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12/06/2025

The Commissioner
Australian Law Reform Commission
PO Box 209
Flinders Lane
Victoria 8009
Email: surrogacy@alrc.gov.au

Dear Commissioner,

SUBMISSION TO THE AUSTRALIAN LAW REFORM COMMISSION – REVIEW OF AUSTRALIA'S SURROGACY LAWS

I am making this submission to contribute to the Australian Law Reform Commission's review of Australia's surrogacy laws. I am a surrogate and a Registered Nurse, and I have recently given birth to a child for her Parents [redacted] and [redacted] through gestational surrogacy in Western Australia.

I have read the Issues Paper and have responded to the questions posed in the paper below.

I seek that my submission be published and de-identified, and I am available for contact or further input ie; interviews/phone calls etc to further support this submission and the changing of laws to support surrogacy in Australia.

1. If you or someone close to you has had personal experience of surrogacy, please describe:

Surrogacy was the most fulfilling achievement I have ever accomplished and the most rewarding experience if gifting a child to my friends. I found the laws frustrating and the clinics themselves were unsure of aspects, including our clinic adding on an additional 3month incubation period for the embryos, which was not legally required. We went through a different ivf clinic at the start, then quickly changed due to their lack of knowledge around surrogacy. Our experience between both clinics made it abundantly clear that there was uncertainty within

the laws around surrogacy and each clinic added extra wait times and additional counselling to steer on the side of caution. This was very frustrating, expensive and timely.

The laws need to be consistent throughout Australia and surrogacy needs to be more accessible, decreasing the risk and heartbreak parents are finding themselves when going overseas!

2. What reform principles should guide this Inquiry?

   Consistency throughout Australian laws and clear laws that also make surrogacy more accessible.

   A capped amount of financial benefit for the surrogate would mean more Australian women who have wanted to surrogacy, but haven't due to the financial burden it could have of their family, would do surrogacy.

3. What do you think are the key human rights issues raised by domestic and/or international surrogacy arrangements and how should these be addressed?

   It is simple- make surrogacy more accessible and realistic in Australia and Intended Parents will not NEED to go overseas to find one. We owe it the other countries to stop human trafficking and placing vulnerable women, children and intended parents at risk. You know the dramas and multiple areas this is going wrong overseas, so let's stop that by making Australian surrogacy a Firstline, accessible route!

4. What information about the circumstances of their birth do you think children born through surrogacy should have access to? How should this be provided / facilitated?

   I believe there needs to be a paper trail and proof so that if a child does need or want to access it, they can. I personally like the fact that surro bub has a birth cert with my name on it, and then receives her parents name on the second.

5. What do you think are the main barriers that prevent people from entering into surrogacy arrangements in Australia, and how could these be overcome?

   NOT ENOUGH SURROGATES- having a capped amount of financial benefit for surrogates would mean that a large group of women who have considered being a surrogate, may just come forward. I almost didn't do surrogacy due to the financial toll and physical toll it would have on my family. The intended parents paid for all my pregnancy related expenses but it still takes time away from my

little children and it still impacted on my family. If there were a capped amount of financial benefit, it would have significantly helped me and my family, even if it just meant affording a holiday together at the end and having that special 1 on 1 time as a family after the journey.

Inconsistent laws- people are so scared to do the wrong thing and then they find themselves in an even more sticky situation overseas. Surrogates and IPS aren't even sure if they are allowed to put a post on Facebook about wanting a surrogate or wanting to be a surrogate because in some states that is illegal. The inconsistent laws scare people; they also reduce to accessibility of someone looking for a surrogate and they give surrogacy a bad reputation as the general population think it's illegal.

6. Should there be eligibility criteria for surrogacy? If so, what should those requirements be?

   I believe the woman should have at least had 1 child. I think its absolute BS saying that a single person or gay couple cannot have a child through surrogacy. Again, such inconsistent laws state-to-state.

   Anyone who wants a child should be allowed to access through surrogacy, regardless of their fertility or marital status. If a gay single male or female wants a child through surrogacy, their should not have a barrier to do so.

   If a healthy married male and woman want a baby through surrogacy- they should have access to do so.

