

24 April 2019

Dear Hon Members,

I write to you in your capacity as the Committee reviewing the *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018*.

Provisions of the current law in Western Australia discriminate against people on the basis of their relationship status, sex, sexual orientation and gender identity, in effect preventing people who are single males or in a same-sex relationship from access to ART or surrogacy. The law does not recognize the rights of all Western Australian citizens and needs to be amended.

The Hon Nick Goiran made an exhaustive contribution, to prove a point about the release of the surrogacy review by Sonia Allan. Not only is it extremely disappointing that the people of Western Australia have had to wait so long to hear other Members' contributions, but it also shows contempt for the many people who have a personal stake in the legislation. Naturally they will continue to pursue the access they seek, which is not fully provided for in the legislation in its current form.

During his lengthy speech, Hon Nick Goiran purported that "there is no such thing as a right to be a parent", which is a derisive comment from someone who already enjoys the privileges of parenthood, and to which I fervently disagree. What gives anyone the right to be a parent, which would see the same rights denied based on one's gender or sexuality? Such discrimination is unacceptable and contravenes the *Sex Discrimination Act 1984 (Cth)*. The current law poses the risk of litigation and the prospect of the relevant provisions of the HRT Act and Surrogacy Act being held by a court to be invalid.

In the *Review of the Western Australian Human Reproductive Technology Act 1991 and the Surrogacy Act 2008* by Sonia Allan, the recommendation clearly states:

That discriminatory provisions within the HRT Act 1991 (WA) and the Surrogacy Act 2008 (WA) that prevent access to ART or surrogacy on the basis of sex, relationship status, gender identity, intersex status, or sexual orientation, be repealed and amended as a matter of priority.

While some may argue that a child needs a traditional family of with male and female parents, research evidence indicates that children raised in same-sex parented families do as well emotionally, socially and educationally as other children raised in heterosexual parented families¹.

With precedence of male couples having access to altruistic surrogacy and reproductive technology in most other states in Australia, I urge the Committee to recommend that the Legislative Council support the Bill.

Yours sincerely,



Mr. Matthew Pincott-Clements

¹ Australian Institute of Family Studies – Same-Sex Couple Families in Australia
<https://aifs.gov.au/PUBLICATIONS/SAME-SEX-COUPLE-FAMILIES-AUSTRALIA>