

Legislation Committee

From: Daniel Minchin [REDACTED]
Sent: Thursday, 2 May 2019 8:15 AM
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.

I am writing to voice my opposition to such amendments. My opposition is based on several grounds.

1. The proposals around enabling surrogacy are entirely based on the perspectives (and "rights") of adults. How are the rights of children to a biological mother and father being addressed? Or do children just have to live with what they get and lump it, so to speak?
2. Despite any legal restrictions that may be put in place, there is an increased risk of exploitation of women – if surrogacy is legalized in any sense, then it will be easier to mask illegal activities behind a legal smokescreen.
3. The community sentiment about same-sex marriage is not related to male same-sex couples or single men accessing surrogacy. The frequent cry of the supporters of same-sex marriage was that "it's only about marriage." So either that's true, in which case same-sex "marriage" legalization cannot be used as a reason for new surrogacy laws, or; that's not true, and so the same-sex "marriage" issue is actually about a lot more than "just marriage" and the people of Western Australia are being misled. If that's the case, I suggest there should be some kind of public announcement in which that admission is made and the citizens of Western Australia are made aware that all aspects of family and parenthood are now up for redefinition and remodeling.
4. Discrimination is not biological! Consider the dictionary definition: *1a : prejudiced or prejudicial outlook, action, or treatment; b : the act, practice, or an instance of discriminating categorically rather than individually* <https://www.merriam-webster.com/dictionary/discrimination> ; and the legal definition: "In Australia, it is unlawful to discriminate on the basis of a number of protected attributes including age, disability, race, sex, intersex status, gender identity and sexual orientation in certain areas of public life, including education and employment." <https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Australias-Anti-Discrimination-Law.aspx>. Clearly some person/persons have to be doing the discriminating. Biology is not a

person. So either this is flawed reasoning, or there is Someone who made us biologically different whom you would be accusing of discrimination. If you are concluding Someone created us biologically, then I suggest it would be far wiser to listen to what He says about gender differences and family structures than to come up with our own ideas on the fly.

5. By attempting to be 'less discriminatory', these laws would increase discrimination against women. A women would have to undergo extensive testing to prove her inability to bear children naturally, a man would simply have to turn up to the doctor. Or, could the woman self-identify as a man, and get around the testing? As you can see, the increasingly accepted and promotes concept of gender fluidity is only going to cloud the waters on the issue of surrogacy too.

I sincerely hope you will take this into consideration, and see that the wisest decision is to reject the amendments.

Kind regards,

Daniel Minchin

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