Dear Professor Rhoades

Thank you for inviting Surrogacy Australia to provide a submission to this inquiry

ORGANISATION BACKGROUND

Australian Families Through Gestational Surrogacy, known as Surrogacy Australia, was founded in January 2011 and registered as a not-for-profit organisation in Victoria. The organisation is a consumer-based entity run by a volunteer committee made up of Australian parents through surrogacy and surrogates. We have had 640 Australians join as financial members since inception and we host three very active social media forums with a total online membership of 570 Australians. We have hosted two national conferences on surrogacy practice, regular Intended Parent /Surrogate social events and sponsor educational seminars on surrogacy practice. Surrogacy Australia conducted a large study in January 2012 on how Australians were engaging with surrogacy. A total of 212 intended parents or parents through surrogacy took part.

Surrogacy Australia has regular interaction with scores of Australian intended parents. These intended parents come from a wide variety of backgrounds - teachers, journalists, doctors, policemen, IT professionals and cafe owners are recent examples. All have a common desire to raise children.

FLC REVIEW COMMITTEE CREDENTIALS

This submission is authored by Surrogacy Australia’s policy subcommittee, consisting of Sam Everingham, Michaela Stockey-Bridge and Anthony Stralow, with further input from many of our member families. Sam Everingham is a parent through surrogacy, founded Surrogacy Australia and has an academic background in psychology, research and a Masters in Public Health. Michaela Stockey-Bridge is the mother of two children, a doctoral candidate in sociology and is completing her doctorate on the lived experiences of Australians accessing surrogacy in India and the relationships between Indian surrogates and Australians. Antony Stralow is a single parent through surrogacy and a policy officer with the NSW Department of Community Services.
KEY POINTS

The key points of our submission are:

(1) rates of children born from overseas surrogacy are increasing;

(2) state laws currently prevent intended parents through surrogacy being recognised as parents, a situation which is highly undesirable and not in children's best interests;

(3) this should be addressed by changing Commonwealth law and by ensuring that there are appropriate safeguards: against the risk of child-trafficking; to protect the interests of the surrogate; and to protect children's best interests.

RELEVANT CONTEXTUAL ISSUES

The use of surrogacy as a means of family formation has increased significantly in Australia in recent years. Currently over 90% of Australians seeking surrogacy travel overseas to do so. Australian Government data shows that over 300 such newborns enter Australia each year.¹

A range of factors mean the use of overseas surrogacy arrangements for Australians is very likely not only to continue but to increase in prevalence. Some of these factors (summarised below) result from inappropriate and discriminatory government policies and legislation.

- tight policy restrictions (e.g. red tape, cost, selection criteria) and long wait times restricting the availability of national and international adoptions;
- the tendency of most intended parents not to choose permanent foster care arrangements as a path to parenthood;
- the strong desire to parent amongst many who cannot carry a child themselves;
- increasing age of women before attempting pregnancy leading to higher rates of age-based infertility;
- growth in single men and male same sex couples desiring to raise a family;
- increase in the availability of assisted reproductive technology; and
- increasing awareness and knowledge about access to surrogacy arrangements.

Failure of State-based Criminalisation Provisions to Change Behaviour

Research by Surrogacy Australia in January 2012 with parents or intended parents through surrogacy showed that half of those in states with criminalisation laws would enter an overseas contract regardless of these laws. Another 30% would move interstate in order to access overseas surrogacy².

¹ Australian Government Department of Immigration & Citizenship. FOI request FA 12/03/00935 Citizenship by Descent applications granted to infants by India and USA posts 2008 – 2011, 2012.
Surrogacy Australia’s data collected from international agencies shows there has been only a slight downturn in the number of surrogacy arrangements entered into overseas each month since NSW criminalisation laws commenced in March 2011.

Such evidence makes it clear that state-based laws criminalising those entering overseas arrangements are failing to have significant effect in deterring intended parents. In addition, criminal legislation risks the following adverse effects:

- Making it more likely families who can do so will conceal the nature of their child’s origins to others and potentially to the child themselves.
- Creating potential self-esteem issues for children growing up under legislation which discriminates against them on the basis of decisions made by their parents.
- Motivating families to engage with overseas clinics which do not have regulated processes and documentation in place, in order to reduce the likelihood of prosecution.

None of the above consequences of the legislation are in the best interests of children born through surrogacy arrangements, despite the intention of this legislation to place the best interests of the child as paramount.

