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[redacted]

[redacted]

05th-July-2025

The Commissioner

Australian Law Reform Commission

PO Box 209

Flinders Lane

Victoria 8009

Email: surrogacy@alrc.gov.au

Dear Commissioner,

SUBMISSION TO THE AUSTRALIAN LAW REFORM COMMISSION – REVIEW OF AUSTRALIA'S SURROGACY LAWS

I am making this submission to contribute to the Australian Law Reform Commission's review of Australia's surrogacy laws. My name is [redacted], and I am a recent parent via gestational surrogacy in Sydney, New South Wales. My son [redacted] was born at a

private hospital in Sydney NSW in [redacted] 2025. I am a proud single dad by choice. I met my egg donor; [redacted] online in September 2021. She was a stranger. She's a friend now. My surrogate [redacted] was initially my colleague who became my friend. I have known her for over nine years. I commenced my path to parenthood at the end of 2020. I have also traveled to India in 2012 to pursue commercial surrogacy with my now ex-husband. I have wanted to have a child since I was a child myself [redacted].

I have read the Issues Paper and have responded to the questions posed in the paper below.

I seek that my submission be published and de identified.

Questions

1. The positive aspects of the journey to have my son [redacted] include the connection and relationship I have built and consolidated with both my egg donor [redacted] and surrogate [redacted]. I am aware that as a single gay man that I am lucky that two women wanted to help me. I have experienced both sides of the equation to have [redacted]. My egg donor was a total stranger whom I met online in a fleeting moment. We are friends now. My surrogate was a work colleague and friend who knew I wanted to have a baby. She was able to ask for updates on the journey around egg donation and embryos. She navigated her own feelings and thoughts about potentially carrying the baby before approaching me. Both women are strong and independent and like me, they know their own mind. They have good emotional intelligence, insight and can make their own decisions. I am very happy with the fertility specialist and IVF clinic that I utilized to create embryos. The mandatory

psychologists that I engaged with were very satisfactory and professional. The lawyer who drafted my surrogacy agreement was more than satisfactory and went above and beyond to answer any questions I had. I felt so included and updated in the entire process to have [redacted]. This included attending appointments and supporting both women. Both women always had autonomy and their initial consultations with my fertility specialist were by themselves. I attended all the antenatal appointments with [redacted]'s permission except one. I have been a member of an online Facebook group called Australian Surrogacy Community since [redacted] 2020. Through this group I have formed many connections, made friends, attended in person catch ups in Sydney and interstate. I have read posts, comment threads and acquired valuable information. The group has been a very positive experience for me. The administrators and moderators do such a good job of looking after the group. Pursuing surrogacy as a singleton has allowed me to be the biological father of my son. I come from a very small family in [redacted], so it is lovely to have that biological connection with [redacted]. The egg collection that [redacted] undertook in November 2022 created five embryos with my DNA. Not only was this a positive outcome but I am very lucky too. There are no guarantees and IVF is a science. The first IVF transfer with [redacted] resulted in [redacted]. Again, I am so fortunate and aware that this is not always the case. Both women were committed to helping me become a parent which has been lovely. The most positive thing to come out of my journey is my son. The day he was born was the greatest day of my life. It was a truly lovely experience. I opted not to find out the gender and was in the delivery room when he was born via elective cesarean section. [redacted] and I spent five nights in a private hospital. It was truly a

beautiful and humbling experience. I learnt loads from the nurses and midwives and the staff were so receptive to me. I could not fault them. I felt confident looking after [redacted] when I went home. I was given tools and resources to follow up too. It was [redacted]'s choice to give birth there and I respected that. I am a registered nurse in a public hospital, so the experience was totally different to the work I do. Given I had been overseas in 2012, I categorically knew that I would not go overseas this time round. There are a multitude of reasons for this. They include the cost, the exchange rate, potential language barrier, ever changing political climate, being alone, engaging in potential commercial surrogacy, feeling isolated and outbreak of a war. Finally, the reaction from people has been so positive. I have been inundated with comments, cards, gifts, words of affirmation and support. My manager at work was so supportive and obtaining my paid parental leave through my employer was relatively straightforward. It's been lovely to see my mother [redacted], and brother [redacted] interact and meet [redacted]. Both are currently visiting from overseas. The negative aspects include my experience in India in 2012. I did not enjoy it, and I was left with so many unanswered questions. In 2025, I am ashamed to admit that I went there. At the time, my husband and I felt we had no other choice. It was what other same sex male couples were doing at the time. The communication and follow-up were poor with no support or care. The embryo transfer (singular) was unsuccessful for each of us, and we were left bitterly disappointed. I felt so involved and kept in the loop to have my son. Staff were so respectful of me. I had to put myself out there in my own circle and online to have [redacted]. That wasn't always easy. I had to always keep a level head and saw a fertility psychologist to navigate my own feelings as I ventured on the

