**Submission to the Australian Law Reform Commission's Inquiry into Surrogacy Laws**

**Who I Am:**

My name is [redacted] and I am the proud mother of my son, who has brought immeasurable joy into my life. My son and his same sex partner navigated the complex and often disheartening surrogacy process to become a family. As a same-sex couple, their journey to parenthood was fraught with legal challenges and emotional hurdles, which I believe highlight serious shortcomings in the current surrogacy laws in Australia. It is with this personal experience that I submit my thoughts and recommendations to the Australian Law Reform Commission (ALRC).

**Key Challenges Faced by Same-Sex Couples and LGBTQ+ Families:**

Surrogacy remains an essential pathway to parenthood for many same-sex couples and LGBTQ+ families. However, the current legal landscape presents significant barriers that hinder access to this option.

1. **Unequal Access:** The inconsistency of surrogacy laws across different states creates a patchwork of regulations that can be confusing and inequitable. Many couples are unable to pursue surrogacy in their home state and are forced to look elsewhere, often at great personal and financial cost.

2. **Legal Parentage Delays:** The process of establishing legal parentage is often lengthy and cumbersome. For same-sex couples, this can mean additional legal hurdles post-birth, creating uncertainty and anxiety during what should be a joyful time.

3. **Financial Uncertainty:** The costs associated with surrogacy can be prohibitive, particularly for families who may already face discrimination in their professional lives. This financial burden often leads to stress and can deter couples from pursuing their dreams of parenthood.

4. **Criminalisation of Overseas Arrangements:** Many couples look to international surrogacy as a viable option, yet current laws criminalise commercial arrangements made overseas. This not only puts families at risk of legal repercussions but also

undermines the rights of parents who have made significant sacrifices to build their families.

These challenges not only affect the practicalities of surrogacy but also infringe on our basic human rights to family life and parenthood.

**Linking Challenges to ALRC Themes:**

The issues faced by LGBTQ+ families resonate with the ALRC's core themes of access, eligibility, parentage, reimbursement, international surrogacy, and human rights.

- **Access and Eligibility:** A national surrogacy framework would ensure equitable access for all family types, eliminating the barriers that currently exist.

- **Parentage:** Automatic legal recognition of parentage at birth would provide essential security for families, ensuring that all parents are recognized from the moment their child enters the world.

- **Reimbursement:** Establishing clear national rules regarding surrogate expenses would alleviate financial uncertainty, allowing families to pursue surrogacy without fear of financial ruin.

- **International Surrogacy and Human Rights:** Decriminalising international commercial surrogacy would protect families who seek this option, affirming their right to build a family regardless of geographic boundaries.

**Recommendations for Reform:**

To address these issues, I propose the following specific reforms:

1. **National Surrogacy Framework:** Implement a consistent legal framework that recognizes all family types, ensuring equal access to surrogacy regardless of sexual orientation or gender identity.

2. **Automatic Legal Parent Recognition at Birth:** Establish a system where all intended parents are automatically recognised as legal parents at the time of birth, eliminating the need for lengthy post-birth legal proceedings.

3. **Decriminalisation of International Commercial Surrogacy:** Remove the criminal penalties associated with international surrogacy arrangements, providing families with the freedom to pursue this option safely.

4. **Clear National Rules on Reimbursable Surrogate Expenses:** Develop transparent guidelines that clarify what expenses can be reimbursed, ensuring fairness for all parties involved in the surrogacy process.

5. **National Donor/Surrogate Registry for Child Access to Identity:** Create a registry that allows children born through surrogacy to access information about their donors and surrogates, promoting transparency and a sense of identity.

6. **Professional Training and Public Education:** Invest in training for legal and healthcare professionals to ensure they understand the complexities of surrogacy and can provide informed support to families. Additionally, public education campaigns can help to reduce stigma and promote understanding of diverse family structures.

**Conclusion:**

In closing, I urge the ALRC to consider these recommendations seriously, as they represent not only a path toward fairness and equality for LGBTQ+ families but also a step toward recognising and safeguarding the fundamental human rights of all Australians. My sons journey to parenthood should have been celebrated, not complicated by legal barriers and uncertainties. Together, we can create a future where every family has the chance to thrive.

Thank you for considering my submission. I hope to see meaningful reforms that will pave the way for a more inclusive and equitable surrogacy framework in Australia.

Sincerely,

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