It is a modern-day reality that children are increasingly being born through surrogacy arrangements. Australia is obliged, under the UN Convention on the Rights of the Child (Article 21) to ensure that the interests of children are paramount. A well ordered legal system that appropriately recognised parents would aid in ameliorating these undesirable effects. For the reasons above, legislation governing how Australians can access surrogacy requires urgent review.

Determination of Parentage in Australia

A modern definition of legal parenthood needs to recognise that many Australian families are nowadays formed outside the once traditional boundaries of two heterosexual parents.

Set out below are four possible tests used to determine parentage: intent; DNA matching; sexual intercourse and giving birth.

- Australia has usually used ‘Giving Birth’ and/or sexual intercourse as the default tests. Accordingly, the father has traditionally been defined as the genetic father who impregnated the female giving birth.
- In the Family Law Act 1975 (Cth) and the state and territories Status of Children Acts, ‘giving girth’ is the key test of parentage.
- The Australia Passport Office (DFAT) defines genetics as more accurately defining parentage, so that if there is no genetic connection the intended parent is not a parent.

3 Such a test provides recognition at law of parental rights for a rapist with no intent of fathering a child, yet no such recognition for intended parents through surrogacy who have often spent many years in their attempts to create a family.
The Federal Court has in recent times chosen ‘intent’ as the test of parentage (although genetics and giving birth could be included under this test)

The Status of Children Act 1996 (NSW) contains an irrebuttable presumption (s14(4)) that the surrogate mother is the parent (s14(3)), and a party who provides sperm is not (s14(2)). However, the Status of Children acts were enacted to protect a sperm or egg provider in conventional assisted reproductive procedures, and their provisions are not appropriate for application to surrogacy arrangements.

There is currently no provision in state or territory law that would allow the recognition of any relationship between infants born overseas via surrogacy and the intended parent, regardless of whether a biological link is established.

Surrogacy Australia agrees with Judge Cronin in reference to the Family Law Act, when he points out that this Act:

*talks about a parent as a mother and a father, [however] it is more important to look at the benefits that children receive from the parenting responsibilities that the people who care for them undertake*

**Cross-Border Determination of Parentage Issues**

In the growing number of cross-border surrogacy arrangements undertaken by Australians, various issues complicate the issue of parentage and citizenship.

Australian laws currently create a discrepancy between the parents of children in different jurisdictions, which is highly undesirable, as children are dealt with as if they have different parents in different countries.

For example:

- The parenthood of children born through overseas surrogacy arrangements is recognised at a Commonwealth level by DIAC, which processes applications for Australian citizenship by descent, regardless of which Australian state or territory the intended parent resides and the laws of those states.
- Babies born through surrogacy in India are not eligible for Indian citizenship. These babies are stateless until Australian citizenship is granted.
- Under Indian law (and in US states offering surrogacy) gestational surrogate mothers are not legally recognised as the parent. In these jurisdictions, the intended parent is recognised as the legal parent.
- Thailand is an increasingly popular destination for surrogacy for foreigners, however there remain no laws in Thailand pertaining to surrogacy practice. The Thai surrogate’s name must appear on the Thai birth certificate (and her husband’s if she has one). There is no legal process whereby a Thai surrogate or her husband can transfer parentage responsibilities to another, outside of a lengthy adoption process. This means that most foreigners accessing

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4 More recently Australians are able to achieve Australian citizenship status for children born through surrogacy in Thailand, based on Citizenship By Descent processes. This then makes the child(ren) eligible for an Australian passport.
surrogacy in Thailand must engage with an unmarried or divorced Thai gestational surrogate mother in order to avoid the need for a lengthy adoption process.

- Should the genetic parent of a child through surrogacy die intestate the co-parent of the child could lose custody of the child and the child will not automatically receive an inheritance from their genetic parents (unless a parentage order has been granted).

**PROBLEMS**

**Inconsistencies in Australian Legal Determination of Parentage**

Despite being named on an overseas birth certificate as the father or mother, and being recognised under the *Australian Citizenship Act 2007* (Cth) as a parent, under Australian law, the biological intended parent(s) are recognised simply as a gamete provider, and have no legal status as a parent under the Status of Children Acts. Where a third-party gamete was sourced, the non-biological parent also has no status as a parent at law.