trajectory. I would describe my emotional intelligence as sound and my work experiences as a nurse and teacher helped me throughout the journey. It must be said that a big negative factor of the experience was the financial burden. I single handedly have paid for IVF medications twice, an egg collection, mandatory counselling, lawyers, IVF transfer, ultrasounds, obstetrician visits, medical bills and all other surrogacy related expenses and costs. I am thankful that I was a shift worker with access to penalty rates and overtime. My egg donor and surrogate rarely asked for reimbursement, and I incurred no extra costs. In July 2022, [redacted] (egg donor) and I experienced a little glitch. The proposed egg collection cycle was cancelled as she was not responding to the medications in the appropriate manner. This was determined via an ultrasound and blood test. This caused me some anxiety. I was concerned she would not want to continue. I would not blame her if she had decided to discontinue. That was stressful. I have immersed myself in the online world of pages and groups on Facebooks. Whilst I do comment, I would not put all my personal business out there. However, I have witnessed a more negative side to the online word. Examples of this include men wanting to donate their sperm via sexual intercourse only, vulnerable women who have experienced multiple traumas and a possible hysterectomy wanting to have a baby, people with little or no insight into the world of surrogacy navigating their way around it, intended parents being stuck overseas and people spending in excess of 300000 AUD in order to have a baby. I think much of the cost should be covered under Australian Medicare when having a baby locally. In my opinion, a grant for those intended parents engaging in Surrogacy would be beneficial. I would like to see egg donors and most definitely surrogates receive capped expenses.

Neither of mine did it for money and we followed all the rules but there is an inconvenience to doing both. It would mean that they would not ask for reimbursement for things like parking. Parking in Sydney is very expensive. Capped expenses does not mean that the process is commercial and I fully believe in bodily autonomy for the women involved in the process. I have been treated respectfully by all staff that I dealt with on this journey. I briefly spoke to a lovely female on the phone from Centrelink when [redacted] was born. The information that she told me was totally incorrect. I immediately knew. I corrected her on the phone. This error comes down to education and training and development.

2. In my opinion, all reform principles as denoted on pages seven and eight of the Issues Paper 52; Review of Surrogacy Laws (June 2025) should guide the inquiry. Human rights do underpin the principles outlined in the above mentioned document. It is important that all parties are protected. It is also important that intended parents and intended surrogates are adequately supported whilst pursuing this complex journey. Education sessions and ongoing counselling would be beneficial. A federal regulatory body that oversees this might be beneficial. They could offer some information sessions on what the process entails etcs. Unfortunately, not everyone who wants to pursue surrogacy can for a multitude of reasons. In some instances, mental health and significant previous trauma may play a factor. Not everyone wanting to donate eggs or to be a surrogate is suitable to do so or at a minimum really understand what the process entails. A regulatory body might support such people as well as assist with those needing grants, Medicare rebates

and information etc. The rights of the intended child are paramount. It is important to note that those who pursue surrogacy may not have a child. The intended surrogate may even fall pregnant but suffer a miscarriage. A failed IVF transfer is disappointing too and there may only be a certain number of embryos. Presently, the work that the fertility and surrogacy psychologists do is so important. Where major concerns are noted during mandatory counselling, it might be an option to escalate them to the regulated body. From my own experience, surrogates want intended parents to become parents. It is possible to receive a small amount of capped expenses and still want this. It is also possible to want to be a surrogate but not fully understand the process initially. Comparatively, the model of altruistic surrogacy currently allowed in Australia is different to other models allowed in other countries. However, a regulatory government federal affiliated body would possibly ensure that vulnerable parties are not taken advantage of. It is important that intended surrogates and surrogates have bodily autonomy and can decide on their own antenatal care. The birth is their birth, and nobody can take that away from them. My own experience has been so positive with respect and dignity playing a vital part in this. We used open communication, and it was [redacted]'s decision to have me in the operating theatre when [redacted] was born. I absolutely wanted to be there of course. The biggest factor to accessing surrogacy in Australia in 2025 in my opinion is affordability and finding a surrogate. In Australia, there are not enough surrogates or intended surrogates to meet the needs for those requiring it. Sourcing an egg donor can be problematic too. There is a growing body of same sex male couples having children and more women are becoming more open about their inability to be able to carry a baby for a number of reasons.

