



Coalition for the Defence of Human Life  
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The Program Manager  
Reproductive Technology Unit  
Patient Safety and Clinical Quality  
Clinical Excellence Division  
Department of Health  
189 Royal Street  
Perth, WA 6004

16/03/2018

Dear Program Manager and Members of the Independent Review of the Western Australian *Human Reproductive Technology Act 1991* and *Surrogacy Act 2008*,

Thank you for taking the time to review the aforementioned legislation.

The Coalition for the Defence of Human Life (CDHL) is a non-party political association comprising of fifteen member organisations (listed at the end of this submission). The CDHL exists in order to promote, preserve and defend the sanctity of human life from fertilisation to natural death; oppose the destruction of human life by abortion, infanticide, euthanasia and experimentation; encourage organisations which share in the stated objects; and to engage in campaigns, projects and other activities in order to achieve these objects.

The CDHL recognises that a unique human life begins at conception, a fact which is an observation of science and held in universal consensus. At the moment of conception, when the egg and sperm fuse together, a distinct individual life comes into existence, with its own unique DNA which is distinct from both the mother and the father, and the long process of human development is initiated. It is our DNA which physically differentiates people from each other. To attempt to define the beginning of life as any other point of development requires one to ignore the scientific evidence and use only arbitrary (if not irrational) points along the continuum of human development.

Furthermore, despite its size, a human embryo satisfies the other conditions by which scientists define a living being: he or she is composed of cells, they are clearly delineated from their surroundings, direct their own development and grow as they age. An embryo is no 'less human'

because of its size nor extreme level of dependency, no more than a small and highly dependent infant is 'less human' than a fully grown adult. It must be recognised that a human zygote or embryo is not a potential human being, it is a tiny human being with great potential.

As such, these human beings, even at the most earliest stages of development, must be afforded all the basic rights which are due to them by the very nature of them being human. According to the United Nations' Universal Declaration of Human Rights, the first of these is "the right to life, liberty and security of person".<sup>1</sup> The CDHL calls on those conducting this review to uphold this principle in every aspect of the inquiry, and to only make recommendations which respect the dignity of all concerned – especially the smallest and most vulnerable. While this may not be a popular direction to take, it is the only ethically right one.

### **Some specific areas of concern**

The CDHL recognises that each human life is an intrinsic good, and that the desire and intention to bring one's own children into the world and raise them in a loving environment is certainly good. However, morally speaking, the end does not necessarily justify the means used. The CDHL has several concerns regarding some of the methods by which new children are able to be brought into the world. In all cases, our primary focus and greatest concern is that the dignity of all those involved is always respected.

The CDHL empathises strongly with those who deeply long for a child but are unable to conceive naturally. We acknowledge that the desire to bear and raise children of one's own is very deep-seated, and for many people, among the most important aspects of life. However, the CDHL also recognises that no person has the 'right' to a child. A child is a unique human person, equal in dignity and rights to their parents. A child is a gift to be received, not a commodity to be made in order to satisfy one's own personal fulfilment.

### In-Vitro Fertilisation (IVF)

The CDHL continues to be deeply concerned about most matters relating to IVF including the gateway it has opened in many countries to genetic engineering, cloning, pre-implantation screening, embryonic stem cell harvesting, and animal/human hybrids.

Furthermore, the CDHL is deeply concerned about matters relating to the physical health of the mother due to the risks associated with drugs that cause ovarian hyperstimulation, as well as the emotional toll that she may experience resulting from raised hopes and dashed expectations.

The CDHL is also deeply concerned about the effects of IVF on children from conception. We note a failure rate of around 85 per cent per cycle. We also have other concerns including genetic screening out of embryos prior to implantation or terminating foetuses after implantation for congenital diseases, selective reduction, low birth weights, a higher incidence of pre-term births, and a higher frequency of hospitalisation for IVF children compared to non-IVF children.

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1 United Nations, *Universal Declaration of Human Rights* (1948), Article 3.

The CDHL is deeply concerned that IVF programmes involve the production of excess embryos (unique human beings), many of whom will never enjoy the promise of life. We also note with distress that many are subsequently frozen, only at some later point, to be discarded.

The CDHL believes that a child's best interests is served when it is reared by its biological parents. We note with concern that donor sperm or eggs introduce a third person that will be genetically related to the child, but not to one of the 'parents.' The genetic donor parent is unlikely to have any involvement with the raising of the child. This is far from ideal.

