Surrogacy Law Submission

**Context**

I am a 36-year-old male, and after years of trying to start a family with my wife, who is 37, we hope to find a surrogate—essentially, that magical person who can help us create our special family.

It's been four years, and we are no closer. The laws are so restrictive that we've found ourselves hoping someone will respond to our Facebook story and offer to be a surrogate. Sadly, I don't think this response will ever happen. It's heartbreaking to know that if you don't have friends or family able or willing in Australia, you are out of options.

**A Bit About Us**

We've always been hard workers, and in our twenties and thirties, we focused on setting ourselves up to start a family. In 2021, we got married and began trying. Over the next four years, we experienced a miscarriage at 10 weeks and another four early miscarriages, all of which were heartbreaking. We then completed a round of IVF, but my wife experienced overstimulation from the drugs and an unsuccessful transfer. We were, however, grateful to have three remaining embryos.

In June 2023, before we got the chance to try for another transfer, we found out she had Stage 3 Lymphoma. She underwent six months of chemotherapy and has been in remission since January 2024.

We relocated from Sydney to the Sunshine Coast soon after to live a healthier lifestyle and focus on family. Since then, we've had two further miscarriages at six weeks. Unfortunately, with the history of miscarriages and the impact of cancer treatment, we have come to the difficult conclusion that conceiving without a surrogate is not possible.

We would love nothing more than to have kids and hope to find someone to help us make a family.

**Commercial Surrogacy**

I have older parents, and they were terrific. My wife and I continue to live a healthy life; however, we feel like we've run out of options. It's completely impractical to expect a woman to take nine months out of her life for a stranger without compensation. We live in a society where men are paid more based on the risks associated with their manual labor jobs. Yet, we have outlawed paying women who are willing to do the same through being a surrogate.

We live in a digital world where most communication is online. Yet, you cannot openly ask, advertise, or offer to pay a surrogate. We live in a different world where online communication is the norm, and reaching people through advertising is how the world operates. To ignore that is to disregard the reality of the internet. How do you expect someone unable to ask for help to receive it? There are a handful of people willing to

undertake altruistic surrogacy, which is reserved for their immediate family and friends, with whom they have a lifelong connection. There would be hundreds, if not thousands, more healthy women who would be willing to participate if they were paid for their time and treated fairly. All we ask is that you make commercial surrogacy a reality to offer us the chance of having a family.

Understanding the potential concerns, I acknowledge that some regulation is necessary; however, I urge you to consider the additional burden that excessive restrictions will impose. We need reform, not a single step forward.

**Varying State Laws**

Our move from one state in Australia to another (to be closer to family) has added unintended complications and added to our fears. I'm constantly asking myself if we are in the right state (and country) to have the best chance of starting a family?

**Barriers at Birth**

For the lucky few who have found a path to surrogacy, they still face heartbreaking barriers.

For example, it's backwards to have the surrogate and the surrogate's partner on the birth certificate when the DNA is from the intended parents. For those who argue a birth certificate is a 'record of birth,' I'd ask why the partner's name is on the certificate and further call out the distress and anxiety the intended parents feel knowing that at the

time of birth they are not legally recognized as the parents of their sperm and eggs. This injustice absolutely needs to be adjusted, be it by a pre-birth process to ensure a legal transfer at the time of birth, or by the introduction of a certificate of surrogacy that recognizes the new parents legally. This is something I'm completely petrified about facing, yet I'm also taken aback knowing it's likely I'll never have the chance, as we haven't been able to find an altruistic surrogate.

**Overseas Surrogacy**

There have been a few moments of hope when we've thought about traveling overseas for surrogacy, only to hear the horror tales of the Australian government making it shockingly difficult to re-enter the country with your baby. Overseas surrogacy should not be illegal or restrictive if the proper processes have been followed.

**Conclusion**

In summary, the current surrogacy laws in Australia fail to accommodate the realities of modern life and communication. We have faced numerous heartbreaking challenges in our journey to start a family, and the existing legal framework has only added to our difficulties. We urge you to consider the profound impact these laws have on couples like us and to implement reforms that allow for commercial surrogacy, address the barriers at birth, and facilitate overseas surrogacy. These changes are essential to give us, and many others, a fair chance at creating the families we so deeply desire.