[redacted]

2nd of 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. I am an intended parent along with my partner [redacted] and I started our journey in becoming parents about five years ago. As both [redacted] and I are men, surrogacy is our only option to being parents to children that we are genetically related to.

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

I seek that my submission be de-identified.

It is not an easy task to know where to begin in describing my personal experience of surrogacy. I understand that this review is looking at Australia's surrogacy laws, and in the interest of efficiency my submission should attempt to address the points relevant to law and legislation directly. I understand and respect that the time and energy of the people sorting through these submissions is valuable; but it is very hard to think in academic terms while writing this. It's hard not to write over and over again that being a parent is the most important thing in my life. It's hard to try and filter through the overwhelming emotional tsunami that is a constant presence in the very grain of my being, and try to format a mode of communicating juridically the information of why surrogacy is so important to me and our family. Surrogacy for us is a lifeline. It's a miracle that we feel very fortunate to have as an option. I say this

not only thinking of myself and my partner, and our absolute desire in being parents; I say this as someone who has all the confidence that if we are fortunate enough to become parents, we would do everything in our power to be the best parents we could be. At the end of the day, it's about the children we want to bring into this world and raise, and what is best for them. Our desire in becoming parents is our desire to have the opportunity to witness and provide the best life we can for our children. We want to be the cheerleaders to their life, we want to have the opportunity to make them the most important people in our lives, and being their dads our legacy.

This submission is about surrogacy, it is about the reform of surrogacy. I can not start writing to you about surrogacy before trying to communicate what is at the base of why surrogacy is important to me. It has potential to create a family for my partner and I. Family. How can just one word mean so much, and yet it does. It means everything for us.

I was born in Eastern Europe in the late 70's. Behind the Iron Curtain and everything that came with that way of living. As a man in a relationship with another man, I constantly think about the fact that when I was born, where I was born, people like me were arrested and sent to forced labour camps. In fact this was still happening till 1990.

Recently I went to see a doctor in Melbourne where I live, it was a doctor whom I never visited before. It was for a minor issue of scratching myself on a rusty nail, and wanting a tetanus shot. This doctor happened to have started his medical career in communist Eastern Europe as well. My partner came with me to get the tetanus shot because I'm a big baby when it comes to needles. The doctor and I talked about the old days behind the Iron Curtain. He talked about the curriculum of his medical degree having a component where he was trained to pick out and identify gay people so they could be arrested and prosecuted. He asked how long my partner and I have been together. He said that his son is also gay. We talked about how lucky and blessed we are to be living the life we are in Melbourne today. I told him that my partner and I want to become parents through surrogacy. I asked him if he'd be willing to consult with us for any procedure where we might need a family doctor along our journey to parenthood. He said he'd be honored. Both the doctor and I cried.

I wanted to share that story with you because it's important for me to let you know how blessed we know we are to live in this country, at this time. How blessed I feel to be able to love who I love, and still have hope to be a biological parent. How fortunate I feel to have the right to just be able to be writing this to you. In our case surrogacy is the reason why I can harbor this hope of completing our family.

When we started researching surrogacy as an option of becoming parents, the vast amount of information we came across was for overseas options. When we started focusing more on research about surrogacy in Australia (which included consulting IVF clinics, and legal firms specializing in surrogacy), we still found it somewhat confusing due to the variations between legislation on the subject from state to state.

When we inquired about what the process is in finding an altruistic surrogate, we were surprised to find that, well, there isn't really one. The advise that we came across from a few sources was that our best bet was to join Facebook groups, introduce ourselves, and see where that might lead. We were also told that some families have had success in finding a surrogate by posting notices in their local supermarkets, or that talking to hairdressers might be a great way to get the word out to a larger number of women (since most of their clientele are women) that we would like to expand our family with the help of a surrogate. All this initially sounded to us like some form of urban legend, but there we were. And here we still are.

We understand that the majority of surrogates in Australia are women helping someone they know, or are related to, to complete their family by carrying a child for them. Unfortunately my partner and I are not in a position of having a relative, or someone we know who could do this for us; so our option in Australia remains altruistic surrogacy.

