

9<sup>th</sup> February 2018

**The Program Manager**

Reproductive Technology Unit  
Patient Safety & Clinical Quality  
Clinical Excellence Division  
Department of Health

**By email:** [HRTSR@health.wa.gov.au](mailto:HRTSR@health.wa.gov.au)

To whom it may concern,

**RE: Submission in relation to the independent review of the Western Australian Human Reproductive Technology Act 1991 (HRT Act) and the Surrogacy Act 2008**

My Husband and I are a male same-sex couple living in Western Australia (W.A.) who have been researching our options to have children over the past few years. I therefore feel that I have the experience to provide my thoughts and comments on the review of the above-mentioned legislation. Our Surrogacy journey has been an emotional and challenging one, causing a lot of grief for myself, my Husband and our families and friends who wish they could help make the process a lot easier than it has been.

**Background:**

My Husband and I have been together for almost 11 years and have been married for almost 2 of those years (we were legally married at the British consulate in Perth). We have always wanted a genetic child from both of us one day and started looking into Surrogacy soon after we got married. We quickly found out that the legislation in W.A. still includes discrimination against male same-sex couples, as we cannot access Surrogacy in this State.

We looked in to moving over to Sydney, however through much deliberation and distress we decided against this, as we didn't want to uproot our lives, our careers and move away from our family, friends, and a State that we love living in.

We then looked to the only places left that were accessible to us, being U.S.A. and Canada. We then found out the expense involved in pursuing Surrogacy in these countries is very high. On average \$AUD 200,000 in U.S.A. and \$AUD 160,000 in Canada. Plus the distance is also a barrier as we wish we could meet and visit our Surrogate and help out with the pregnancy where possible.

After realising we had no other option, we put our lives on hold and saved up as much money as we could. We withdrew on our mortgage and also obtained a personal loan – neither of which are ideal situations. We decided on pursuing Altruistic Surrogacy in Canada and are moving ahead with this now.

There are lots of couples pursuing Surrogacy overseas. Although there might be a cost in amending the legislation following the results of this review, I do think it would be in the Government's interest, not only from a community satisfaction perspective, but also from a financial one. I am sure that the positive economic impact of Intended Parents spending these significant sums of money in Australia to access reproductive technologies locally rather than overseas is worth it.

## **Recommendations:**

The following are some key areas of change that I believe are required to make the legislation more relevant for not only other male same-sex couples but also for the wider community that need to access reproductive technology.

1. **Access for male same-sex couples** – Remove the discrimination that still exists in the legislation and provide access for male same-sex couples to Surrogacy in W.A.
2. **Consulting Agencies** – Canada has a great system that W.A. should look to for Altruistic Surrogacy legislation and procedures. They have Consulting Agencies which support Surrogates and protect them, which in turn encourages more Surrogates to volunteer. On the other hand, they also communicate and liaise with the Intended Parents. Both parties are looked after, educated and guided throughout the entire process.

In addition, the Agency manages a trust fund and will only reimburse the Surrogate for actual expenses incurred and are evidenced by receipts. So no monetary reward or other gifts are allowed to be given to the Surrogate - it is truly an Altruistic system.

The main benefit of the Canadian system is that it is a lot easier to find a Surrogate (usually about 3 months). In Australia if you do not have a family member or a friend offer to act as your Surrogate, the only way to attract a Surrogate is by posting and being active on Social Media for Surrogates to like you. You cannot approach or message the Surrogate directly. This feels very fake and speaking for my Husband and myself, we are not very active on social media so we didn't feel comfortable with this method. Plus even if you did this correctly for years you could still never find a Surrogate that chooses you. It is much easier having an Agency that is talking with Surrogates and talking with the Intended Parents and finding matches that way. Also ensuring that Intended Parents that have been looking for a Surrogate a lot longer than others, are looked after.

3. **Greater number of Surrogates** – Encourage and advocate Surrogacy as an option for infertile couples, as well as women who could volunteer as a Surrogate. W.A. has a very low volunteering rate compared to other States and changes to encourage this through the legislation and surrounding policies and promotion by the Government is needed to improve this.  
Community awareness on Surrogacy in W.A. is very low and in the past there has often been bad press about overseas Surrogacy journeys. So generating awareness is needed here.
4. **Surrogate Support** – The legislation should be reviewed to ensure that Surrogates have the legal, financial and emotional support funded appropriately by the Government or the Intended Parents as these women take on a lot of risk with simply the reward of seeing another family happy and complete. This will also encourage more Surrogates to volunteer.

The need for greater access to Surrogacy has been growing and will continue to grow now that same-sex couples can marry, who will now look to building their families, and also due to the growing infertility issues that heterosexual couples are facing. So this review of the legislation is very timely and we appreciate you looking at this.

I would be happy to be contacted to provide further detail on my thoughts and journey if appropriate.

Yours sincerely,



**ADAM COPPLE-SMITH**



**\*Please keep my address, email and phone number Private and Confidential.**