this bill that have been sitting there longer. If it is simply a matter of time—

Mrs Keech interjected.

Mr GIBSON: I take the interjection from the government whip; there are no rules. So it is at the discretion of the government when it brings a bill forward. If it chooses to jump it ahead of eight others bills, that indicates that it is feeling pressure and it wishes to manipulate a process to suit its own agenda. Introducing a bill that combines two separate but important issues is insulting to those who look to surrogacy—both couples for whom it is a social choice and those who desire altruistic surrogacy for medical reasons. Each issue is separate and deserves separate consideration by this parliament. Bundling those two together in some dishonest, all-or-nothing proposition does a disservice to the people of this state. Holding infertile couples to ransom to the desire of one other segment of our society is nothing short of a disgrace. It is a sign of a government that is not concerned about the wellbeing of the child but, rather, about the wellbeing of Labor ideology. I respect that these are important issues—

Mr O'Brien: We don't discriminate. That is our ideology: we don't discriminate. Quite right.

Mr GIBSON: I take the interjection from the member for Cook and I will address it later in my speech because it is a very important issue. He wishes to portray something here—that the Labor Party does not discriminate when it comes to same-sex couples. Later in my speech I will address that. We will be seeing a private member's bill from the member for Cook, I am sure, because there is an issue of discrimination that needs to be addressed.

Let me come back to my speech. Holding infertile couples to ransom to the desire of one segment of our society is a disgrace. As I said, I respect that these are important issues to members of the same-sex community, and they deserve the opportunity to have issues that are of importance to them debated in their own right and not masked, as Labor has attempted to do in this bill.

Listening to the speakers in this debate I have heard many points raised. One that disturbs me greatly was mentioned by both the member for Chatsworth and the member for Murrumbidgee. It is that a child who is in a family which is violent and abusive due to alcohol would rather be in a loving arrangement with homosexual parents. As a child who was born into a family in which alcohol was abused and violence was a part of my life, I reject the paternalistic arguments put forward by those opposite that in some way it would have been better for me to have been in a different family environment. The relationship I have with my father now is a relationship I am proud to have; it is a meeting of equals. Clearly that was not the case when I was a child, but I do not believe—and I reject totally—the paternalistic views that are espoused by those who, in some way, would say my life would have been better if I had had gay parents. My life is mine to live.

Government members: No-one said that.

Mr SPEAKER: The House will come to order. I will allow the member for Gympie.

Mr GIBSON: We have heard from the member for Chatsworth and the member for Murrumbidgee that somehow a child in that environment would be better off with gay parents. I reject that. I am who I am today because of the experiences through which I have lived. Not all of them were good. Not all of them were ones that I would wish upon my children or any other child in this state, but they are experiences through which I have lived. They have moulded me to make me the person I am. When Labor takes this paternalistic attitude that somehow it knows best and it fails to do the simple things, it betrays those whom it is destined to represent.

A moment ago the member for Cook identified an issue relating to discrimination. It is interesting to note that Labor has won every general election since 1989. Apart from two years and a few months it has been in government since then. Yet within the statute books of this state exists section 208 of the Criminal Code, which distinguishes between homosexual sex and heterosexual sex for those under the age of 18. We heard from many across the chamber that the reason they cannot support the LNP bill is that it contains a provision for two years imprisonment. Yet what is the penalty for those young gay males tonight who may engage in homosexual sex? Is it two years in jail? No, it is 14 years in jail. I look forward to the member for Cook removing that discrimination. At the barbecue that was held here with the lesbian and

gay community I said that I would support having the age of consent for heterosexual and homosexual sex made the same age. There is no reason we should discriminate between male and female and between gay and straight. I would support that.

Mr Dick: Will you have a conscience vote on it?

Mr GIBSON: I take the interjection from the Attorney-General; a conscience vote would be fine. My view is that the age of consent for both should be 18. That is my personal view. I do not accept that we should have discrimination. Somehow those opposite—

Mr O'Brien: That is a squib and you know it.

Mr GIBSON: Somehow those opposite want to portray themselves as being the great defenders of the same-sex community, yet we find them picking and choosing which issues they want to remove the discrimination from and which ones they do not.

It is interesting to note that, when the barbecue was held here for the lesbian and gay community, the LNP representation at that barbecue was greater than the Labor Party representation. However, those opposite would have us believe that somehow the LNP is homophobic or that somehow we do not want to be with the gay community and yet we outnumbered the Labor Party at that barbecue. What can the lesbian and gay community take from this debate tonight? One very simple point: they will get honesty from the LNP, but from the Labor Party they will get deceit, they will get deception and they will get whatever they want to say to prove their point.

