From: [redacted]
To: Surrogacy
Subject: Submission to Surrogacy ALRC enquiry
Date: Monday, 14 July 2025 8:03:20 AM

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Hello,

This is my submission to the Australian Law Reform Commission Enquiry into surrogacy in Australia. Thank you very much for undertaking this important enquiry.

I am a [redacted] year old cisgender man living in [redacted], NSW, with my husband [redacted] (cisgender man, [redacted] yo). We began dating in 2004 and married in [redacted] 2025. We both work as health professionals in the NSW public health system. We have wanted to have children for a long time. But when considering our options to do so, adoption seemed a long and unreliable path. And I am not comfortable, from an ethical perspective, with overseas commercial surrogacy options, due to concerns about exploitation of women and poor regulations in the jurisdictions where this is available.

We had several female friends and family members offer to surrogate for us. A few of these fell through for personal reasons. [redacted]'s sister [redacted] offered to be a surrogate and we were actively pursuing this. However she lives in Western Australia, and in exploring this as an option we found that it is illegal for gay men to have children via surrogacy in WA. We were advised that it might have been possible for her to fly in and out of NSW to undertake surrogacy treatment, but this was not feasible for her as the mother of two young children.

Thankfully we have a long-term friend [redacted] in [redacted] who offered to be a surrogate for us back in late 2023. [redacted]'s sister [redacted] donated eggs for us to allow us to create embryos, however she was unable to do so in Western Australia due to the aforementioned laws (NB when we phoned clinics in WA to ask about this we were advised that "it's illegal for gay men to have children via surrogacy in Australia" - I'm not sure whether this was discrimination or simple ignoranceI and I tried, unsuccessfully, to explain to the clinic staff that this was incorrect). So [redacted] had to fly in and out of Sydney three times to do so. This was a significant burden on her but she is a wonderful person and was happy to do this for us. Since then we have gone through all of the legal/counselling/medical steps required and are tremendously lucky that [redacted] is now 20 weeks pregnant. We're looking forward (all going well) to meeting our baby in November 2025.

In response to the questions in the issues paper:
1. What parts of your experience were positive?
- Speaking with excellent and well-informed lawyers such as Sarah Jefford and Simone Hales about our legal rights and what we needed to consider in trying for surrogacy in Australia
- Having a friend offer to be a surrogate for us, after she'd done lots of research into this and what it would mean for her and her family
- Our experience speaking with our fertility specialist Dr Katrina Rowan, and the care provided by the staff at Monash IVF on Kent St in Sydney
- The counselling provided by Ian Trevallion as part of the surrogacy assessment process

2. What parts of your experience were negative?
- Finding out that, in our home state of WA, it is illegal for gay men to have children via

surrogacy. This made me feel like a lesser person and someone that can't be trusted to have or care for children. I was pretty disgusted to be honest - I work as a doctor and have cared for other people's children in this capacity, and spent time caring for the children of friends and family members, but felt that I was being told that I'm not good enough as a gay man to have children of my own.
- Being told by fertility clinic staff in Perth that "it's illegal for gay men to have children via surrogacy in Australia". It was probably just ignorance on behalf of a couple of individuals but it was still pretty disheartening, and if someone else wasn't as well informed as me they could be led to believe that it was true.
- The tremendous cost of the whole process including fertility treatment in Australia (not unique to surrogacy I know, but I thought should be noted regardless as it is a significant factor)

3. What could be improved and how?
- Consistent laws across jurisdictions in Australia for intended parents of all genders and relationship statuses.
- Perhaps greater flexibility in being able to compensate a surrogate. I don't agree with commercial surrogacy for the most part. But it does seem rough not to be able to compensate surrogates in any substantial way. We're doing our best by trying to support [redacted] and her husband as much as we can (e.g. babysitting, helping with house duties and other things they need assistance with) but it doesn't feel like "enough". Nothing can ever be enough to thank someone for this gift.

Thank you for your consideration,

[redacted]

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