Television shows like Big Miracles have put surrogacy to the forefront. A more streamlined federal approach to surrogacy in Australia would be beneficial too. I would like to see the rules and regulations amalgamated so that there is no confusion surrounding different laws for different states. Grants and Medicare rebates would alleviate the cost for intended parents. It is pleasing to see a review of surrogacy within Australia. It is a very contemporary issue and if nothing else, The Surrogacy Act 2010 (NSW) where I reside needs to be updated. The world of surrogacy has been my bread and butter since late 2020. My own experience of a successful surrogacy journey stemmed from friendship and [redacted] wanting me to become a dad. She was able to observe my own perseverance and determination. I always kept a level head. Altruistic surrogacy is based on relationships and the current post birth procedures ensure that the surrogate has not been exploited. It's important for [redacted] and my son [redacted] that they have a birth certificate depicting his birth etc. The other issue briefly outlined above is the number of intended surrogates. Monthly capped expenses might be an incentive to encourage some women to consider doing it. Lawyers, doctors, nurses, psychologists and IVF scientists all get paid in the process, for example. From my own conversations with people who have engaged with overseas surrogacy, they felt it was difficult to find one in Australia. Capped expenses does not take away bodily autonomy or nor does it make a transactional approach once the baby is born.

3. What do you think are the key human rights issues raised by domestic and/or international surrogacy arrangements and how should these be addressed?

I agree that the rights of children are paramount when pursuing surrogacy. Domestic surrogacy currently ensures that proposed parents undergo mandatory counselling. Counselling covers topics such as parenting, finances, previous fertility experiences and thoughts on the entire process. The model of altruistic surrogacy allows for forming meaningful friendships and relationships. In my instance, I knew my surrogate for quite a few years before she approached me. She felt that I would make a good parent. We do not need a license to have children and globally the world is made up of lots of parents of varying denominations, cultures, religions and socioeconomic backgrounds. The traditional model of family has changed, and it has different meanings for different people. Previously, there was an overseas surrogacy case in the media whereby an Australian convicted pedophile had successfully pursued surrogacy in Thailand. As a parent, primary school teacher and registered nurse I find this alarming. The amount of paperwork in the surrogacy process is cumbersome and almost repetitive at times. However, an extra A4 document affiliated with a proposed government agency or department cited above could question people's previous criminal history. At any time on my journey to have [redacted], I do not feel that he was bought. I paid all relevant costs and expenses. There was no guarantee that I would find an egg donor, surrogate or eventually have a son. I do not know enough about overseas commercial surrogacy in 2025, but I do feel the paid surrogates get the money for an incentive and not to hand the baby over at birth. I am going through the post birth paperwork and process now. I am [redacted]'s sole parent. He has

been in my care since birth. I have his original birth certificate depicting [redacted]'s name on it. [redacted] is yet to have a birth certificate with my name on it, Medicare or a passport but this will happen in the next few months. It would be beneficial if the process was quicker and it could be started before a surrogate gives birth. I can only comment on my own situation; [redacted] will be told his story in an age-appropriate way. I am so grateful that I utilised a known egg donor to have [redacted]. I personally believe that all children have a right to know their birth story. This includes sperm donor, egg donor and surrogate. Domestic surrogacy makes this so much easier for parents via surrogacy, their children and the people who helped make them parents. It's important to normalise alternative types of births and families. I think it's important for [redacted] to know other children born via surrogacy, children born into rainbow (LGBQTI+) families, children with single parents and children of a similar age group. Capped expenses for Australian surrogates, a government agency that supports Australian surrogacy, a streamline model of rules and regulations across the country, decriminalizing commercial overseas surrogacy, grants for those pursuing surrogacy, Medicare rebates and criminal checks would protect the rights of future children and make discrimination less likely. Surrogates have a right to choose who they want to carry a baby for. Some women may be inclined to carry a baby for a more normative heterosexual couple whilst other women may be inclined to carry for two men. Another woman may be indifferent. This process allows for autonomy, connection and consolidating an already established relationship. It is important that those entering a surrogacy arrangement share similar values, communicate openly and understand the process. I believe that Australian surrogates have bodily autonomy and bodily integrity.

