To Whom It May Concern,

We are writing to provide a personal submission to the review of Australia's surrogacy laws. Our intention is to highlight the barriers, inequities, and emotional toll that current legislation imposes on families seeking to grow through surrogacy.

Our journey to parenthood began over seven years ago when my husband and I, both educators, started exploring our options for starting a family. We became registered foster carers and were initially hopeful. However, we soon realised that the foster system, while well-intentioned, lacked crucial protections for foster parents. We were also deeply concerned that any issues arising within the system could jeopardise our professional standing and livelihoods. One of the most confronting moments came when we were suddenly asked to take in four siblings immediately after being approved—an overwhelming and unrealistic expectation that was both emotionally and practically unmanageable.

We turned our attention to adoption, only to find that, at the time in New South Wales, the system was practically inaccessible for same-sex couples. Our final option was surrogacy—a path we had never seriously considered until all others had been exhausted.

Over the course of four years, we attempted to navigate the surrogacy landscape within Australia. We were met not only with complex, inconsistent, and outdated legal barriers, but also with an undercurrent of hostility and judgement. The stigma around surrogacy, particularly from some public and religious institutions, was disheartening and left us feeling ostracised for wanting to grow our family in a loving and ethical way.

After years of emotional fatigue and thousands of dollars spent without progress, we made the difficult decision to explore options overseas. This was not a choice we took lightly. We spent over two years investigating international frameworks and engaging with dozens of agencies across various countries. Like many Australians, we ultimately chose to pursue an independent surrogacy journey in Colombia—not because it was an easy path, but because it was one of the few remaining viable avenues available to us.

Our priority was always to pursue surrogacy in a way that honoured the humanity, autonomy, and dignity of all involved. We chose an independent arrangement precisely because we could not find an agency that aligned with our belief in altruism and mutual respect. Our journey took two and a half years and was fraught with challenges. However, we built a deep and lasting relationship with our surrogate and her family—something we consider central to our daughter's story and identity. We continue to speak with her and her children regularly through video calls, sharing photos and milestones. They are, and always will be, part of our extended family.

The birth of our daughter earlier this year was a moment of profound joy, though it was accompanied by significant hardship. She experienced medical complications shortly after birth and required hospitalisation for several weeks. Navigating this situation in a foreign country was one of the most emotionally and physically exhausting periods of our lives. The strength of our bond with our surrogate and her unwavering support through this period was a blessing we are forever grateful for.

Now home in Australia, we are finally able to reflect on our journey. However, the systemic failures of Australian law continue to affect us. As an employee of [redacted], I was assured that I would be entitled to parental leave. Later, I was informed that, due to the lack of a parentage order (which I cannot obtain under current law), I was ineligible for this leave—even though I am the biological father of our child. When challenged, [redacted] deflected responsibility, citing Australia's surrogacy legislation.

In short, Australia's surrogacy laws—both at the state and federal level—are archaic, discriminatory, and out of step with modern Australian values. They actively push honest, committed families into risky, costly, and emotionally fraught situations overseas. While our story had a positive outcome, we met many other intended parents and surrogates along the way who were not so fortunate. The very laws designed to 'protect' society are, in practice, contributing to instability and harm.

We respectfully urge the review panel to modernise Australia's surrogacy framework and adopt a national, inclusive, and consistent approach. Reform must consider not only legal clarity but also the dignity and rights of all parties—intended parents, surrogates, and, most importantly, the children. Furthermore, we encourage the federal government to lead by example, compelling states and institutions such as [redacted] to follow suit and eliminate practices that amount to legal discrimination.

We are now a happy and whole family—but our journey should not have been so hard. No family should be punished for wanting to give a child a loving home.

Kind regards,
An anonymous, proud, and loving family