



Association For Reformed Political Action (ARPA)

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Standing Committee on Legislation
Legislative Council
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West Perth WA 6005
via lclc@parliament.wa.gov.au

3 May 2019

Submission: Inquiry into *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018*

Dear Committee Members,

Thank you for the opportunity to provide input into your inquiry about the merits of the *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018*.

This submission is written on behalf of the Association for Reformed Political Action (ARPA), a non-partisan organisation affiliated with the Free Reformed Churches of Australia, a Christian denomination of approximately 4000 members spread across 16 congregations, 14 of which are in Western Australia.

One of ARPA's aims is to present Biblical views to government in its decision-making process, not only because these views are held by many constituents, but also because we believe that Biblical principles benefit society as a whole. While church and state must remain institutionally separate, this does not mean that religious beliefs must remain separate from politics. Indeed, religious beliefs are foundational to the moral and ethical positions many citizens take on a host of issues.

With regards to the deeply held desire to form families and have children, we believe four principles are revealed in the Bible:

1. Procreation should only occur within a marriage where a man and a woman have sworn an oath of lifelong faithfulness to each other.ⁱ Ideally, this environment provides children with the most stable and nurturing environment in which to develop. While for a variety of reasons family and relationship breakdown does occur, and parents often do an admirable job raising children successfully in these instances, this does not change the ideal that where possible a child is brought up by both of his or her biological parents.
2. Those who are strong and in positions of power may never use that to the disadvantage of those who are weak or vulnerable. With regards to children in particular, Jesus Christ in a number of instances warns adults that they face dire consequences if they cause harm to children.ⁱⁱ

3. Human life begins at conception and is known to God already at that stage. Preborn human life is precious in the eyes of God and should not be terminated, save for very limited and dire circumstances such as ectopic pregnancies.ⁱⁱⁱ
4. Children are a blessing from God associated with marriage, but they are never a right or an entitlement for any couple.^{iv} Medical intervention to assist with conception and childbirth should not contravene the principles above. As human beings living in an imperfect world, there are circumstances in a whole host of areas including physical health, family formation, and relationships over which we have limited control and where we are called to accept and come to terms with circumstances which may not match our hopes and dreams.

In light of the above principles, ARPA is deeply concerned with the *Human Reproductive Technology And Surrogacy Legislation Amendment Bill 2018*, for the following reasons:

Firstly, this bill makes the natural rights and expectations of children subservient to the wishes of adults. We believe the rights of children should be paramount in this issue and that their perspective should be considered first. As previously stated, the Bible teaches that children are not a right to any person or couple but are a blessing from God. It is true that for a variety of circumstances children do grow up in single-parent or other family arrangements, and these parents often do an incredible job raising their children. However, while it is one thing to make the best of an unfortunate situation, it is quite another to deliberately create situations which will knowingly deprive children of one of their biological parents. Wherever possible, a child should have the reasonable expectation that he or she will grow up knowing both his or her father and mother. We note that Article 7.1 of the UN Convention on the Rights of the Child reflects this principle, stating that a child shall have "... as far as possible, the right to know and be cared for by his or her parents."^v Furthermore, even if a woman agrees to altruistic surrogacy, it creates confusion in the mind of a child about who his or her mother is. We believe the state of Western Australia should be wary of repeating past mistakes where the separation of children from biological parents had devastating consequences for generations that followed. This Bill, if passed into law, will result in the premeditated separation of children from the mothers who carried and gave birth to them.

Secondly, we are concerned that surrogacy in any form – whether commercial or altruistic - commodifies women, laying the groundwork for their reproductive potential and child-bearing capacity to become available for men to access even if they are not in a relationship with the woman. We are also concerned at some of the ethical issues which have arisen from surrogacy in countries where it is legal, particularly requests for a birth mother to have an abortion if the unborn child has a disability, and subsequent abandonment of the mother and child when the abortion was refused.^{vi} We note that surrogacy in any form and for any couple is banned in France, Germany, Spain, Portugal, Italy and Bulgaria.^{vii}

Thirdly, we are concerned by remarks made by Health Minister Mr Roger Cook in his second reading speech regarding this Bill on 23rd August 2018, which implied that the Bill was justified on the basis that Australia's legalisation of same-sex marriage meant that community attitudes had changed. Given that there are European countries which have legalised same-sex marriage while also completely banning surrogacy, this argument is not logical. Voting to allow same-sex couples to marry is a separate issue from voting to create children for these couples through surrogacy.

Finally, we are concerned by the lack of any rigorous debate in Parliament into research about the outcomes for children who grow up into the types of families that this legislation will create. We draw your attention to research which does show a need for great caution by demonstrating that children growing up in families with same-sex couples experience higher levels of disadvantage than those from 'intact biological families.' For example, a comprehensive research project summarised in the July 2012

edition of the journal *Social Science Research* followed a representative sample of 3000 children from childhood to adulthood and found that children of homosexual couples did worse on 77 out of 80 outcome measures when compared to children in “intact biological families”.^{viii} These measures included being more likely to be on welfare, experiencing poorer educational outcomes, feeling less safe in their family, facing a higher likelihood of suffering depression and having more than six times as many sexual partners later in life when compared to children who grew up in intact biological families.

In conclusion, the Parliament of Western Australia is being asked in this instance to weigh up expectations and rights of two groups. We contend that there is great potential for harm for children in this Bill, as it will result in the pre-planned removal of children from their birth mother to be placed in a family with no mother, and that this potential for harm outweighs the disappointment single men or same-sex male couples may feel at being unable to have a family. Given that the male body is biologically incapable of bearing and birthing children, there is no pressing need for any legislation to overcome this issue.

We realise that matters covered in this bill are sensitive and personal because the desire for a partner and children is one of the deepest human desires. We also acknowledge that expressing our beliefs in such a manner as this could be viewed as insensitive, and we therefore assure the committee that we bear no ill will to any of the individuals or groups whose beliefs may differ. However, we urge caution in this matter, particularly so that the reasonable rights and expectation of children over the long term are not overlooked to fulfil the desires of adults in the short term.

We appreciate the work you do for our community and remember it in our prayers.

Yours faithfully,



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ⁱ Genesis 1:28, 2:18-24; Matthew 19:6 & 9; 1 Corinthians 7:2; Ephesians 6:1-4; Psalms 128:1-4

ⁱⁱ Mark 9:42, Matthew 18:6, Luke 17:2; Matthew 19:14

ⁱⁱⁱ Psalms 139:13-16

^{iv} Psalms 127:3 & 4.

^v Australian Human Rights Commission, ‘Convention on the Rights of the Child,’ available: <https://www.humanrights.gov.au/convention-rights-child> [Accessed 1 May 2019].

^{vi} Documented instances include Crystal Kelly, who refused a \$10,000 offer to abort a surrogate child with medical complications. See Cohen, Elizabeth ‘Surrogate offered \$10,000 to abort baby’. CNN Online: <https://edition.cnn.com/2013/03/04/health/surrogacy-kelley-legal-battle/index.html> [Accessed 1 May 2019].

^{vii} Reuters, ‘Factbox – Which Countries allow commercial surrogacy?’, available: <https://www.reuters.com/article/us-india-women-surrogacy-factbox/factbox-which-countries-allow-commercial-surrogacy-idUSKBN1530FP> [Accessed 3 May 2019]. Note that despite the heading referring to commercial surrogacy, the article also lists countries where surrogacy is banned in any form.

^{viii} Findings from the “New Family Structures Study,” *Social Science Research* Vol 41, Issue 4 (July 2012), pp. 752-770; available online: <http://www.sciencedirect.com/science/article/pii/S0049089X12000610>.