The CDHL believes that current practices in this state do not adequately take into account either the welfare of the mother, or the preciousness of every human life created through IVF. The CDHL believes that every human being, no matter how small, has the inalienable right to life, and that our state's current laws do not reflect this, and thus need to be reviewed and amended.

Currently, many embryos which are created during IVF cycles but not implanted are not afforded this right to life. The CDHL opposes the practice of ovarian hyperstimulation resulting in excess embryos that are either frozen or discarded, and calls for an immediate end to this practice. However, until the practice of creating spare embryos is banned, the CDHL is open to 'spare' embryos being made available for adoption, which provides these embryos with their only chance for life.

#### Donor Conception

Another right which must be respected, wherever possible, is for a child to be raised by their natural parents. The only situation in which one could ever consider someone to have the 'right' to another person, is that of a child to their own biological parents. It is in a child's best interest, for them to be raised by the adults from whom they receive their heritage, with whom they have that most special and irreplaceable bond. The reality is that many couples who have children together end up separating and often remarrying, or sometimes children have to be removed from their natural families for their own well-being. However, this is a very different situation to that of intentionally creating a child into a situation where they are prevented from having a relationship with their biological parents. Many people who were conceived with anonymous donor gametes express frustration at the fact that they will never know at least one of their parents, and experience a sense of missing an important part of their identity.<sup>2</sup> In order to respect the rights of children, the CDHL does not support the practice of using donor eggs or sperm in the process of creating human life. If, however, this practice is to be pursued, children conceived with donor eggs and/or sperm must be able to make contact with their biological parents.

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2 See, for example, "The Right to Information for Donor Conceived People: Lessons Learnt from Adoption (International Social Services Australia, <http://www.iss.org.au/wp-content/uploads/2012/06/ISSAustralia-The-Right-to-Information-for-Donor-Conceived-People.pdf>) and various stories and articles from 'Tangled Webs UK' (<http://www.tangledwebs.org.uk>)

## Surrogacy

The CDHL believes strongly in the dignity and respect owed to each individual human person. Therefore, our organisation strongly supports the current ban on commercial surrogacy in Western Australia. Commercial surrogacy in particular can be a traumatic and dehumanising experience for women. During pregnancy, a powerful bond is established between a woman and her child, which is not just sentimental but chemically and physiologically ‘hard-wired’.<sup>3</sup> Because of the physical and emotional toll from both pregnancy and post-partum separation of the child they have carried, women are highly unlikely to pursue this option unless they are experiencing significant economic disadvantage. As such, it is a practice which is exploitative of women of lower socio-economic standing.<sup>4</sup> If we are serious about respecting the dignity of women as a society, this is an avenue which we will not proceed to embark upon.

## Prohibitions contained in the *Human Reproductive Technology Act 1991*

The CDHL notes that according to the current *Human Reproductive Technology Act*, various practices regarding the creation, trading in, experimentation upon and destruction of human embryos are prohibited in WA. In line with the dignity which must be afforded to human beings at all stages of development, the CDHL urges in the strongest possible terms that no recommendations be made to dispense of any of these prohibitions.

Rather, the CDHL calls on the members of the review to recommend that experimental practices even on ‘leftover’ embryos from IVF be prohibited, and the option of donating them for research be removed.

Thankyou again for taking the time to review these Acts. We trust that you will conduct this review in a way which respects the dignity of every human life, and takes into account the rights of all concerned.

Yours Sincerely,



Johanna Banks  
Research Officer  
The Coalition for the Defence of Human Life

Representing the following organisations:

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3 See, for example, “Baby to Brain”, in *Scientific American*,  
(<https://www.scientificamerican.com/article/baby-to-brain/>)

4 See, for example, “Surrogacy: A Global Form of Exploitation” (Oxford Human Rights Hub,  
<http://ohrh.law.ox.ac.uk/surrogacy-a-global-form-of-exploitation/>)

40 Days for Life Perth  
Association for Reformed Political Action  
Australian Christian Lobby  
Australian Christians  
Australian Family Association  
Christian Reformed Churches  
Endeavour Forum  
FamilyVoice Australia  
Helpers of God's Precious Infants  
Life Ministries Inc.  
Medicine With Morality  
National Civic Council  
Pregnancy Assistance  
Westminster Presbyterian Church