

## **INQUIRY INTO LEGISLATION ON ALTRUISTIC SURROGACY IN NSW**

**Organisation:** Family Life International

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## Submission

### **Inquiry into legislation into altruistic surrogacy in NSW**

From the first moment of conception, a human being must be respected and treated as a person with inalienable rights. It is not for the State to confer these rights, but rather, it is the State's role to safeguard and defend them.

Because of the person's innate dignity, the truly responsible procreation of the unborn child must be the fruit of marriage. In other words, the spouses conceive a child only through their reciprocal self-giving; they become a father and a mother only through each other.

A human person is not simply a biological entity having only a material body. A human person also possesses a spirit, or soul, not transmitted by his parents. He is not a mere object, or thing to be bartered, ordered, or made to measure to satisfy someone else's desires.

It is difficult enough for a child to come to terms with being abandoned by his/her parents. Many of these children suffer for years, often blaming themselves, and trying to make contact with the parent/parents who, he believes, abandoned him. In such a case, the child may come to understand that he was given up, not out of abandonment but out of love.

How much worse would it be for a child to learn that the mother who gave him birth, either a genetic stranger, who did not love him but merely hosted him in her womb, or a mother genetically related to him, bore him, not out of love for him but simply to give him away to someone else. It is a tragedy not to be loved by one's parents, particularly by one's mother. For the State to legally sanction this is monstrous and cruel.

When a parent, through death, disability, poverty or some other impediment, is unable to provide proper care for the child, it is in the best interests of the child that he/she be given into the care of responsible parents who can provide a stable, caring environment for him/her. In this case, ie adoption, guardianship, or fostering, the child's rights are paramount.

*Continuing the work of Fr Paul Marx OSB*

*Pope John Paul II to Fr. Marx: "You have much experience; you are doing the most important work on earth" -- 17 November 1979*

In the case of surrogacy, however, altruistic or otherwise, the would-be parents' rights become paramount. Thus, the child becomes a means to an end, and his/her rights are denied. This would become particularly evident in the event that the child in the womb had a deformity or was otherwise handicapped, or likely to be.

The suffering of parents who cannot have children of their own is understandable. It is natural for spouses to desire a child. It expresses the vocation of fatherhood and motherhood inscribed in marital love. However, no one has a 'right' to have a child. The child can never be the property of anyone. The right that spouses have is to perform those natural acts which are per se ordered to procreation.

Infertility is a scourge affecting many marriages today. While there are those in society who are working to treat infertility in men and women, much more needs to be done. Natural procreative technology, NaPro Technology, is one area which is achieving much success restoring fertility. For example, experts tell us that around 80% of infertility in women is due to endometriosis. This condition frequently can be treated and fertility restored, but how many women know this?

Governments would do well to turn away from any legislation regarding so-called 'altruistic' surrogacy, (which would be impossible to enforce anyway), and focus instead on supporting research aimed at restoring fertility to the infertile, and encouraging adoption.

A handwritten signature in cursive script that reads "Gail Instance". The signature is written in dark ink and is positioned above the printed name.

Gail Instance