

16 March 2018

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Per: HRTSR@health.wa.gov.au

**SUBJECT: SUBMISSION TO THE REVIEW OF THE WESTERN AUSTRALIAN HUMAN
REPRODUCTIVE TECHNOLOGY ACT 1991 AND THE SURROGACY ACT 2008**

Thank you for the opportunity to make a personal submission to the above review.

I wish to address certain of the Terms of Reference, which I reproduce as headings (bold characters) within the following paragraphs:

In respect of the HRT Act: "Research and experimentation on gametes, eggs in the process of fertilisation and embryos." and "Genetic testing of embryos, saviour siblings, mitochondrial donation and gene editing technology."

Many Australians, including myself, my family and members of my Church, recognize that every human person has intrinsic value, that human life begins at conception and should be protected at every stage of life. Accordingly, any research, experimentation or testing on embryos or "eggs in the process of fertilization" which threatens life or viability should be proscribed.

In respect of the HRT Act: "Posthumous collection, storage and use of gametes and embryos".

The rights of both biological parents should be respected and protected. Therefore, no posthumous collection, storage or use of gametes or embryos should occur unless legally verifiable voluntary expressions of the intention of the deceased parent (s) is available, as well as that of a surviving parent.

Furthermore, the rights of the child to know its biological parents should take precedence over the interests of any third party. (In this and following paragraphs, when I use the term "child" I mean and include every embryo or gamete involved. Every such embryo or gamete is a human person, or has the potential to become a human person, and should be treated accordingly.)

In respect of the HRT Act: "Access to information about donation, genetic parentage and donor conception."

The rights of both biological parents and those of the child should be respected and protected at law, in respect of access to such information, above the rights of any other person.

In respect of the Surrogacy Act 2008: "The need for continued prohibition on commercial surrogacy", "international commercial surrogacy arrangements" or "international trade in gametes and embryos".

Every child should enjoy the right to life, dignity and respect. Commercial surrogacy (whether domestic or international) and all trade in gametes or embryos is entirely inconsistent with these rights of the child and should continue to be resolutely proscribed. There is abundant evidence now available, particularly from experience overseas, that separating childbearing

from motherhood leads to a host of problems. The child becomes a traded commodity, rather than a human person to be respected and loved. The mother is treated as a service provider, rather than a mother able to love and nurture her biological child.

I wish to add that surrogacy is entirely different to the praiseworthy institution of adoption (which is, or should be, designed to protect the welfare of the child unable to be cared for by biological parents), whereas surrogacy at its core focusses on the desires of intending parents. Commercial surrogacy and all trading of embryos or gametes should remain illegal.

In respect of both the HRT Act and the *Surrogacy Act 2008*: The desirability or “need to adopt nationally consistent legislation regarding excess assisted reproductive technology (ART) embryo research and prohibited practices” or “consideration of harmonisation of domestic surrogacy legislation”.

Working towards consistency and harmonization of legislation nationally is worthwhile, but is entirely secondary to the primary objective of protecting human life and dignity of the child (including in particular the embryo) and respecting the rights of the child and its natural parents. Anything which destroys or threatens life or viability of the embryos should not be adopted at all in Western Australia, let alone under the pretext of harmonization or consistency.

National or other levels of consistency in legislation should NEVER be used as an excuse or opportunity to weaken protection of human life.

In respect of both the HRT Act and the *Surrogacy Act 2008*: “Whether there should be a process of review or appeal of decisions made Council under the HRT Act” or “Whether there should be a process of review or appeal of decisions made by Council under the *Surrogacy Act*.”

Given the critical importance of the issues involved and the protections needed, it is essential that the operation of both Acts and the operational bodies (such as the Council) are open to proper, periodic parliamentary scrutiny by both Houses of the Western Australian Parliament and their committees.

Thank you.

Yours faithfully



Trevor Harvey

