

Legislation Committee

From: Melanie Bosveld [REDACTED]
Sent: Wednesday, 1 May 2019 12:16 PM
To: Legislation Committee
Subject: Submission to Inquiry into Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018

Dear Members of the Standing Committee on Legislation,

I am writing to address your inquiry into the *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018*, which I understand will amend the *Human Reproductive Technology Act 1991* and the *Surrogacy Act 2008* to enable male same-sex couples and single men to access surrogacy.

This issue has currently been framed entirely from the perspective of adults, whereas the perspective of the children must also be considered. Surrogacy will knowingly remove children from the mother who has carried and birthed them, creating parentage confusion. Surrogacy for single and homosexual men will deliberately and knowingly remove children from their mother (birth and biological) and will knowingly place them in a family without a father and mother. Research shows that children do best in intact biological families. Surrogacy contributes to fracturing families and divides motherhood into various categories including genetic mother, birth mother, legal mother and social mother.

Surrogacy risks exploiting women and damaging children. Even if it is not a 'commercial' arrangement, there are many possibilities for coercion of the birth mother (e.g. by refusing to take the child) and many risks (e.g. pulling out of the arrangement). Surrogacy has been totally prohibited for both men and women in many countries including Germany, Denmark, France, Spain, Switzerland, Poland, Slovakia, Hungary, Croatia, Romania, Bulgaria, Estonia and Lithuania.

Surrogacy creates ongoing ethical issues. There are easily-searchable cases online where genetic parents have ordered the birth mother to undergo an abortion or where babies have been abandoned after birth because of a disability. It risks making children a commodity.

It is disingenuous to justify surrogacy for men and same-sex male couples on the basis that Australia has legalised same-sex marriage. Voting to allow same sex marriage is a separate matter from voting to allow same-sex couples to have children through surrogacy.

When surrogacy laws were initially introduced, they were designed to allow people who had a reasonable expectation of having children to do so, i.e. women. That change in itself was and still is very controversial. Men, by virtue of their biology, cannot bear children and thus there is no need for the law to 'correct' this. In its current form the law will actually create a double standard, placing restrictions on women but not on men.

Ultimately, I personally believe that the *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018* should be opposed. I also believe that there is much evidence that further supports the opposition of this Bill.

Yours faithfully,

Melanie Bosveld
[REDACTED]