Recognising parents through surrogacy as parents at law is in the best interests of children, because it facilitates transparency and avoids motivations of parents to disguise surrogacy, which is damaging to children.

Undesirable consequences of lack of legal parental status include

- potential barriers to making decisions in the public healthcare and school systems
- the possibility of orders being made about parentage in Australia (eg through divorce proceedings) that are contradictory to the law in other countries

In the latter case, the current absence of legal parenthood in Australia might mean a child could be taken back to the country in which the intended parent is legally recognised in order to circumvent Australian law.

**Costly & time-consuming Parenting Orders rarely used**

Parents utilising surrogacy arrangements in the US can list both their names on the birth certificate. This has also been the case for heterosexual couples using India. Such a practice, as well as the granting of an Australian passport under Citizenship By Descent processes, gives the vast majority of parents sufficient security not to bother applying for parenting orders.

Even in cases where one intended parent is not named on the foreign birth certificate, parenting orders are rarely applied for given the need to do this through the court system and the large amount of time, cost and often stress associated with such a process, not to mention the fear of being referred to the DPP for prosecution for those resident in NSW, QLD or the ACT who went through surrogacy arrangements after those laws came into effect.

The few families who do seek parental orders must do so via the Commonwealth Family law system, unless they are WA residents.

In the UK, there has been a noticeable increase in parental order applications being made (and
granted) in the High Court to parents engaging in overseas surrogacy. However as with Australia, this is a legal process which incurs considerable time and cost to intended parents. (A typical case will take six months before it is heard by a UK court).

The problems above have already left in excess of 1000 Australian children with their social parents not recognised as their legal parents in Australia. This is despite one or more of their social parents being a biological parent. This is not in the best interests of children, or families. It is important that the more then 1000 Australian children born via overseas surrogacy each year do not suffer from stigma or some sense of not being a legal part of the family that worked so hard to create them.

Currently the only avenue for non-biological parents through surrogacy to be recognised as a legal parent is through step-parent adoption – a process incurring unnecessary cost, uncertainty and time for a party who has parented the child concerned since birth.

**Passport Applications & Renewals**

Under Australian law, where overseas arrangements are used, given current definitions of parenthood, the surrogate mother currently is a legal parent for any child to whom she gave birth. Despite usually not being the legal parent in her own country, the gestational surrogate’s written consent is now required before every child passport is issued up to the age of eighteen. Part of the rationale is apparently to ‘mitigate the risk of child abduction and child trafficking’.

These changes will, unless there is a change in the law, or Passports Australia adopts a more lenient position, result in a large increase in the number of passport applications referred to a delegate in the Australian Passport Office for consideration under ‘special circumstances’ (Applications without full parental consent).

Taking up departmental resources and time with such additional paperwork could be avoided if intended parents through surrogacy were added to the definition of a parent under Commonwealth law.

**Discrimination In Regard to Leave Arrangements Under State Law**

Previous to March 2011 it was common practice for NSW Government employees to obtain paid parental leave and related entitlements equivalent to maternity/adoption leave to care for babies born through surrogacy arrangements.

In November 2011 the NSW Liberal government explicitly prohibited access to paid parental leave for NSW public sector employees who were/are the primary carers of babies born through surrogacy arrangements, regardless of the legality of the surrogacy arrangements. This has left employees struggling to take appropriate amounts of leave and leaves them with fewer resources to care for their babies compared to their colleagues.

Employees who have had babies through surrogacy arrangements have been told they either

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5 In the UK such applications must be made within six months of the child’s birth
6 See for example [2013] EWHC1432 Justice Theis
have to adopt their children (which is a long process) or gain parental orders (a long and costly process) in order to be eligible for paid parental leave. Even if this occurred it is doubtful that they would gain paid parental leave. None of the above is in the best interests of the child/ren.

SOLUTIONS

Surrogacy Australia considered a range of possible solutions to ensure Commonwealth law better provides for the security and equity of the growing number of families created via cross-border surrogacy arrangements.

Informed and continuing consent of the surrogate must continue to be a defining feature of Australian surrogacy practice.

One possibility we reviewed was mandating that all parents via cross-border surrogacy apply for parenting orders prior to the awarding of Australian Citizenship to any infant. In practice, this would potentially mean the child entering Australia on a visa until parentage (and Citizenship) were processed. This approach would also require communication between various government departments (eg the court system and DIAC).

