

Legislation Committee

From: Bec Kalpakoff [REDACTED]
Sent: Friday, 3 May 2019 10:56 PM
To: Legislation Committee
Subject: SUBMISSION - Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018

To whom it may concern

My name is Rebecca Kalpakoff and I'm lodging a submission in relation to the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018.

I would like to address the following recommendation

Recommendation 44

That the Western Australian Government amends the Surrogacy Act 2008 (WA) to provide for extraterritorial application of the law, consistent with New South Wales, Queensland and the Australian Capital Territory which would make it an offence to enter into, or engage in, other practices related to commercial surrogacy arrangements abroad and/or other prohibited practices.

I am firmly against changing the Surrogacy Act 2008 (WA) which would make it an offence to enter into, or engage in, other practices related to commercial surrogacy arrangements abroad and/or other prohibited practices.

My husband and I underwent Surrogacy in the Ukraine last year and our twins were born in Kiev, Ukraine on 24th July 2018. We had such a positive experience and believe it would be unfair for future Western Australian couples to be denied the same opportunity of creating a family like we did.

I would like to explain and elaborate on my submission so if you intend to conduct a hearing throughout the inquiry process I would ask to appear before the Committee as a witness.

OUR EXPERIENCE

We fell pregnant naturally in August 2015. In October 2015 we went for our 12 week scan, unfortunately there was no heartbeat and I underwent two D&C's.

We tried again with no luck and finally in October 2016 I was diagnosed with Stage 4 Asherman's syndrome (AS). My AS developed due to having a D&C, something I wasn't aware of before having the procedure. After the diagnosis, I underwent many surgical procedures in Perth with no positive outcome.

So in May 2017 I travelled to Sydney to see a Professor who specialises in AS for a second opinion. Unfortunately my AS was quite severe and he could not help me and if we wanted our own family, surrogacy would be our only option.

I have one sister but she is younger and has not had children so that was not an option due to the current laws in WA.

After some research even to find an altruistic surrogate in Australia we discovered it would be a very long process. Time was against us, as at the time I was 35 years old. I still had viable eggs, I just simply couldn't carry my own child.

So we started looking at overseas commercial surrogacy. After a lot of research and comparing the costs associated with doing surrogacy here in Australia or overseas we decided on the Ukraine.

SURROGACY IN THE UKRAINE

What appealed to us about Surrogacy in the Ukraine was the fact the minute our surrogate was pregnant we were the legal parents and the surrogate had no right to the baby (unlike the laws in Australia).

In July 2017 we signed up to our surrogacy agency, New Hope. Our agency was a small boutique agency run by a husband and wife team. They organised everything for us including all the medical appointments, fertility clinic choosing our surrogate, paperwork, legal documents etc.

AUGUST 2017 – We chose our surrogate and she began all the tests etc required by law.

SEPTEMBER 2017 – We travelled to Kiev, Ukraine to do our first IVF cycle, which didn't go as planned. When we arrived at the fertility clinic they discovered I had 2 big cysts growing. I had never suffered from cysts before and I had had a scan in Australia a few weeks beforehand and it was clear.

If we wanted to go ahead with the IVF round they had to remove them the next day. So on Saturday 16th Sept they removed the cysts and i started the IVF drugs.

During our stay in Kiev we meet our amazing surrogate, Anastasia, for the first time. At the time she was 23, married and had a 3 year old daughter. Even though her English was limited, (we communicate via google translate) we got on well and we were both keen to work together.

After undergoing the IVF cycle and egg retrieval we headed back to Australia. Unfortunately when we arrived home we were told we only got one embryo from that cycle. We were really disappointed, but within 2 days of being home we decided I would go back in December and try again.

DECEMBER 2017 – I travelled back to Kiev for round 2 of IVF. Mitch, my husband couldn't take any more time off work so I went over on my own and spent Christmas in the Ukraine. This cycle went to plan and was more successful than the last. We got four embryos and on the 23rd December 2017 two were transferred to our surrogate. I was fortunate enough to be there with our surrogate for the transfer.

