

STATUTES AMENDMENT (SURROGACY) BILL

18 June 2008

The Hon. D.G.E. HOOD: I think it will come as no surprise, given my dissenting remarks to the report that the Social Development Committee made (as I was a member of that committee), that Family First will oppose the bill presented by the Hon. Mr Dawkins. I had intended to list a whole range of reasons for that—in fact, I have them here before me—but the truth is that they have been highlighted quite well, both by the Hon. Mr Finnigan and especially by the Hon. Mr Lawson, who outlined, in fact, in one case, the exact quote I was going to use. So, that, I think, puts our position forward.

To put it in simple terms, Family First's opposition to surrogacy really comes down to the issue of what is in the best interests of the child. People will debate this, and I accept that, but fundamentally, as far as we are concerned, surrogacy is an arrangement that is in the best interests of the adults concerned, not the child. If I can just quote from article 3 of the Convention of the Rights of the Child, it 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.'

I am not suggesting that those adults do not enter that agreement with what they perceive to be the best interests of the child at heart but, again as the Hon. Mr Lawson outlined very succinctly, the truth is that there are many unforeseen circumstances in these very complex arrangements. Human emotions are, at times, uncontrollable for all of us, particularly when it comes to our children.

As a new father myself, I can certainly vouch for the level of emotion that one has for one's child, and I can foresee many difficult circumstances arising from surrogacy arrangements in the future. That is not to say that some of them will

not go well: it may be the case that they do, and it may even be the case that the majority of them do, but in good conscience—and I speak for myself and for the Hon. Andrew Evans, having discussed the matter with him at length—we do not feel that we can support a bill which could potentially see difficulties arise for children down the track.

I will paint one very obvious example. Again, the Hon. Mr Lawson gave a few very succinct examples, but one that really jumps out at me, and it is almost too obvious, is a situation, as is proposed under this bill, where a family has possession (if you like) of the child from the surrogate mother, and those two women are sisters. You can imagine the child (let us say it is a girl), when she is about 13 or 14 and reaching those difficult years, has conflict with her parents, which is certainly not uncommon at that age. We can imagine that, if she has a real falling out with her mother (the woman she lives with) and if she has a good relationship with her birth mother, she may decide that she is the mother she really wants to live with. That is a real possibility.

It would be a terribly difficult thing for the parents involved, not to mention the child. I think it is not parliament's role to intervene in those sorts of things. These situations are incredibly difficult, and I think the emotion involved would be overwhelming. So, for that reason, and for the reasons outlined by the Hon. Mr Lawson and all of those potential problems down the track, Family First opposes the bill.

Turning to the amendments put forward by yourself, Mr Acting President, I am sure you will not be surprised to hear that Family First also opposes the amendments. There is a variety of reasons for that but perhaps I can quote from a recent submission to the Commonwealth Human Rights and Equal Opportunities Commission by Dr Robert Pollnitz. He warned about the implications for children in the gay parenting debate. He noted:

'By its implication that marriage between a man and a woman has lost its special value, we believe that the inquiry fails to respect the best interests of our Australian children. My views on this issue are shaped by over 30 years' experience as a specialist doctor caring for children. Throughout this time I

have observed that children develop best, both physically and emotionally, when they are reared in a stable heterosexual, two-parent family. Without criticising single parents or making judgments about people's situations or experiences, when families fracture we see large increases in health problems, emotional imbalances, learning disorders, defiant behaviours, drug use, sexual promiscuity and criminality.'

He went on to say:

'Studies show that gay and lesbian relationships are often unstable. While lesbian unions tend to last longer, a 1990 study found that 50 per cent of lesbian couples break up after less than six years.'

Of course, that is not true of all couples, and I am not suggesting that it is. However, the primary consideration here has to be the welfare of the child and we certainly will not be endorsing a situation that does not put that as the paramount consideration.

To bring it down to a very simple level (and this is perhaps an easy illustration or one that makes sense to me) if we make the claim that two dads, for example, can raise a child as effectively as a mother and a father, then I think we undervalue the role that women play as mothers in the rearing of children. In my own experience I observe my wife with my beautiful daughter, and she is terrific with her. Again, that is not to say that some gay couples would not be able to achieve that, but the research indicates that it is difficult, on average. Again, if we have two mothers raising a child then the truth is that that undervalues the role that fathers play in raising children.

I guess what I am saying is that the ideal model is a mother and a father. That is not always true even in heterosexual relationships and I accept that.

However, as a legislative body that should be the standard that we aim for in all cases. As an absolute minimum we should be aiming for the welfare of the child to be paramount in all of our deliberations. Again, that is why we will be opposing the amendments.