My partner and I went to a few seminars hosted by companies that offered surrogacy outside Australia. We do see some good options in pursuing surrogacy overseas. The companies we spoke with so far have been in the USA, however the prices suggested by them for the process have been as high as AU$500,000. This factor comes with it's own set of obvious challenges. There are of course options of surrogacy in other countries as well. Our personal options are however reduced by the fact that some countries do not offer surrogacy to same sex couples.

We do have acquaintances that opted for surrogacy in other countries, and have seen them have a variety of results. Some have had a great experience, great relationships with everyone involved in the process, and the result of healthy babies. We have also seen and heard of some families having a lot of challenges with their overseas surrogacy journey; ranging from corrupt legal systems, corrupt clinics, undisclosed information about the surrogate that directly resulted in the child being born prematurely and with life long health issues. This of course concerns my partner and I. We don't want our child, any child for that matter, to have to live with a life long health challenge because of the corruption of the countries or clinics that we were forced to go to if we were to have a better

chance in completing our family, because surrogacy in Australia was something that was not a realistic option due to our difficulty in finding a surrogate.

We trust Australian law. We trust the Australian health service. We trust Australian professionals and medics. We trust Australian hospitals. We trust this country, our country. We want to be able to have our children in our country. I primarily want this for the reason that I trust our children would have a better chance to come into this world healthy and without issue if they were born in Australia. Secondly, I want this because I trust our laws and systems to treat the wonderful woman who would carry our child well. She would be empowered, protected, and cared for. Thirdly, I trust our laws and systems to make it manageable for us, the intended parents to navigate the processes, be they legal, bureaucratic, medical, that we need to go through to complete our family through surrogacy.

I strongly believe that in order for us, and many other families like ours to be able to have surrogacy in Australia as a more viable option, some law reform needs to occur. We are immensely grateful that surrogacy is available as an option for our family to grow (although I am heartbroken that not all states and territories give the rights to single men, or gay couples to pursue parenthood through surrogacy). However, allowing some kind of regulated compensation for surrogates would definitely be a welcome step towards evolving our surrogacy laws. There are undeniably many more families in Australia in need of a surrogate, than there are surrogates that can help those families. I believe this would also create opportunity for more women to choose to offer their time and body to help families like mine grow. I do not believe women in Australia would ever choose to become surrogates purely for material gain. I believe any woman who does this, does it primarily because she wants to help other families, and wants to help a child be born into this world. Everyone else in the process of surrogacy is compensated. The doctors, the lawyers, the hospitals, the clinics, everyone. Just because someone becomes a surrogate for these wonderful reasons doesn't mean she shouldn't have a right to be compensated. A doctor may have a calling to save lives, but that doesn't mean she shouldn't have a right to be compensated. A human rights lawyer may have a calling to help the oppressed, but that doesn't mean she shouldn't have the right to be compensated. A teacher may have a calling to teach, but that doesn't mean he shouldn't have the right to be compensated. There is some common ground between these examples and a woman who wants to be a surrogate.

Having a licensing system for agents that can liaise between surrogates and intended parents would also be a great step. Alongside this, working towards more uniform legislation regarding surrogacy for all states would be another good step.

I don’t know what the exact balance would or should be. I could not say what the new legislation should state. I am not versed enough in the law, or the complex social nuances of our society. There are much more learned people, like yourself dear commissioner, on who’s shoulders the burden of determining where that legal equilibrium needs to rest.

I can only tell you my story. I can only show you my life. I can only hope that I can express to you what’s in my heart and mind. I am grateful to have the opportunity to do so. I think I am a good person; not perfect, but have always tried to be kind, good, and fair. I think that I would make a wonderful dad. I think there are other families like mine in this country. Families like ours have a much longer path to parenthood with many more highs and lows than the average Australian family. By my logic, surely families that are willing to go on this longer journey, and the women who are willing to help them become parents, surely they are trying to bring children into this world that are so wanted, so loved, sometimes for years before they are even created. Surely any change in law that makes surrogacy a more viable option in Australia is a good thing.

Thank you for considering my submission.

Yours Faithfully,

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