

**Question C:**

This is a fantastic solution. SSO's, so long as they are appropriately regulated\*, should be the appropriate mechanism to approve arrangements.

Approval as default – presumption in favour of approval is fundamental in this.

\*The fee that SSO's can charge should be strictly controlled to ensure that they are not exploitative and do not push the price of surrogacy arrangements into exorbitant costs. Capping is an acceptable solution but how will this be managed against inflation and monetary growth over time.

**Question D**

No, psychological assessments should not be an obligation for any party, if this is at cost. If this is covered in part or in full by Medicare, then this would be acceptable. This is placing an unacceptable burden on both parties that is not placed on any other party seeking to be a parent. Whilst Surrogacy is a complex and delicate space, the purpose of the SSO is to ensure that the arrangement and agreement is above board.

The way Proposal 18( 3) is phrased, the psychologist provides a recommendation to the parties and the SSO as to whether the arrangement should proceed. If the legislative changes do deem it necessary to include psychological evaluations, the psychologist should not provide a recommendation, but rather be required to address specific criteria such as:

- Identifying any relevant mental health issues
- Identifying any psychological or other matters that may impact a surrogacy arrangement.

This means matters are documented but not subject to a third party's opinion. Retaining full decision making power in the hands of the SSO and review rights in the hands of the National Regulator, and the psychologist's assessment as advisory evidence.

Again if there is a need for psychological evaluation – it should not be for the intended parents. No one is assessed for their psychological suitability for parenthood. The surrogate could be assessed for suitability to withstand the rigours and challenges of carrying a pregnancy to term and then handing the child over.

**Question F:**

No, surrogates' partners should not be involved, but can be if they (or any other party) wants to be.

**Question G:**

No further requirements should be required. In fact, as per my answer to Question D, counselling should be fully or at least in part covered by Medicare, otherwise, the need for this should be dispensed with.

**Question L:**

No limits should be set – but up to date advisory based on current costs of living and salaries should be publicized as a benchmark, to allow all parties to understand where the basic level of reimbursement sits and how this reflects the proposed rate in said agreement.

**Question N:**

No, the surrogate should have no legal right to seek declaration that they are the parent. Proposal 30(1)(b) should be annulled.

**Question P:**

Absolutely, Australian law should recognize parenthood as registered in the country of birth without any additional legal proceedings.

**Question S:**

The National Regulator should be responsible for registration. The registration process should be simple as an online form and not subject to additional paperwork or discussion or debate. The application process is simple, form filled out and registration number received. There should be a contact available within the Regulator to discuss, cancel, update registration and/or seek assistance with the process.

The concept of a permitted destination is not accepted. Laws in different countries change from time to time as do procedures. It is not up to the Australian system to regulate where and how citizens chose to have children through surrogacy arrangements. The Australian system can however advise and recommend but not require or regulate. The information that the is available to the National Regulator should be readily available on the internet to all at all times, not just applicants ( for overseas surrogacy). Similarly, there should be cross referencing between destinations and the presence of Australian diplomatic missions to ensure that Australians undergoing overseas arrangements are aware of where the nearest mission is for assistance and procedures such as issuing passports.

Registration should be as simple as filling out an online form with the intended parents' names, identification documents, destination (country of procedure).

Overall the registration procedure is not realistic. Overseas arrangements work different to how it is structured here. An intended parent/s need to sign on to agencies/clinics

who assist with finding donors and surrogates and undertaking procedures. It cannot be made illegal to undertake registration prior to attempting surrogacy. Often the identity of the surrogate (and or donor) is not known at the outset and requiring this information would be obstructionist and difficult to secure. An alternative could be as in line with the suggestion above to register online with the National Regulator and once registration is complete, further information such as surrogate, clinic, expected date of birth etc could be provided when available – via additional log in details to the same portal. This would also be suitable for inclusion of additional information such as adding the surrogate’s informed consent at a later date, as required by immigration authorities.

It should not be a requirement that intended parents for overseas arrangements demonstrate that reasonable efforts to attempt domestic arrangements were made. This is not reflective of free choice, nor circumstances of different families where perhaps one parent is from another country and may seek to undertake surrogacy in their home country. They should not be subject to a process in Australia to be able to access this option. Not only does it unnecessarily lengthen the process and make it more costly, but it adds superfluous strain.

Finally, it should not be illegal for a family to undertake a surrogacy arrangement without registration. It is enough punishment that the family would not be able to apply for the citizenship and passports in line with Proposal 39.

**Question T:**

How does this process reflect children born in places like Mexico and birth certificates are not issued immediately because of the Amparo Process. The Amparo Process is a legal procedure that can take time. Intended parents petition the courts to force authorities to issue birth certificates in their names, without any reference to the Surrogate. How does Proposal 39 enable parents to apply for citizenship and passports without any legal documentation for the baby. I wholeheartedly support this approach in Proposal 39 but it needs further consideration for its implementation, or there needs to be opportunities for parents to be able to submit an application without a birth certificate.

**Question U**

No

**Question V**

Yes

**Question Q**

Yes. Registration of children retrospectively could be made – as in a separate retrospective registration track via the national regulator.

**Question X**

Yes, if this is a way for families to return home faster. For instance in cases where the child is born in an unregistered arrangement.