There are a number of significant concerns in regard such a solution:

a) It would add a huge layer of bureaucracy to what should be a simple issue to define

b) It would block up a court system designed to assist families in conflict and children in need, with cases in which there are no adversial claims and no issues of parental neglect or malfeasance

c) Such children and their intended parents would lack access to any social security benefits until their Citizenship was processed (eg Medicare, Centrelink payments, leave entitlements)

d) It would risk many intended parents concealing the nature of their childrens’ birth in order to circumvent the need for parenting orders (where both parents names appear on the foreign birth certificate).

The Commonwealth should

1: **Name prescribed overseas jurisdictions under section 69R of the Family Law Act** so that overseas birth certificates are recognised; and so that 70G provisions, registration of overseas orders, such as those made in the US, are able to be properly activated

2: **Broaden the Australian Citizenship Act definition of parenthood to those without a genetic link**

The test of a) determining whether a child is an Australian citizen, b) who is a “child” of a “parent” for the purposes of the *Australian Citizenship Act 2007 when an overseas surrogacy arrangement* has been entered into, ought to be:

a. A presumption that the “parent” is any intended parent named in the written surrogacy agreement, whether biologically related to the child(ren) or not;
b. A presumption that a court order granting a person parental responsibility means that person is a “parent”;

c. A presumption that if a person is named as a “parent” under a legal, administrative or judicial process of an overseas jurisdiction (e.g. a court order or birth certificate) then that person is a “parent”;  

d. The person is genetically a “parent” of the child and has signed a surrogacy agreement indicating intent  

e. The de-facto or married partner of a person who is a “parent” of the child is also a “parent” of the child;

Laws in relation to recognition of legal parenthood should be retrospective, so that Australian children already born through overseas surrogacy are also able to benefit from the legal recognition of their biological parent(s).

It should avoid hundreds of applications to the Family Court and should be straightforward for DIAC to administer and parents to comply with.

Such definitions above would exclude gamete providers without parenting intent from a right to legal parentage, consistent with current legislation.

3. Standardise the definition of parenthood between all Commonwealth legislation

If a child is granted citizenship by descent, then the tests under the Family Law Act should apply, defining who is a parent for all purposes for Australian law, including in relation to the tests used under the *Australian Citizenship Act*.

This would mean all children in Australia born through surrogacy arrangements are treated consistently and fairly and have the same rights as other children to (a) legally recognised parent/s who are their primary carers.

In this way, other Commonwealth legislation is also covered, such as the Status of Children Act, and Australian Passports Act. Such a definition should have retrospective operation.

4. Better enable access to Surrogacy in Australia

If Australian policy makers are serious about minimising potential harm to surrogates, intended parents and children born through surrogacy overseas, Australia needs to improve access to surrogacy domestically.

a) Commonwealth legislation should reduce cost as a disincentive to altruistic surrogacy

A Medicare rebate should be available to all IVF used for surrogacy, surrogate preparation and embryo transfer. In this way surrogacy is not limited to intended parents of a higher socio-economic strata.
b) **Standardize state-based eligibility requirements for altruistic surrogacy**

Restrictions in some states prevent single and same-sex couples accessing surrogacy. The rationale for such discriminatory policies is unclear. These should be reviewed and standardised.

c) **Surrogate-intended parent matching services to be lawful**

Better access to surrogacy within Australia would require far greater access to Australian surrogates.

A key change required is the establishment of a not-for-profit agency to act as a centralized database for potential surrogates and intended parents to register. This model might allow registered Australian ART providers to access the database and facilitate meetings between potential surrogates and intended parents.

d) **Allowing financial compensation of Australian surrogates to a capped value**

Research by Surrogacy Australia and academic researchers has shown evidence that intended parents are often uncomfortable accepting the ‘gift’ of surrogacy in the absence of any financial compensation beyond expenses. Research with surrogate mothers shows that most in countries offering paid arrangements are motivated by a mix of altruism and financial betterment.

Appropriate capped compensation could include a significant gift (such as a family holiday) for the surrogate mother which recognises her labour, physical discomfort and restrictions, managed by a third party.

In Canada for example, costs are allowed for ‘time and effort’, which takes into account not only medical, ART, legal and counseling costs, but an additional amount for the effort required to undertake surrogacy.

e) **A Surrogate Support Network**

Medical practitioners, church leaders and social workers understand their work as vocational. In these professions, as with surrogacy, the job requires individuals to give time and emotional energy that goes beyond their job requirements. To choose surrogacy work should be understood as a vocational choice with a huge emotional, physical and time commitment.

