



Speech by

## Dr Mark Robinson

MEMBER FOR CLEVELAND

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### SURROGACY BILL; FAMILY (SURROGACY) BILL

**Dr ROBINSON** (Cleveland—LNP) (5.01 pm): I rise to speak to the cognate debate on the Family (Surrogacy) Bill 2009 and the government's Surrogacy Bill 2009. I will be voting against the government's bill and for the private member's bill.

At the outset, I commend the Deputy Leader of the Opposition, Lawrence Springborg, for his work in developing this private member's bill. Unlike the government's bill, this bill is based on the longstanding principle that the needs of Queensland children are paramount. Application of this principle means that children should come first in the context of this debate on the decriminalisation of surrogacy.

Further, I wish to congratulate the Deputy Leader of the Opposition on his work in separating the issues of surrogacy from same-sex and single parenting. He rightly pointed out that surrogacy is a unique issue that deserves to be debated openly and separately so that it is not lost in a socialist debate on social engineering.

The original intent of the surrogacy legislation was to assist eligible infertile couples to have children—nothing more, nothing else. Yet today we are asked to vote for a social revolution that will forever deprive children of the basic right to start life with both a mother and a father and, in so doing, confusing the meaning of 'parent'.

Based on the public response alone that I have received at my office and directly, the vast majority of our population understands that the issues of surrogacy and same-sex parenting are two very separate debates and they want them separated. I appeal to those Labor members to consider what the vast majority of Queenslanders expect of them in this regard, not the views of a certain minority lobby group.

Today I intend to be entirely consistent with the views that I espoused in my maiden speech and in my speech on the Adoption Bill 2009. Honourable members may recall me speaking about the importance of traditional family values in our society.

I note that the opposition's bill is in keeping with the recommendations from the bipartisan parliamentary committee charged with investigating the deep moral and ethical issues of altruistic surrogacy. I note, as others I believe have, for the public record that LNP members raised concerns about certain aspects of Labor's policy and that consensus on some aspects was not reached, despite ALP reports to the contrary.

I turn to normalising same-sex parenting. It is disappointing that the government's bill has been hijacked by the gay lobby. The government's bill has been aptly described by Family Council of Queensland President Alan Baker as a Trojan Horse for the normalisation of same-sex parenting, saying that it established in law the absurd proposition that two men or two women are the same as a mother and father. The government's bill is the first step in the normalisation of gay parenting. Can I ask what next? If re-elected, will a Labor government change the adoption law to make same-sex parenting legal? What next, forcing gay marriage on the public? Where does this Labor experiment end?

I turn now to general comments or public concern about surrogacy. Many church groups, Christian organisations and individual Christians have expressed their concerns about the government's Surrogacy

Bill and some general aspects of surrogacy itself. They are concerned about what they see as the legal and relational complexities, the blurring of family relationships and disruption to relationship links between marriage, conception, gestation, birth and motherhood, which are important to human identity. The Australian Christian Lobby states—

ACL sympathises with the pain of infertile couples, but believes the benefits of surrogacy for some parents are outweighed by the negative impact surrogacy can have on children.

Let me read a letter that we all, I believe, received today from the Reverend John Bathersby, Roman Catholic Archbishop of Brisbane. He states—

Dear Mark

I am writing to express my concern about the Surrogacy Bill 2009 about to be debated.

While I understand some of the concerns behind the Bill, I believe that if the Bill seeks to address all requests it may do more harm than good.

As was made clear in our submission to the Parliamentary Inquiry, the Catholic Church does not object to decriminalising altruistic surrogacy as regards the surrogate mother and the commissioning parents. However, as you are aware, this Bill goes further than simply decriminalising surrogacy. There is a real concern that it is shaped largely for adults, without equal concern for surrogate children and their future.

The Catholic Church finds it difficult to support legislation which places a child in a situation where there is no mother and father as would normally be expected. It is difficult to know in advance the impacts such legislation may have on children, or the damage it may do to the institution of the family which is the foundation of our society.

He goes on to say—

In a statement made in Rome only this week Pope Benedict XVI said to the ... Council for the Family ...

'The best chance children have of developing properly is found in a family because of the uniquely complementary roles played by husband and wife ... they need to dwell, grow and live with both parents, because the maternal and paternal figures complement one another in the education of children and the formation of their personality and identity.

It is important, then, that everything possible be done to ensure they grow up in a united and stable family.'

He goes on to conclude his letter by saying—

As you exercise your conscience vote on this issue I ask you to think of the wellbeing of all children. My good wishes and prayers go with you as you prepare to make enormously important decisions.

With every best wish,

Yours sincerely

Most Rev. John A Bathersby

I understand the concerns of the Christian community expressed in this letter and other letters that I have received, and I do share many of their concerns. However, in my view, having considered and weighed up this matter carefully, a very limited form of surrogacy should still be allowed for would-be mum and dad couples who cannot naturally have children. In that sense, I support the bill put before the House by the Deputy Leader of the Opposition.

As stated by the deputy opposition leader, his bill makes certain that Queensland children born through an eligible surrogacy arrangement will be cared for in a safe, stable and nurturing family and home life right throughout their childhood. Further, the guiding principles of the bill promote openness and honesty about the child's birth parents and encourage the development of the child's wellbeing, both physical and emotional. It puts the security and welfare of Queenslanders born through a surrogacy arrangement in the same league as those children who are not.