The surrogates I know are well informed, capable, demonstrate insight into the process, have self awareness and are aware that things can happen that are out of anyone's' control. I think surrogates in Australia are free of slavery and forced labour. Capped expenses for Australian surrogates and decriminalizing commercial overseas surrogacy across Australia would ensure this does not happen where exploitation risks are greater. I do not think intended parents are necessarily exploiting vulnerable surrogates overseas. Same sex couples are prohibited from doing surrogacy in certain countries due to their sexual orientation. This is not the case in Australia but there is a shortage of surrogates in Australia for all people needing a surrogate. A government body could compile a list of countries where surrogacy is accessible overseas including drawbacks and potential recommendations. The aforementioned regulatory body could act like an advice bureau. My experience of domestic surrogacy with my colleague and friend turned surrogate has been positive to date. It wouldn't be possible to experience this overseas.

4. What information about the circumstances of their birth do you think children born through surrogacy should have access to? How should this be provided / facilitated?

   All children have a right to know the circumstances of their birth. This can be started early on by utilsing age-appropriate language. The level of information and language used should modify as a child ages. Where the parent has utilsed an unknown egg or sperm donor, they should be honest and open about this. There is no way to regulate men online who donate their sperm as it can be seen as a much cheaper alternative than engaging in IVF, etc. My son, egg donor, surrogate and I are registered with the NSW Central

Register. I believe [redacted] can access this when he is of age. I believe unknown donors who donate through a clinic can also be contacted too. I wanted a known egg donor but it takes time to find one. Some people choose to source and buy them from an egg bank or go on a waitlist with a clinic as it is more time effective. The overall processes of IVF, egg donation and surrogacy are lengthy, costly and a learning curve. Post birth, relationships between surrogate and parent can break down occasionally. This is disappointing and creates complications when telling a child their birth story. Once a child is of age, they should have the right to access information and hopefully meet the woman who birthed them. In my case, there will be an ongoing relationship with my friend and surrogate.

5. What do you think are the main barriers that prevent people from entering into surrogacy arrangements in Australia, and how could these be overcome?

   . Not enough surrogates – capped expenses such as a monthly allowance might be an incentive. If there are extra out of pocket expenses, they must be covered too.

   . Government regulated body to support those involved in the process – This includes advice, access to resources, criminal record check and mandatory reporting by psychologists if they feel either party is unsuitable to enter into an arrangement.

   . Medicare rebates and/or grants for those pursuing surrogacy.

   . Streamlined laws and regulations across the country. Currently the laws are made on a state level. A federal level would be better. Gay men cannot enter into a domestic

surrogacy arrangement if they live in Western Australia for example. This is an example of discrimination.

6. Should there be eligibility criteria for surrogacy? If so, what should those requirements be?

   For same sex male couples and single men, it is plausible to understand why they would need to pursue surrogacy. I believe a female needs to be signed off by a fertility specialist that they need to pursue surrogacy. My friend and surrogate has not had children of her own. This is permitted under the 2010 NSW Surrogacy Act. My fertility specialist and clinic had no issue with it either.

7. Are there any current requirements which should be changed or removed?

   By making a federal law, gay men could pursue domestic surrogacy in Western Australia, intended parents in Tasmania could find a surrogate country wide and overall, it would make surrogacy more accessible for people requiring it. I am very happy with my own fertility clinic. I believe some clinics charge a surrogacy coordination fee. This fee preys on vulnerable intended parents and is an unnecessary expense.