Women who make this choice should be supported, as one Australian surrogates explains:

“we surrogates are a breed unto our own ... so having someone to talk them through it and to simply tell them that what they are experiencing is normal and that they are actually sane is what I would call essential. Not simply during and after the pregnancy but through the whole process and for months or even years after. .... most of the people who had negative experiences simply didn’t have the support network they needed. It’s just too hard to express everything you are going through with your recipient”

If legislators are keen to protect the best interests of Australian surrogates it would make sense to have such a network funded as are other community funded groups, given its potential to build capacity for best-practice surrogacy arrangements within Australia.
Such an organisation would provide specific knowledge, experience and access to individuals and communities engaging in surrogacy arrangements. Its roles could include workforce advancement through specialised education, policy development and intersectoral networking.

SURROGACY AUSTRALIA MEMBER FEEDBACK

This section provides direct quotes from some of our Australian members currently accessing surrogacy, about the changes they would like to see.

I'd like the opportunity to be able to become a parent in my own country without the need to go overseas for arrangements for surrogacy. I'd like commercial surrogacy in Australia to be made available, taking note of course to protect the rights of all parties concerned ... I would like to see the possibility of intended parents engaging with a woman who would like to participate in surrogacy and to be able to compensate her appropriately.

(Intended Parent 1, VIC)

the current laws are forcing people into taking out surrogacy either with underground arrangements, which don't properly cater for anyone's interests or overseas, which, in some cases, may not have the same standards as Australia. I would also like to not have to go through the daunting process of understanding another country's legal system, when arranging for my child to come home. I'd like the Australian government to have a more open and pragmatic approach to this issue, rather than pandering to hysteria and the conservative right.

(Intended Parent 2, WA)

Adoption in this country is almost impossible and lengthy.. Fostering requires you to give up IVF procedures. And surrogacy seems like a swear word and you must be a criminal if you consider it.

(Intended Parent 3, NSW)

I don't like feeling like my desire to be a parent, should be covered with constant fear of doing something wrong. It should be a happy, stress-free time. I am not a criminal, just unlucky. And I know I'm not alone.

(Intended Parent 4, TAS)

The process in Australia should be much simpler. That's why people go overseas.

(Intended Parent 5, SA)

The whole process should be much more stream-lined and guilt -free.

(Intended Parent 6, NSW)

If it is legal in that country, and it meets the Hague convention, why should our state rule it as illegal? The federal government will recognise them (children through surrogacy) ... but the state won't. Once again, you could be classed as criminal. Lose your job and livelihood. If you move state, you can (go overseas for surrogacy) legally. Ridiculous.

(Intended Parent 7, QLD)
The biggest change that would effect my life in a positive way would be to remove the legislation restricting people from advertising the need for a surrogate or the willingness to be one. In SA there is no way to connect these two groups of people together.

(Intended Parent 8, SA)

(The government should look at) development of ... tools for parents to engage in speaking about their conception; train doctors, lawyers; streamline the legal process and regulate the procedures, regulate the fees and practices of lawyers and doctors dealing with surrogacy.

(Intended Parent 9, VIC)

As a potential Intended Parent, I have found access to surrogacy within Australia to be incredibly difficult. I am in Tasmania and so altruistic domestic surrogacy has only just become 'legal' here. However, the one and only IVF clinic in Tasmania is incredibly behind with the concept of surrogacy and does not see itself as being ready to accept surrogacy patients in the near future. ... now ... surrogacy is legal here in Tasmania, but actually obtaining treatment and undergoing surrogacy here in Tasmania remains impossible. The only alternative is to travel to another state...., but then you run into issues as each clinic varies so greatly with their requirements. Some require you to have a residential address in that state, which is impossible for many, and others charge so much for consultations ... that it effectively rules that out also, given travelling costs on top.

One clinic I spoke to was so confused with surrogacy arrangements... The attitudes and ignorance is a huge roadblock and very frustrating. It is also a huge inconvenience to then try to work out how on earth to get the embryos from that state to your home state and it all become a logistical nightmare. Every road I have attempted to travel within Australia has always led me to India as the obvious solution and this is surely a crazy outcome.

