My husband and I are both gay Australians, and we have two children born via international surrogacy. Specifically, our children were born in the USA. We were drawn to the USA for surrogacy in part due to its combination of clear and tested legal frameworks, and its broader set of legal, medical and social supports which have developed to support the surrogacy industry.

To address the first question the paper askes directly, we had two wonderful experiences in the States. Caring surrogates, excellent medical care, efficient issuing of birth certificates identifying my husband I the parents and straightforward US citizenship processes. From egg donation to surrogacy, all involved were treated kindly, fairly and compensated appropriately within the American Obstetrics Association guidelines for their efforts. We are grateful to the American system. It gave us the confidence, security and legal pathway to embark on this very complex, very human process.

But I must be clear; we were only made to explore the distant, costly and foreign American option because both the Australian federal government and the Victorian government (our home state) are regulated by a raft of surrogacy laws which are homophobic, classist and obstructionist. We deserved to be treated with dignity within our own country, and not be forced overseas. That did not happen; the state and federal governments were highly effective in reminding us that as queer people our equal rights are not assured, and indeed that our journey to equality begins from a place of absence of rights with a requisite to fight for every inch. To elaborate:

1) Homophobic: Australia's laws around surrogacy, and the devolution of decision making to state governments, is homophobic. My husband and I deserve the right to build a family as much as a straight couple do. But we cannot magic ovaries. And a systemic challenge of finding donor ovum in Australia caused by making it illegal to compensate women for their efforts, sacrifices and gifts exacerbates this problem to a shocking degree. Families shouldn't need to turn to Facebook community groups to try and find human tissue. The legal primacy has been placed squarely on controlling the behaviors of consenting adults attempting to build a family. To the homophobia charge, I challenge the federal and state government to highlight the statutes that keep two heterosexual adults from having sex and achieving a pregnancy, wanted or otherwise. Again, you do not need me to cut and paste the myriad locally inconsistent regulations controlling the behavior of single women and queer people around IVF.

2) Classist: In advance of the surrogacy journey we undertook to have our second child, we had extensive discussions with VARTA about our case, including a candid discussion with the then-CEO of the regulatory group. We had a friend locally willing to carry our child, but had our embryos in storage in the US. We applied via an approved local fertility clinic to bring our embryos to Australia. VARTA denied the application to import our embryos on the basis that the egg donor, who was known to us and agreed to have her name on the requisite donor Victorian registry, was compensated for giving us the most important gift we've ever been given, and ever will be given.

We were perplexed by this outcome given that VARTA approves the use of overseas-based egg banks, and selects such clinics on merit of their compensation levels being below an arbitrary amount. In the US the American Obstetrics Association benchmarks reasonable payments against national income averages. No such rigor or thought existed here. Our compensation to the egg donor was, if I recall, A$3,000-$4,000 above the VARTA-approved limit and therefore banned. Now, the classism. Had we been able to have our Australian child in Australia with the Australian woman who volunteered to carry our child, we would have been looking at a costly, but not life-changingly expensive process. But the then-CEO of VARTA said, "I understand your frustration, and you can seek to overturn our decision, but we are not subject to VCAT, so you're looking at a High Court case which will cost more than your overseas surrogacy with no assurance of a positive outcome. If it were me, I would go back to the States where you can build your family absent this challenge."

Aside from how shameful it is for a government body being so out of step with society that its regulator recommends proceeding in a way that avoids dealing with their own regulations, it was also a casual recommendation which cost us over A$200,000. Much of this expense was due to the cost of travel and medical care in the US as a non-US resident. It was a crystal clear statement that the government held procedural matters above social justice and better outcomes for queer, infertile, or otherwise unable-to-carry families. Making paying for egg donation locally illegal, knowingly choking any supply, but then sanctioning paid donation overseas at an arbitrary cost and limiting clinic choice to one preselected vendor was cruel, illogical and infantilizing. It is clear that queer surrogacy is viewed by the government as a luxury purchase as opposed to a serious, considered and loving family building process. I am curious why the decisionmakers in government are able bring their own children into the world in a fully subsidized healthcare system we all pay for, and why my family paid hundreds of thousands of dollars in queer tax.

3) Obstructionist: Every part of the Australian application process seemed designed to delegitimize our right to build a family, insert panels of decisionmakers with their own gestalt around assisted reproduction into our planning, and meant to exclude and prevent rather than enable and assist. I don't need to tell this panel how disjointed and complex the surrogacy system is in Australia. But I've spoken with parents trapped overseas in foreign, unfamiliar countries due to myriad issues with medical care, immigration, finances, etc., and can tell you it is unimaginably cruel to have the state cause these difficult outcomes. Or the panel is most welcome to chat with the NSW residents I've met who were exiled to other states so their overseas surrogacies didn't land them in court or worse. Just building a family is illegal for them. And finally, if one is lucky enough to have the wealth, time and tenacity to conduct an overseas surrogacy, we then return to a country with a very cute little semi-legal migrant with few rights and a long, invasive road ahead on their path to claim their rightful Australian citizenship.

The government's questions include an array of other important questions. I'll leave those to others to answer, but I certainly hope the federal government appreciates that the question on how to police overseas surrogacies cannot be adequately addressed until

Australia evolves its own non-discriminatory, non-classist and non-obstructionist policy. Until you give Australians equal rights to build a family at home, the federal government is simply compounding the injustice caused by unequal, outdated and seemingly arbitrary regulations by pointing fingers and attentions elsewhere. The problem is at home; please fix it.