8. Are there any requirements for a valid surrogacy agreement you think should be added, removed or changed?

   I have heard that some surrogacy teams have been recommended by their psychologist not to continue with their team. In this instance, they would change psychologists. Reporting

their concerns to a government body might prevent this from happening. I believe people who go before the Patient Panel Review (PRP) in Victoria have already paid their legal and psychologist fees. I have heard of people who were declined. I have no issue with that but it's a pity that the intended parents spent that money on counselling and lawyers. Grants and Medicare rebates might be beneficial in this instance. I have no issue with the fees I paid to my psychologists and lawyers, but the fees should be capped. There can be large discrepancies with fees. It is important to use lawyers and psychologists who are experienced in surrogacy and IVF too. Potential surrogates can be declined by a fertility specialist too due to some previous health conditions. Their health and well-being are a priority. It is important that teams perhaps don't shop around clinics and specialists.

9. Should surrogacy agreements be enforceable?

No, I think that is what makes an altruistic model so special. I think surrogates want their intended parents to become parents.

10. What process requirements should be in place for surrogacy arrangements?

It might be a good idea to start the post birth paperwork before the baby is born. I have no issue with [redacted] having two birth certificates, but it'll take some time through nobody's fault to get the parentage order, second birth certificate, put him onto my Medicare card and obtain his Australian passport. Starting the process prebirth might help with the process.

11. What are the gaps in professional services for surrogacy in Australia?

Personally, I did not have any issues finding lawyers and psychologists. I have seen on posts and comment threads that there can be a wait time to see them. I would describe surrogacy as complex and complicated. It is important not to rush in and I was always happy to make appointments when it was convenient for all parties. I have seen some intended parents keen to see a psychologist immediately when they have found a potential surrogate though. Successful teams are those who do not rush in.

12. What is the best way for professional services for surrogacy to operate?

They should be open and communicate their concerns, if any accordingly. They should promote cohesiveness and collaboration. Their prices and costs should be clear. They should always be ethical. The world of surrogacy can be described as niche, but it is important to consider the people pursuing it. Some people have experienced significant trauma and financial burden before they go down the surrogacy path.

13. How should surrogacy advertising be regulated?

I feel I shared my story as opposed to advertising for an egg donor or surrogate. People find their surrogates and/or egg donors through sharing their story in their own circle, family members, friends or colleagues and joining online groups. I did not ask anyone to donate eggs or be my surrogate. It's not something that I would be comfortable with. I do not think

it is good etiquette. It is better for someone to ask. Sharing your story evokes conversations and lets people know of your requirements.

14. What entitlements, if any, should be available to surrogates and intended parents?

As mentioned previously, potential grants and significant Medicare rebates for intended parents. Capped expenses for surrogates. If a monthly allowance for the duration of pregnancy was allowed, it might be an incentive for some women. If expenses go above the cap, they can be paid too once receipts are provided. Bodily autonomy must be the surrogates.

15. How could the process for reimbursing surrogates for reasonable expenses be improved?

Monthly allowance – set figure

More expenses can be covered if need.

16. Do you support a) *compensated* surrogacy and/or b) '*commercial*' surrogacy? You might want to consider whether you agree with how we have described compensated and 'commercial' surrogacy?

    I would support compensated surrogacy. There are extra expenses that need to be covered such as parking, maternity clothes, breast pads and other miscellaneous costs related to pregnancy. There is an inconvenience to being a surrogate and pregnant too. My limited understanding of commercial surrogacy is that surrogates do not have bodily autonomy.

Additionally, there are often agencies involved. Regardless the middleman (agencies) will making a significant profit.

17. If Australia was to allow for compensated or 'commercial' surrogacy, how could this be implemented?

    Streamlining state laws to make one universal law. A new surrogacy act implemented perhaps. A panel that would evaluate this new law.

    The government body mentioned above could have a registry of intended parents and surrogates.

    The compensation could be paid to surrogates on a particular day of each month.

18. What are the main problems with the requirements and processes for obtaining legal parentage for a child born through domestic and/or international surrogacy?

    I cannot comment on international surrogacy but I know it can't be easy. As I prepare my submission in July 2025, I am in the process of liaising with a surrogacy lawyer to prepare the paperwork to submit for [redacted]'s parentage order. It is a process. I believe once it's submitted, it could take anywhere between two to eight weeks. There is usually one judge in NSW that does them. I would be keen to take [redacted] to [redacted] in December for Christmas but I need to wait for thew parentage order, new birth certificate and subsequent passport. It is a process and can take some time. On the other hand it is important not to rush as mistakes can be made.