(Intended Parent 10, TAS)

My main issue with surrogacy in Australia is the lack of Medicare support, which is prejudiced, outdated and incredibly unfair. Not only will Medicare not cover any of the cost of the IVF cycle where there is a surrogacy arrangement in place, it also seems it is left up to the individual clinics to decide when a patient is entitled to a rebate or not..... There are huge inconsistencies, much confusion, and unfair outcomes. I know of patients with a hysterectomy who have accessed Medicare rebates when clearly there is no outcome but surrogacy; the clinic has allowed it through as a 'preservation cycle' and yet other patients with a hysterectomy (such as myself) have been told an outright 'no' to accessing Medicare rebates.

(Intended Parent 11, NSW)

I am very averse to the level of counselling and legal requirements in place in Australia. I understand that some legal protection is necessary (although feel it a bit pointless when any surrogacy contract has little or no legal effect) and agree that people ought to be assessed to become a surrogate, but the expense of these consultations is outrageous and the general feeling is that intended parents are being assessed for their suitability to be surrogate parents. For people accessing surrogacy this feels like an added stab in the heart as although the questions may be quite easy, they are intrusive,
patronising and feel like a total waste of time and money. ... it is another reason why I feel that going to India is far more preferable.

(Intended Parent 12, VIC)

I would like to see ....access to Altruistic Surrogacy on a federal level for all people in Australia (Including gay male couples); For it to be covered by Medicare; For agreements between the Surrogate and the Intended Parents to be legally binding to protect the Intended Parents, as well as the Surrogate; For only the Intended Parents to be named on the birth certificate, but keep on record in Births deaths and Marriages Department who the Egg donor and the Birth mother were, if they so wish; Paternity testing as well as the (surrogacy) paperwork .... should be enough for the Sperm donor to be considered the legal father, regardless of which country the surrogacy was performed in.

(Intended Parent 13, NSW)

We would like to see
a) a consistent framework (laws, rules, procedures etc) across Australia that doesn’t vary by State.

b) A change in law to permit paid advertising for surrogates and donors.

c) A formal review of the ban on commercial surrogacy. Looking at issues such as: What is achieved. Does forcing IPs offshore create a riskier situation for the child and family? Examining the downside of commercial surrogacy in the US. Should such a review not find any compelling reason why the ban should remain then it should be removed.

d) A financially fair/level playing field when it comes to certain aspects (such as IVF) being covered by Medicare for certain heterosexual couples, and not for homosexual couples.

(Intended Parent 14, QLD)
**DEFINITIONS**

*Surrogacy* is an arrangement in which a woman gestates and gives birth to a child for another couple or person, with the intent to give said child back to his/her parents at birth. The surrogate may be the child’s genetic mother (called *traditional surrogacy*), or she may be genetically unrelated to the child (called *gestational surrogacy*).

Intended parent(s) is the person(s) who initiate/seek out a surrogacy arrangement and will be the child’s legal and social parent/s after the birth.

Traditional surrogacy (TS) involves artificially inseminating a surrogate mother with the intended father’s sperm via IUI, IVF or home insemination. With this method, the child is genetically related to its father and the surrogate. TS is relatively uncommon in Australia.

Gestational surrogacy (GS) arrangements can involve the egg of the intending mother, the sperm of the intending father and in the case of infertility or in same sex or single parent arrangements eggs or sperm from a gamete provider. The resulting child is genetically related to at least one of its intended parents while the surrogate mother has no genetic relation.

Altruistic surrogacy occurs when the surrogate receives no payment for carrying the child, except for re-imbursement of costs and loss of income

Commercial surrogacy occurs when the surrogate receives payment for carrying the child and commonly involves a contractual agreement that is generally not legally enforceable.

Unknown gamete provider - a person who provides their own eggs or sperm for the purposes of third-party reproduction, but does not want to be identified to any child born thereof and hence has no intention to parent such (a) child(ren).

Known gamete provider with parenting intent - a person who provides their own eggs or sperm for the purposes of third-party reproduction and has a written agreement stating parental intent of any child(ren) that result. Such an agreement may make allowances for full parental custody - for example in cases of surrogacy - or partial custody - for example in co-parenting arrangements.

Known gamete provider without parenting intent - a person who provides their own eggs or sperm for the purposes of third-party reproduction, has agreed to provide their identifying details for the purposed of later contact by the child(ten) but has no intention of any parenting role (eg a sperm or egg provider).