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The Commissioner
Australian Law Reform Commission
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[You can also make a submission at www.alrc.gov.au/inquiry/review-of-surrogacy-laws/make-a-submission/]

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. I am a intended parent, and my husband and I have been within the surrogacy community for around 6 years now and am expecting a baby via surrogacy late this year after the longest journey.

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

I seek that my submission be published but remain de-identified.

1. If you or someone close to you has had personal experience of surrogacy, please describe:
    - What parts of your experience were positive? Surrogacy is allowing me to become a mother. After finding out 5 years ago that I could not safely carry a pregnancy due to the risk of uterine rupture, we decided to peruse surrogacy as it was our only option to have a child genetically ours (something of which that was very important to us).
    - What parts of your experience were negative? We initially chose to peruse altruistic surrogacy overseas after not being able to find a surrogate here in Australia. Although we would have preferred a surrogacy journey in Australia, we

had no luck finding someone who could help. Additionally, another huge factor for us decided to go overseas was because in Australia we could not be listed on baby's birth certificate straight away at birth. This is terrifying & so unfair when the baby is genetically ours. We chose to go through Canadas altruistic surrogacy pathway as they have agencies to help you find a surrogate. Unfortunately, after spending significant funds (over $100k) and 3 failed embryo transfers, we then could not continue. We then explored uterine transplant for 2 years but then I was no longer eligible for the trial. Following this, we explored surrogacy in Australia again and very luckily found an amazing surrogate to help. This surrogacy journey has still had barriers and unfortunately we were unable to recieve any Medicare rebates or funding to help.

- What could be improved and how? Parents need to be on the Ruth certificate from birth. There needs to be a parentage order during pregnancy that can happen such as what is done in countries like Canada. There needs to be Medicare rebates for surrogacy related appointments/scans/blood work/procedures.

2. What reform principles should guide this Inquiry?

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 feel like accessing surrogacy in Australia is a massive barrier and my right to have the choice to have a child has been so unfair and harder then it needs to be. The access to surrogacy in Australia currently has so many unnecessary barriers and steps.

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? Whilst I do believe it is important for a child to now "their" story, I do think there should be a seperate section for surrogacy on the birth certificate (not referring to the surrogate as birth mother, but as a 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? There needs to be a way to connect people with surrogates. Perhaps agencies or NGOs. The parentage order is a

huge barrier for people and if it changed, I feel more intended parents would choose Australia.

6. Should there be eligibility criteria for surrogacy? If so, what should those requirements be? I do agree with keeping this criteria as is.

7. Are there any current requirements which should be changed or removed? The mandatory counselling post birth!!

8. Are there any requirements for a valid surrogacy agreement you think should be added, removed or changed? I think the mandatory counselling could be reduced. My team already had a great relationship & had talked in depth about a lot of scenarios. We found these extra required sessions a burden.

9. Should surrogacy agreements be enforceable? Yes 100%!

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

11. What are the gaps in professional services for surrogacy in Australia? Lack of knowledge and understanding of surrogacy.

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

13. How should surrogacy advertising be regulated? I think social media advertising is fine or even on a website. I wouldn't agree with radio/tv.

14. What entitlements, if any, should be available to surrogates and intended parents? Intended parents need to have access to Medicare rebates. Infertility journeys are a huge financial burden and we need this support from our government. Surrogates should continue to be reimbursed for expenses.

15. How could the process for reimbursing surrogates for reasonable expenses be improved? There could be set amounts for each category (as what Canadian government has done) or as a guide to amounts (not enforced).

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 do but I think the compensation amounts need to be capped at an affordable rate. Otherwise many people, such as myself would not have been able to afford surrogacy. I do have concerns about the "type" of surrogates that would embark on journeys too who may not have the best intentions and impact vulnerable intended parents.

17. If Australia was to allow for compensated or 'commercial' surrogacy, how could this be implemented? Maximum amount for compensation & expenses. In America some surrogates charge $70(usd) + expenses, if this was ever to happen in Australia then there would be no way that I could afford to have a child. I am on the fence about commercial surrogacy and feel it would need to be strongly regulated.

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? As answered above

19. How could the process for intended parents to become the legal parents of children born through surrogacy be improved? Allow parents to obtain parentage during pregnancy via pre-birth orders. Educate hospital systems on this.

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.

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

22. What is the best way to approach differences in surrogacy regulation between or within jurisdictions? All states need the same requirements. Our surrogate is interstate and it is very confusing with different information and mandates.

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

24. Should the law have a role in discouraging or prohibiting certain forms of surrogacy? It should be up to the person if they want to embark on any overseas surrogacy arrangement.

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

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

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?

Thank you for considering my submission.

Yours Faithfully,

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