



Australian Government
Australian Research Council



UNIVERSITY OF
TECHNOLOGY SYDNEY

UTS: LAW

THINK.CHANGE.DO

Regulating Relations: Australian Experiences of Cross Border Reproductive Treatment.

Presented by Dr M. Stockey-Bridge

Project chief investigators: Distinguished Professors' Jenni Millbank and Isabel Karpin and Professor Anita Stuhmcke

www.regulatingrelations.com

Project Aims & Design

What are the causes, and consequences, of Australians being excluded from, or not using, regulated ART treatment?

Experiences of patients & views of clinicians, facilitators & regulators concerning

- travel overseas for surrogacy, egg donation, sex selection
- travel across states within Australia for surrogacy and egg donation
- use in Australia of imported sperm and eggs
- comparison of regulated local surrogacy and self-recruited egg donation

The story so far....

70 interviews

- 76 parents of which 24 international and 20 domestic
 - 19 domestic: 13 through surrogacy and 6 through gamete donation and 2 reproductive teams
 - 24 international: 17 through surrogacy and 7 through gamete donation
- 5 surrogates (domestic)
- 20 intermediaries: 4 doctors, 11 agents/brokers, 5 lawyers

Tentative Findings - Domestic Surrogacy

- Confusion over relationship between different state surrogacy parentage laws
- Meaning of reasonable expenses unclear, embarrassment and discomfort in relationships between EDs, SMs and IPs

Issues

- Self sourced information: Who is giving you advice? Where are they getting their information from? Does it weigh up with current situation?
- Equivocal laws: risks associated with legal parentage (or lack thereof)
- Laws have been crafted without the benefit of reproductive travellers actual experiences. Mismatch between the law and consumers.

Laws (domestic)

“I should be able to sit in as a regular person and go and pull up the surrogacy act and be able to read it in normal language and go ‘this is what it means’. You can for the most part until you get to pregnancy related expenses...

.... You sit here and you want to follow the laws. People don't want to go into this and do stuff outside of the realm of things being legal, we want to tick all the boxes. But the way things are set up, you're screwed.”

Idella (Altruistic surrogate)

Laws (international)

“But as the law was then, because we couldn't produce a surrogate or someone willing to do this for us, they wouldn't proceed with any further investigation or that sort of - couldn't go down that path.

So our only option then was to go to a foreign country to do the procedure. That's when we got information about surrogacy in India....”

Alice (Parent through surrogacy in Australia who also travelled to India for surrogacy)

Information (domestic)

“There are surrogacy Facebook pages that I joined. You can just see other people's journeys and you can ask questions and that. I just wanted to see how people did it.

Actually [the clinic] gave a really cohesive list of everything that you have to tick to actually get to the end of having a baby. Initially it looks so exhausting and you just think - I said we'llnever be able to do this.

They just said to me yeah, we will, just one thing at a time. So really [the clinic] was really good at answering a lot of those questions.”

Celeste (Australian parent through surrogacy)

Information (international)

*“So I had to join up as a member of **IP information group** online because you have to, to get access to the resources. the how to sheet if you like, the instructions. You had to sign up as a member. So I was a proud member of **IP information group** online for a bit at that time.*

Ava: Terrific resources.

Ethan: Yeah. Back then it was the best place that I could find for Australian people, gay or straight, to do this which is probably not that much of a surprise because gay men are particularly organised in this sort of stuff.”

Ethan & Ava (parents through US surrogacy)

We need to hear from you

If you would like to help bring about change for surrogacy in Australia get in contact with us at:

www.regulatingrelations.com

We really need to hear more from **IPs** who have been through surrogacy in QLD, Ukraine or Malaysia and **Australian surrogates** who have experience of arrangements that are positive, negative or anything in between.

Acknowledgements

- Victoria Assisted Reproductive Technology Authority (VARTA)
- Reproductive Technology Council, Western Australia (RTC)
- Canberra Fertility Centre
- Monash IVF
- Melbourne IVF
- Queensland Fertility Group
- IVF Australia
- Australian Research Council
- UTS
- Jackson, E., [Millbank, J.](#), [Karpin, I.](#) & [Stuhmcke, A.](#) 2017, 'Learning from Cross-Border Reproduction.', *Med Law Rev*, vol. 25, no. 1, pp. 23-46.
- [Millbank, J.](#), [Stuhmcke, A.](#) & [Karpin, I.](#) 2017, 'Embryo donation and understanding of kinship: the impact of law and policy.', *Hum Reprod*, vol. 32, no. 1, pp. 133-138