19. How could the process for intended parents to become the legal parents of children born through surrogacy be improved?

The paperwork and process could be started prebirth. I am not against [redacted] having a birth certificate with his surrogate's name on it. Might there be an option to the second birth certificate with my name on it processed too?

20. What, if any, are the main problems with obtaining the following documents for a child born through international surrogacy:

a. Australian citizenship;

b. an Australian passport; or

c. an Australian visa.

I can't comment as I did not have my son through international surrogacy.

21. How could the process for obtaining these documents be improved?

I can't comment as I did not have my son through international surrogacy.

22. What is the best way to approach differences in surrogacy regulation between or within jurisdictions?

If international surrogacy was decriminalized and the government was more amenable to the fact that people might need to go overseas due to the current shortages of domestic surrogates,

they might have information on each country. The advice bureau would have information on visas, the countries political climate, laws, etc.

Given Australia is a relatively small population, it would make more sense to have a federal law and act.

23. Is it appropriate for surrogacy arrangements to be subject to oversight? If so, what is the best approach?

There are going to be mistakes and oversights in certain surrogacy arrangements. Intended parents and surrogates do not enter into an arrangement lightly. Things happen that are out of everyone's control. There are so many variables when it comes to pursuing surrogacy. They include cost, success, length of time, finding a surrogate and finally having a child. I had a lovely journey, and I know that I am lucky. The first IVF transfer resulted in [redacted]. It could have taken more. I have four more embryos from the egg collection in November 2022. Again, I could have gotten one or two embryos or even none. The commissioner will receive lots of submissions. Some will be persuasive in the favour of surrogacy whilst others will be totally against it. It is important to hear the positive and negative aspects of surrogacy in Australia. Recently, a woman in my surrogacy group posted that she can no longer continue given her age, diminishing egg quality and no luck in finding a surrogate. This is a sad situation but not untrue. Some people can be on a fertility and baby journey for years and years. It is no uncommon for a female who requires a surrogate to have significant trauma and a sad story that has led to this point. If making changes to current legislation, it is

imperative to listen to the viewpoint and experiences who have gone through surrogacy though.

24. Should the law have a role in discouraging or prohibiting certain forms of surrogacy?

It is currently illegal to engage in commercial surrogacy in Australia. Personally, I do not want to see agencies and surrogacy agents allowed. These people will be able to make money from other people's misery and misfortune. I would not advocate for a matching service either. The proposed government body or advice bureau would neither persuade or, dissuade people to engage in international surrogacy but it would have relevant and up to date advice. The proposed changes I have cited through this Word document might begin to improve people's experiences. I want intended parents to become parents. It is such a privilege.

25. Do you think there is a need to improve awareness and understanding of surrogacy laws, policies, and practices?

I absolutely do. If changes are made, it is important for surrogates, parents via surrogacy and intended parents to involved. Any changes need to be evaluated. Quantifiable data should be kept too.

26. Do you have any views about the issues we consider to be in or out of scope?

I am [redacted] now. I would describe myself as a later in life parent. My earliest memory of wanting to have a child of my own one day was in 1987 when I held my newborn cousin. It was a long road to get to this point. I am so fortunate that two selfless women went out of their way

to help me. Preparation for an egg collection involves medications, timed injections, multiple blood tests and ultrasounds. They need to be available to have their eggs taken at relatively short notice and there is discomfort involved in the procedure. To be a surrogate, a female must undergo blood tests, have mandatory counselling, trek their period if need and speak to a lawyer. This is all before she is even pregnant. An allowance would help with miscellaneous expenses such as parking, travel and their time. I have typed and submitted this on my own accord, and these are my own opinions and thoughts.

27. Are there any important issues with regulating surrogacy that we have not identified in the Issues Paper? Do you have any other ideas for reforming how surrogacy is regulated?

I have highlighted certain issues throughout the document. Intended parents need to be supported by the government and not discriminated against. In summary reforming surrogacy laws encompasses Medicare rebates, allowances for surrogates, one law for the country, decriminalising international commercial surrogacy, opening a government affiliated agency or advice bureau and evaluation.

Thank you for considering my submission.

Yours Faithfully,

[redacted]

Recent parent via gestational surrogacy in Sydney, NSW