

Subject: Inquiry into Surrogacy - submission
Date: Tuesday, 9 February 2016 7:46:27 AM

Dear Committee Members,

I am very concerned that Australian citizens are able to create children by way of surrogacy arrangements, a practice which seems, to a large extent, to be repeating the mistakes of past adoptions, for which the Commonwealth and State Governments have already apologised. The enquiries which took place prior to the National Adoption Apology highlighted issues of exploitation of expectant mothers and the lack of informed consent. In the past adoption arrangements were very adult-focussed. With the knowledge we now have about the long term outcomes for children who were removed from their mothers at birth to be adopted, we have the opportunity to make adoption more child-focussed, or, in fact, to replace it with more child-centred options. It is tragic to see the mistakes of the past now being repeated in so-called 'surrogacy arrangements'.

I have many concerns about these arrangements:

- In my view, a woman who carries a child through a pregnancy and then gives birth is the mother of that child. If another mother then raises that child, that 'other mother' becomes the surrogate mother. Referring to the mother who gives birth to the child as the 'surrogate mother' is inaccurate and serves to devalue her role and distance her from any emotional connection to the child.
- For example, if a woman undergoes an implant procedure (using sperm or egg donation) in order to have a child 'of her own', she is considered to be the mother of the child when she gives birth. Therefore, a so-called 'surrogate mother', who also undergoes an implant procedure in order to have a child 'for someone else' should also be considered to be the mother of the child to whom she gives birth. She may then choose not to raise this child and to 'give' this child to another mother. However, if money changes hands in the process (which is currently not permissible in Australia under adoption legislation), then she is guilty of selling her child. Child

trafficking, is, of course, illegal worldwide. This is pointed out very clearly in an article by David Smolin, entitled [Surrogacy as the Sale of Children: Applying Lessons Learned from Adoption to the Regulation of the Surrogacy Industry's Global Marketing of Children](#).

- We know from the experiences of mothers of the ‘forced adoption’ period that it is impossible for an expectant mother to know how she will feel about the child she is carrying until the child has been born. This is one of the reasons why we do not allow expectant mothers to consent to adoption. All expectant mothers should be protected from coercion of any kind.
- Allowing payments to be made to mothers with a view to encouraging them to relinquish their children is illegal in Australia and I find it difficult to understand how our Federal Government allows Australians to take advantage of practices in other countries which would not be acceptable in Australia.
- Paying women for the use of their bodies to carry children is one step away from paying women for the use of their bodies for sex, as illustrated by Kajsa Ekis Ekman in her book: *Being and Being Bought: Prostitution, Surrogacy and the Split Self*.
- Making use of a woman to produce a child which she is not expected to raise not only commodifies and commercialises both mothers and children, it also devalues motherhood and minimises the importance of the physical and emotional relationship built during pregnancy between the mother and the child.
- The term ‘commissioning parent’ emphasises the commercial nature of the transaction. In the same way that those who wish to adopt are ‘prospective adoptive parents’, those who wish to become the surrogate parents to a child are actually ‘prospective surrogate parents’. They are not parents until the legal change of guardianship has taken place after the birth.
- There is an argument that all children born to two parents who are then raised by two other (ie surrogate) parents should actually be adopted. This would at least provide some protections, especially for the child, which are already contained in adoption legislation.
- A birth certificate should be a record of the details of a child’s birth. In South Australia, for example, all children are issued with a birth certificate which provides details of the child’s genealogical

connection to one or both parents. If that child is subsequently adopted by one or two other parents, their names can be added to the original birth certificate, so that the child can have access at all times to an accurate record of their relationships to the important people in their lives. We know already from adults who were conceived using donated sperm, that it is important to them to have this information. As a community, we owe it to all children to provide them with an honest account of their biological relationships. This should certainly include details of the woman in whose body they grew and developed.

I sincerely hope that you will consider these and other issues to ensure that any arrangements for the care of children are truly child-focussed and not adult-focussed and that the lessons learned from past adoptions are taken into account.

Yours truly,

Evelyn Robinson

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