

5th March 2018

To whom it may concern,

Re: Submission in relation to the Independent review of the Human Reproductive Technology Act 1991 and Surrogacy Act 2008

My partner and I welcomed the arrival of our beautiful little boy via surrogacy in the USA a little over four months ago. Bringing him home at just two weeks old was the easiest part of our journey compared to the roughly four years prior being spent on exploring and researching our options for children, decision making and financial planning and resourcing to make our dream of creating a family come true.

Our journey started by attending a local seminar four or five years ago, where we started learning about our options to create a family, and the pros, cons and legalities around them. As a same sex couple our options were extremely limited in Australia, with overseas surrogacy looking like our best option. The amount and type of information given at that seminar was quite overwhelming as well as quite crushing to learn of our limited options and what we would need to do reach them.

Fast forward to mid 2016, we made the decision to do surrogacy through the USA. That decision was based on a few factors:

- The USA has well established processes and laws in place to protect all parties.
- We could use an agency to help us with the process.
- Both our names would appear on the birth certificate (depending on the individual State).
- Certain other countries that were previously an option had closed their doors either partially or completely to international arrangements.

Although the USA was the easiest and safest option for us, it definitely came with its obstacles:

- Cost – international surrogacy through the USA is the most expensive option, costing us over \$200,000AU. We expected the process to take some time, which is the norm. However our journey went quite quickly after making our decision, being matched with an egg donor and the perfect, most amazing surrogate within weeks, and our first embryo transfer took. Although as exciting as it was that everything was working first time, it meant that there was a lot of pressure to source the funds needed to keep up with the extraordinarily quick process.
- The anxiety of the unknown upon our child entering Australia....Will we be questioned? Will there be any repercussions for engaging in an overseas surrogacy arrangement? Fortunately none of that happened. The three of us entered Australia like anyone else, and started this wonderful next chapter of our lives.
- Distance – travelling half way around the world twice. Once to create our embryos, then for the birth. The distance also had an impact in terms of not being able to be physically present for medical and ultrasound appointments. Of course we used video calls to be part of it and communicate with our surrogate and her family, but it's not the same as being able to physically experience those components of the pregnancy and feel part of it all.

- Distance again! We have made an incredible connection with our surrogate and her family. We hate that we cannot just take a drive to visit them, or that we have to 'plan' when a good time would be to call due to the time differences or have to pay phenomenal postage just to send over birthday or Christmas gifts.
- Accessing government services (Centrelink, Medicare, Community Health Nurse) was a little more complex and prolonged.
- Going through the lengthy process and wait time for gaining Citizenship for our son.

Our dream and goal of starting our family has been accomplished, and although we experienced many challenges and hurdles which put certain strains on us mentally, emotionally and financially, we have come out the other side with our stunning son. Our next challenge, when the time comes, is for us to be legally recognised as his parents in Western Australia.

If Western Australia were to change the legislation to make it possible for same-sex couples to access fertility treatments and surrogacy, many of the challenges we faced could be eliminated for future family's journeys, including us.

The key changes we would like to see be made for the needs and desires of the Western Australian community are:

- Allow same-sex couples to engage in fertility treatments.
- Allow same-sex couples to enter into a surrogacy arrangement.
- Establish legal processes to protect all parties involved in a surrogacy arrangement in similar fashion to the USA.
- Allow agencies to assist Intended parents and surrogates in their journeys.
- Allow both Intended Parents to be named on the birth certificate.
- Recognise both Intended Parents as the legal parents.
- Recognise overseas surrogacy arrangements.
- Recognise the Intended Parents of an overseas surrogacy arrangement as the legal parents.

Ultimately the legislation needs to be more inclusive, and make surrogacy journeys more available, less challenging and more normal.

Thank you for your time in reading our submission. I am happy to be contacted if you would like to discuss our submission for more detail.

Regards,

Daniel Tracy & Mario Tamburri

