



A new model for professionalised surrogacy proposed

THOMAS MANCH / Last updated 16:14, August 29 201



SUPPLIED / University of Waikato lecturers have proposed new regulation for surrogacy that would have surrogates paid a fixed fee for having a couple's baby (file photo).

Kiwi surrogate mothers should be paid for carrying a baby for would-be parents, but not to the extent of a free-for-all commercial model, say experts.

Surrogacy is currently tolerated but unsupported in New Zealand, and paying a person to have a baby is illegal.

Experts on the subject say New Zealand is ripe for new regulation, as the matter becomes a "huge problem" internationally.



SUPPLIED / University of Waikato philosophy lecturers Dr Liezl van Zyl (left) and Dr Ruth Walker, who have written a book proposing new regulations for surrogacy.

University of Waikato philosophy lecturer Dr Ruth Walker said women should be compensated for surrogacy, but not under a commercial contract.

Along with colleague Dr Liezl van Zyl, the ethicist has laid out a new vision for surrogacy in *Towards a professional model of surrogate motherhood*.

There has been a "profound" shift in the public acceptable of the practice, Walker said, largely shown in studies from Australia and the UK.

Policy and law in New Zealand is lagging, with altruistic surrogacy - a volunteer to gestating a couple's baby - the only lawful method.

A couple and their surrogate have to first apply to the Ethics Committee on Assisted Reproductive Technology (Ecart), which assesses the health and wellbeing of all involved, and confirms the intended parents are unable to conceive or carry a pregnancy.

Ecart received 22 surrogacy applications from July 2014 to June 2015, but this is only part of the picture.

Walker said an unknown of surrogacies happen the traditional way, using the surrogate's eggs and the "turkey baster method"; unseen by medical professionals.

After the surrogate has the child, the Family Court then transfers guardianship of the child under the Adoption Act to the intended parents.

While the intended parents can cover reasonable expenses, no payment for the surrogate is allowed.

Walker said the current setting exposes surrogates to considerable risk; the intend parents can walk away from the arrangement at any stage.

"There have been a number of cases where the intended parents break up during the course of the pregnancy and simply tell the surrogate they no longer want the baby."

Also, the surrogate is able to choose to keep the child.

Walker has proposed a new regulatory body that would set a payment for surrogates and compel the intended parents to take legal responsibility of the child in the initial stages of surrogacy.

This is not to create a career out of having babies, and the researchers shun the idea of commercial surrogacy found in many parts of the United States.

Women deserve compensation, Walker said, and while the book doesn't say what the fee should be, at the moment a fair payment would be around \$20,000.

Under the commercial model, intended parents think they can just "ask for anything" from a surrogate.

A new regulatory body - which will function in many ways like Ecart -would also ensure no unreasonable demands are placed on the surrogate.

Counselling would provided throughout the process, Walker said.

Under the proposed model, the child would have the right to know who carried them, and a relationship with the surrogate should be a real possibility.

"The surrogate tends to get sort of lost after the baby is born," Walker said.

University of Canterbury professor of law, Dr Debra Wilson, is researching commercial surrogacy as part of a three-year project exploring law change.

The law against paying of surrogates is currently unenforceable and likely lacked justification, she said.

Elsewhere, the line between altruistic and commercial surrogacy has blurred, with intended parents giving trips to Disneyland and iPads as reasonable expenses.

A flat fee for surrogates was an "interesting" idea, Wilson said.

Wilson was unsure that intended parents should be guardians from the initial stages of surrogacy; saying in California intended parents are given guardianship at birth.

"[Surrogacy] is incredibly problematic. Internationally this is a huge, huge problem, everyone knows this is a massive problem, but no-one knows how to fix it."

- Stuff