   The only eligibility should be based on the surrogate themselves and if they have had a child before or not. It should not matter if a surrogate is single or married.

7. Are there any current requirements which should be changed or removed?

   Absolutely. Make all the laws consistent in each state.

8. Are there any requirements for a valid surrogacy agreement you think should be added, removed or changed?

The 3-month cooling off period should be waived. It's a joke.

9. Should surrogacy agreements be enforceable?

The only part that should be enforceable is the reimbursing of the surrogate for financial expenses.

10. What process requirements should be in place for surrogacy arrangements?

Psych assessment, counselling, individual lawyer advice, a mandatory face to face session with a previous surrogate and previous intended parents. No cooling off period as this all takes quite a bit of time!

11. What are the gaps in professional services for surrogacy in Australia?

    There are many. We only have the ivf clinic to support, there should be clear information and places to go where IPS and surrogates can access information on the process and there should be some form of access to willing surrogates and intended parents to go to for advice or information.

12. What is the best way for professional services for surrogacy to operate?

13. How should surrogacy advertising be regulated?

    People should be free to advertise they are looking for, or wanting to be, a surrogate. This should be consistent Australia wide!

14. What entitlements, if any, should be available to surrogates and intended parents?

Centrelink parental leave payments for both IPS and the surrogate and a capped amount of financial benefit for the surrogate.

15. How could the process for reimbursing surrogates for reasonable expenses be improved?

By a capped amount of finical benefit on top of the IPS paying for all pregnancy related costs.

16. Do you support a) *compensated* surrogacy and/or b) '*commercial*' surrogacy? You might want to consider whether you agree with how we have described compensated and 'commercial' surrogacy?

    I think commercial surrogacy would need to be a capped amount. I think compensation still needs to happen in AUS.

17. If Australia was to allow for compensated or ‘commercial’ surrogacy, how could this be implemented?

    By capping an additional amount once the baby is handed over.

18. What are the main problems with the requirements and processes for obtaining legal parentage for a child born through domestic and/or international surrogacy?

    The inconsistent laws make it extremely difficult domestically.

    There are so many issues with international, and it becomes even more of a shit show than domestic. We really need to make these changes to the law here in Aus to stop these issues from happening.

19. How could the process for intended parents to become the legal parents of children born through surrogacy be improved?

Unsure.

20. What, if any, are the main problems with obtaining the following documents for a child born through international surrogacy:

a. Australian citizenship;
b. an Australian passport; or
c. an Australian visa.

    I think there are so many issues because again, the inconsistent laws in Aus and the difficult situations it’s putting IPS in.

21. How could the process for obtaining these documents be improved?

    Unsure.

22. What is the best way to approach differences in surrogacy regulation between or within jurisdictions?

    The laws need to be the same!

23. Is it appropriate for surrogacy arrangements to be subject to oversight? If so, what is the best approach?

    An internal body to ensure that all the correct procedures have been followed is appropriate, just like the RTC in WA. It makes people and clinics accountable and ensures regulation.

24. Should the law have a role in discouraging or prohibiting certain forms of surrogacy?

    I do not believe so.

25. Do you think there is a need to improve awareness and understanding of surrogacy laws, policies, and practices?

    ABSOLUTELY. PLEASE. This is half the issue with currently accessing surrogacy. No one know what the heck is legal or illegal, including the ivf clinics!

26. Do you have any views about the issues we consider to be in or out of scope?

    I have many. I believe you are ceasing the right of a woman to make an autonomous decision if she wanted a baby through surrogacy, irrespective of her fertility. Anyone, regardless of gender, sex life, marital status etc should be allowed to chose surrogacy if they want to. This is an individual decision, and no-one should be limited to make this decision for what is in their best interests. It is not your place to read about someone and make that decision for them.

27. Are there any important issues with regulating surrogacy that we have not identified in the Issues Paper? Do you have any other ideas for reforming how surrogacy is regulated?

    I think it just needs to be more accessible in Australia as at the end of the day, going international is not helping human trafficking and the awful scenarios Ips and newborns are finding themselves in. Keep in in Australia, with good regulation and overview and we will see less of these examples on the news.

Thank you for considering my submission.

Yours Faithfully,

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