What about parenting as a human right? The Premier's express view is that adults should have the opportunity to be parents. She said—

... my government's ultimate aim is to ensure that all people who want to be parents have the opportunity to do so ...

That is an interesting comment—that is, that her ultimate aim is that all people should have the opportunity. She goes on to say—

... each and every Queenslanders who wants to become a parent should be allowed the opportunity to do so. We will do this because anyone who is unable to conceive a baby but who wants to become a parent should know—

I emphasise 'should'—

the joy of bringing a child into the world ...

In making this statement, her proposed model clearly places the desire of adults to have children above the rights of children. I disagree with the Premier, because no adult has the right to a child. Parenting is not a universal human right.

**Ms Grace:** It's a human right!

**Dr ROBINSON:** Children are a gift, not a commodity to be owned. I take the interjection about parenting being a universal human right. I looked at lists of international human rights issues, and for every list that I looked at there is not one that says that to be a parent is a universal human right that all should have. Let me list some of the universal human rights: adequate housing, civil and political rights, cultural

rights, democracy, rule of law, detention, development in terms of good governance, rights to do with disabilities, economic—

**Government members** interjected.

**Dr ROBINSON:** Some members opposite seem to have a problem with this list of universal human rights. I am still going through the list: human rights in relation to those with disabilities, economic human rights, human rights to do with education, food and nutrition, freedom of opinion and expression, freedom of religion and belief. These are all from standard listings of internationally recognised human rights, so I suggest that you take up your argument perhaps in those circles if you differ from that.

**Mr DEPUTY SPEAKER** (Mr Wendt): Member for Cleveland, you will direct your comments through the chair.

**Dr ROBINSON:** The list continues: freedom of opinion and expression, freedom of religion and belief, women's rights and gender issues, health, Indigenous rights, minorities, rights with regard to poverty, racism, slavery, torture, violence, water and sanitation. There are more exhaustive lists. I have cut many out just to save time, because this is not an attempt to list every universal human right that exists. If I did, we would be here all day. The point is that there is not a universal international list that says to parent a child is a universal human right. There are human rights to do with parenting but not in being a parent.

What is missing—to become a parent, that there is some right where one can say, 'I want a child and therefore I deserve a child'? There are rights of people who are already parents, but there is no universal international right for an adult to be a parent. Parenting is not a universal human right. But children have the right to start life with a mum and a dad, and the private member's bill protects that right and places the rights of children ahead of adults. There is a whole range of lists in terms of international human rights to do with the rights of children—yes, for children to have love and care and parents. You can find that in a whole range of lists to do with the rights of children. If you go and have a look you will find out.

**Government members** interjected.

**Mr DEPUTY SPEAKER** (Mr Wendt): Order! Member for Cleveland, it is difficult for me to protect you if you continue to direct your comments across the floor. Members on my right, cease interjecting! Please direct your comments through the chair.

**Dr ROBINSON:** The private member's bill will provide the legal framework for altruistic surrogacy for married couples and de facto heterosexual couples, ensuring young Queenslanders born through an eligible surrogacy arrangement will be cared for in a safe, stable and nurturing family home right throughout their childhood.

What about the best interests of the child? According to the government's Surrogacy Bill, the best interests of the child are supposedly at the centre of the government's policy. It says that the government's model is underpinned by the main principle that the best interests of the child are the paramount consideration. However, there are only a few short references in the entire government bill to a child's best interests. So there is little of real substance in the document itself to suggest that any real consideration has been given to the welfare of the children. What about complementarity of mum and dad in the best interests of the child? The government's bill denies that children are best served by having both a mum and dad in their lives. Research clearly shows that children develop best, both physically and emotionally, when they are reared in a stable heterosexual mum and dad family. Further, not only do mainstream academics hold that view but the general population—86 per cent has been quoted in one survey—believe that children are best served by living with a mum and dad.

I come to the conclusion that this government has been here far too long and that it has forgotten who it exists for. When 80 per cent or so of Queenslanders say no to asset sales, what does this government do? It powers on regardless and says, 'Who cares!' When 86 per cent of Australians—and we would assume that that is reasonable of Queenslanders—do not want this form of Labor's bill, Labor's answer is, 'Who cares! We're powering on anyway.'

To deliberately set about to deprive a child of their mother and father, as the government's bill does, is to subject a child to a social experiment, one to which the child is unable to consent. Under this bill, for example, two men can create a situation where a baby will live their whole life without a mother, just because they want to call a child their own. The mother would cease to exist in law for the child obtained by a single man or homosexual couple. The father would cease to exist in law for the child obtained by a single woman or lesbian couple. The natural bonds of family and belonging would be destroyed by the legal implications of this bill. It is an absurd proposition that two men or two women are just the same from a child's perspective as a real mother and father.

What about the disparity between surrogate children and adoptive children? The government banned same-sex and single parenting from its Adoption Act. I ask the question: why is that different for the Surrogacy Bill? The eligibility requirements in our bill for altruistic surrogacy are in line with the Bligh Labor government's adoption requirements and reflect the need to put the best interests of Queensland's children first. In conclusion, if the vote goes through today and the vast majority of Queenslanders' views—the public—are ignored, the LNP has made a commitment that, upon forming government at the next

election, we will reverse this piece of legislation. We will follow through with what we have said in our bill and we will reverse the legislation. The LNP will reverse Anna Bligh's social revolution at the next election. In summary, I do not support the government's bill but support the private member's bill that allows surrogacy for married and heterosexual couples.