JANUARY 2018 – On Saturday 6th January we received the exciting news that our surrogate was pregnant. Our first scan was on 18th January 2018 and to our surprise we were told we were having twins.

JULY 23rd 2018

Our agency contacted us and said it was time to fly over to Kiev as the twins were not going to make full term which is not out of the norm with a twin pregnancies. I left Perth that night and en route to Doha my surrogate had an emergency c-section and our twins, Nash and Indie were born on the 24th December at 33 Weeks.

Fortunately they were breathing on their own but they were required to stay in hospital. I was required to stay with them in the hospital and we were there for moved in with them and we were there for 16 days.

We stayed in Kiev for 95 days and returned home with the twins on the 28th October 2018.

COMMENTS REGARDING COMMERCIAL SURROGACY OVERSEAS AND WHY THE LAW SHOULD NOT BE CHANGED.

* When we looked at doing surrogacy locally we discovered that the process was very long and was going to cost the same or even more then doing it in the Ukraine.

* The laws around local surrogacy seemed quite arduous and complicated.

* What I find difficult to understand is the fact that if you do overseas surrogacy why can your child/children get Australian citizenship, but you can't be recognised as the parents under Family Law - even if they are biological yours like our twins are.

* What really turned us off doing surrogacy in Australia was the fact that the Intended Parents are not seen as the parents - especially if the child is biologically yours like our twins are. This made us very weary and why we choose the Ukraine.

* The cost of doing local surrogacy is quite high - it would be more attainable to more couples if you were allowed to claim IVF and other hospital bills back through Medicare/private health insurance.

OUR RELATIONSHIP WITH OUR SURROGATE

Many people have the naive view that if you do overseas Surrogacy you are taking advantage of the women. Being a woman myself this is the last thing I would ever want to do. But if you choose the right agency in a country like Ukraine this is not the case. Our surrogate too had a positive experience and does not regret carrying our twins.

We have a fantastic relationship with our surrogate, she is part of our family now. We still keep in contact and I send her updates and pictures of our twins on a regular basis.

Our surrogate was not poor or needing the money just to survive. Like many surrogates in the Ukraine our surrogate decided to do Surrogacy so her family could build their dream home. When I was leaving the Ukraine I told her words can not express how thankful we were for what she did for us and our family. Her response to me was 'you do not know what you have done for our family. We now have everything we wanted.'

Since returning home I am still heavily involved in the Surrogacy community and help out other couples from WA, other parts of Australia, even couples from other countries when they are starting out the Surrogacy process in the Ukraine.

I also organise a regular Perth Ukraine Surrogacy Mother's/Father's coffee catch up. There are members who have had one child and are hoping to do a sibling journey with their left over embryos that are still in the Ukraine. If the laws change they would not be able to use those embryos as Ukraine law forbids embryos to be transferred out of the country.

Being a parent is the best thing that has ever happened to us and we feel so fortunate. Everyone should have the opportunity to create their own family. Yes, I know the option of altruistic Surrogacy is available in Western Australia but as the Surrogacy laws currently stand it can be quite difficult for couples to navigate. If we ever wanted to grow our family in the future I wouldn't think twice about going back to the Ukraine again.

All the women I have met who have done/doing Surrogacy overseas or in a Western Austria have already been through so much physically, emotionally and financially. To have the option of having their own child through overseas Commercial Surrogacy taken away from them is heartbreaking and wrong.

If the current law is changed it means what my husband and I did to have our twins is now an offence. That is just something I can't comprehend as we love them and couldn't imagine life without them now.

Thank you for taking the time to read my submission.

As mentioned at the beginning I would like to explain and elaborate on my submission so if you intend to conduct a hearing throughout the process I would ask to appear before the Committee as a witness.

Yours Sincerely

Rebecca Kalpakoff