

The Program Manager,
Reproductive Technology Unit - Clinical Excellence Division,
Department of Health,
189 Royal Street Perth, WA 6004
HRTSR@health.wa.gov.au

Dear Program Manager,

The Review of Surrogacy Act 2008 (Western Australia)

The National Council of Single Mothers and their Children Inc (NCSMC) do not consider ourselves experts in the area of surrogacy. However, we bring to the table and to the Program Manager's attention, our rich knowledge gained from five-decades of providing support and assistance to single mothers. Primacy of our work is for the single mothers affected by poverty, hardship and/or domestic violence.

It's essential as we forge new territory to look over our shoulder to the lessons of the past, especially those steeped with human suffering. Most notably, we point to the practice of forced adoption which was an all-consuming practice that included the collective power of the service and legal system, the high-ground of morality, 'deserving beneficiaries'; all blessed with the gravities and sanction of the Government. Forced adoption continued despite the abuse, coercion and or illegal practices.

In 2018 the National Council of Single Mothers and their Children Inc are unequivocal that birth mothers, particularly low-income birth mothers, are granted less consideration, undervalued and their voice silent when determining priorities, policy and legislation. NCSMC points to the *Welfare Review Reforms* which have removed critical supports to single mother families. [Research](#) by the Australian National University Centre for Social Research and Methods has examined the cumulative impacts of cuts made since 2005. The main policy change was to move single parents from the Parenting Payment to the Newstart Allowance resultant in a lower payment rate, a lower rate of indexation where the youngest child was 8 or older and a loss of \$6000 per year to some of our poorest families. This policy occurred although it was most likely a breach of Australia's Human Rights obligations.

Furthermore, the conversation would be incomplete if the reality and presence of domestic violence were absent. Domestic violence can include the control of women's reproductive decisions and that pregnancy has an 'increased-risk' to the exposure of domestic violence from an abusive partner. It is possible that a birth mother may experience the intersect of some or all of these factors which manifest in a lack of social-power, reduced autonomy, serious safety risks and a scarcity of financial resources.



National Council for Single Mothers and their Children Inc.

Eliminate and respond to violence, hardship and inequality for single mothers and their children

✉ PO Box 2238, Hilton, 5033

P 08 8354 3856

E ncsmc@ncsmc.org.au

www.ncsmc.org.au

It is our dark history combined with our contemporary concerns that we seek adequate protections for the birth mother. Therefore, the National Council of Single Mothers and their Children Inc **endorses** the **ARMS Submission to The Review of Surrogacy Act 2008**. NCSMC points to the 32 recommendations contained within the submission and in particular we wish to reiterate four of those recommendations:

1. There should be NO circumstance where the Court would dispense with the requirement to undertake counselling by any party to the surrogacy.
2. There should be NO circumstance where a party is not required to take independent legal advice.
3. There should be NO circumstance in which the Court dispenses with the consent of the birth mother, unless she died in the delivery of the child, or through an accident, or is in a coma that she is not likely to emerge from in the foreseeable future.
4. There should be NO circumstance in which the birth mother's agreement to the Plan should be dispensed with.

In closing we appreciate the process of a review and trust that any and all new practices are developed in an informed manner, it upholds domestic and international human rights obligations, that it is free from human harm, it arrives with protections and a transparent evaluation. This is especially important for the 'birth mother' who has endured a disproportional amount of suffering due to previous legislation, practices and policies.

Warm regards,



Terese Edwards

Chief Executive Officer

