To Whom It May Concern,

My name is [redacted]. I'm a 37-year-old gay man, living in Brisbane with my husband. We are in the process of trying to build our family through surrogacy. Like many same-sex couples, this journey is deeply personal equal parts hope and heartbreak, and it's brought us face to face with a system that feels patchwork, confusing, and, at times, exclusionary.

We're deeply grateful to live in a country that values fairness and family, but our experience trying to become parents has shown us how Australia's current surrogacy laws fall short of those ideals especially for LGBTQ+ people.

Our Experience and the Current Challenges

In our case, we're working with a fertility clinic and have been fortunate enough to connect with a potential surrogate and still have a long road ahead of us. But even getting to this stage has felt like navigating a legal and emotional obstacle course. We've had to weigh state-by-state legislation, seek legal advice just to understand our rights, and consider options that are technically criminalised under Australian law if pursued overseas.

For LGBTQ+ families like ours, the hurdles are not just inconvenient, they are fundamentally unjust. Some of the key challenges we've faced or are concerned about include:

- **Unequal Access and Eligibility:** Each state has different rules, and eligibility criteria are inconsistently applied. Some jurisdictions still carry discriminatory language or processes that add additional scrutiny to same sex intended parents.
- **Legal Parentage Delays:** Even if we follow the law entirely, we will not be recognised as our child's legal parents at birth. We must apply for parentage orders post-birth, leaving a legal vacuum during our baby's earliest days something no heterosexual couple would be asked to endure.
- **Criminalisation of International Surrogacy:** The reality is that for many Australians, particularly same-sex couples, overseas surrogacy is the only viable option. Yet in some states, entering into a commercial surrogacy arrangement abroad is criminalised, effectively punishing us for wanting and trying to become parents.
- **Uncertainty Around Reimbursement:** Despite altruistic surrogacy being legal, there is widespread confusion and risk about what expenses can be reimbursed. We want to do right by our surrogate, but the lack of clarity puts everyone in a vulnerable position.

These experiences are not unique. They echo the themes raised in the ALRC Issues Paper—particularly around access and eligibility, legal parentage, international arrangements, and human rights considerations.

Aligning with ALRC Reform Priorities

I support the Commission's call for a nationally consistent, rights-based approach to surrogacy. I respectfully urge the ALRC to recommend the following reforms:

1. A National Surrogacy Framework that Supports All Family Types

There must be harmonised laws across Australia that treat all intended parents equally regardless of sexuality, gender identity, relationship status, or location. Family creation shouldn't be determined by a postcode lottery or moralistic distinctions about who is "deserving" of parenthood.

2. Automatic Legal Parentage at Birth

Intended parents should be recognised as legal parents from the moment their child is born. This recognises the intentions and responsibilities already agreed upon and avoids the indignity of having to "apply" to be recognised as your own child's parent. It also protects the rights of the child to legal clarity and care.

3. Decriminalisation of International Commercial Surrogacy

Criminalising families for pursuing surrogacy overseas is not a deterrent it's a punishment. Many families, including LGBTQ+ couples, are forced to look overseas due to limited domestic options. The focus should be on regulating these arrangements to ensure child welfare and ethical practice, not criminal prosecution.

4. Clear National Guidelines on Reimbursable Surrogate Expenses

Surrogates should never be left out of pocket. National, transparent guidelines would remove fear for all parties and foster trust. These should include provisions for time off work, medical costs, travel, and reasonable compensation for the toll of pregnancy.

5. A National Donor and Surrogacy Register for Children's Right to Identity

Children born through surrogacy have the right to know their story. A national register accessible when the child is ready can help uphold this right and bring consistency across donor conception and surrogacy.

6. Professional Training and Public Education Campaigns

We need fertility clinics, counsellors, legal professionals, and agencies to be fully trained in LGBTQ+ inclusive practice and up to date on best-practice surrogacy. We also need public education to shift outdated attitudes about what family looks like in Australia today.

A Human Rights Lens

At its core, this isn't just about logistics or legalities. It's about rights. The right to create a family. The right for children to be born into legal certainty. The right to equal treatment under the law. The ALRC has a unique opportunity to shape a surrogacy framework that reflects Australia's values of fairness, compassion, and inclusion.

Please don't underestimate how powerful this reform could be. For families like mine, it's not academic it's our lives, our children, our futures.

Thank you for the opportunity to share my story and contribute to a better path forward.

Kind regards,

[redacted]

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Intended Parent Brisbane, Queensland