Government members interjected.

Mr GIBSON: Listen to them.

Mr SPEAKER: Order! I do not want to listen to them; I want to listen to you. Therefore, the House will maintain its decorum. I want to hear the member for Gympie.

Mr GIBSON: Clearly what we have seen from many of those—not all, I admit—opposite in their contributions tonight has been nothing short of hypocritical. As with all aspects of life, especially those which cause controversy, surrogacy is something that is difficult to understand from the outside. I will be the first to admit that I struggle to understand surrogacy and the motivations for it because it remains a relatively uncommon pathway to parenthood.

I have never had to experience the misfortune of the challenges of infertility, so I cannot truly comprehend the question faced by a woman wishing to start a family with a loving partner but unable to do so for want of a womb capable of sustaining a growing baby. Should such women set aside their hopes of becoming a mother, should they somehow be reconciled to their misfortune, or should they look to an alternative to achieve the same end but by other means—perhaps by seeking the support of another woman willing to act as a surrogate up to the time of birth? These are reasonable questions that we must address.

I think the aim of becoming a mother would not of itself be considered in any sense bad or wrong. Even though the desire to start a family is recognised as much for the sake of the parents as it is for the child, I think it would be unfair to conclude that the hopeful child is merely an end to satisfying a parent's longing. Rather, it is far more likely that a child born from surrogacy arrangements for medical reasons will be loved and nurtured for its own sake.

However, it is even harder for me to understand the reasons for social surrogacy. I have deep concerns regarding baby engineering. Since couples can choose egg and sperm donors based on, say, the donor's beauty, intelligence or even their sporting prowess, are we prepared to move to a society that puts a price on babies where they will be valued strictly according to how the market values their physical and intellectual characteristics? It concerns me: what happens if the child is diagnosed as having a disability before birth? Those who have commissioned a child for social reasons will have a very different motivation to those whose motivation is for medical reasons and may choose to dispose of the child like faulty goods. It is acknowledged that genetic heritage can help cement a bond between parent and child, but to say that it is crucial to a child's welfare and sense of self cheapens unnecessarily the long-established and laudable practice of adoption and the experience of children of blended families.

There has been much discussion in this debate about the best interests of the child. When we look at surrogacy for medical reasons, a child of such arrangement would be in a situation where they ought not to feel like a commodity because, more so than any other desired or sought-after child should feel, they have a reason to feel secure as a child of any reproductive technology because their parents truly wanted a child no matter what the medical obstacles. But the same arguments do not automatically apply to surrogacy arrangements for social reasons. There are those who say there is no difference in the motivation between social and medical surrogacy, but in doing so they are missing the very point: children are not a right. Children are not there simply to provide for some person's happiness. Children have an innate dignity that we as law-makers are required to maintain and uphold. They are not trophies to be owned.

This bill defies our obligations under the United Nations Convention on the Rights of the Child, because extending surrogacy for social reasons to single parents and same-sex couples breaches the fundamental right of every child to at least begin life with a mother and a father. To deliberately set out to deprive a child of their mother and father is to subject a child to a social experiment, an experiment to which they are unable to consent. I agree that it is not desirable to have a policy that allows for uncontrolled surrogacy. There need to be regulatory controls in place that can minimise and control possible abuses of surrogacy.

I have heard from those opposite in the debate that one of the reasons they cannot support the LNP bill is that it would result in same-sex couples facing jail time. I pose the question: where there are those who are unable to find a loving, caring woman to be a surrogate mother and may choose illegally to engage in a commercial surrogacy arrangement, is it appropriate that they also face a jail term? I would put the argument no, because it is not in the best interests of the child at any point to remove the parents from them. Personally, I would like to see in both bills no element of a custodial sentence. Having it removed and replaced with the imposition of fines is a far better way to deal with this. But somehow those opposite are comfortable with both heterosexual and same-sex couples facing a custodial sentence if they engage in commercial surrogacy but they are willing to turn a blind eye, so to speak, if it is altruistic.

What is in the best interests of the child? Is it in the best interests of the child to lock up the parents regardless of whether they have entered into commercial or altruistic surrogacy? I would say no. I would say that it is not in the best interests of the child at any point to have their parents separated from them. What is clear to me is that this bill is still flawed. It is a bill that has been rushed forward to achieve an ideological outcome and not to address a clear and pressing need that does exist in our community.

It is important for us not to dismiss the moral and ethical objections to surrogacy. It is important for us to recognise that as a society we should move forward, with limited changes, to enable altruistic surrogacy for medical purposes. However, to allow surrogacy for social reasons is fraught with danger.

(Time expired)