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30 June 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 parent through surrogacy.

I have read the Issues Paper and have responded to the questions posed in the paper below. I seek that my submission be published but de-identified

If you or someone close to you has had personal experience of surrogacy,

please describe:

- **What parts of your experience were positive?**
- **What parts of your experience were negative?**
- **What could be improved and how?**

I am parent through surrogacy. My husband and I embarked on the journey to have a child through surrogacy in Australia. It was a journey filled with love, happiness, joy, community and resulted in the birth of our child a few years later. Our child is healthy, happy and an important part of our family and we have a large extended family who also love this child very much.

Although our journey was a very positive one, it was also marked by legal ambiguity, hospitals which did not understand the surrogacy process, and unnecessary emotional stress when dealing with government agencies like Centrelink to access government funded paid parental leave.

In particularly dealing with the hospital system was particular a dis hearting experience as they unable to understand the importances of recognizing my

husband and myself as the parents of the child. Despite the openness of our surrogate and the transparency of our arrangement, we would face significant hurdles simply to be recognized as the legal parents of our own child.

There was added expense to our journey being ineligible for Medicare rebates for surrogacy something which did not apply for other people going through IVF. It is discrimination that IVF Medicare rebates don't apply if a surrogacy agreement has been signed, however the same procedures are eligible for Medicare rebates if there is no surrogacy agreement in place.

The removal of Medicare rebates after a surrogacy agreement actually costs the Medicare system more money, not less. It causes a mindset amount those Intended Parents going through surrogacy to 'stock pile' embryos before the surrogacy agreement was signed to obtain Medicare rebates. If Medicare rebates were made possible for surrogacy (as, is it for any other IVF process), Intended Parents would create embryos on an 'as needs basis', causing less overall cost for the Medicare system.

What reform principles should guide this Inquiry?

National surrogacy laws, the current system on a state by stage base is complex, and disjointed.

Regulation of the industry, there is currently a surrogacy matching services that is being run (not sure how legal this actually is) in Australia but they don't seem to be run by professionals who adhere to business and ethical practices. They exploit vulnerable Intended Parents and create false hope through sharing surrogacy births that haven't been as a result of their services which is false advertising.

Compensated surrogacy, every single person, is paid in surrogacy in Australia except the one person doing all the work.

Application of Medicare rebates for surrogacy.

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

Pre-birth orders should be strongly considered to provide absolute clarity about the legal parentage before the baby arrives. Parentage Order before birth, not after it. This is in the best interest of the child and provides the start of a framework for hospitals to understand surrogacy better.

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

Prohibition of advertising for surrogate, or intended parents is something that needs to be remove. Additionally, surrogacy is expensive and a main impacting factor of this is due to lack of Medicare Rebates.

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

Yes, a medical need for surrogacy.

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

Retained

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

There should be a license requirement for those operating across legal services, counselling, matching services.

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

Medicare rebates for IVF treatments should apply. Dealing with Centrelink to try to obtain Paid Parental leave was a nightmare, the staff didn't even know their own process and I probably invested 20 hours waiting on hold to Centrelink and talking to people going around and around in circles in order to gain access to Government Funded Paid Parental leave. I put in a formal complaint to Medicare but I never heard anything from them.

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?

Yes, I support compensated surrogacy, not commercial surrogacy. Compensated for time and effort, not for the baby.

If Australia was to allow for compensated or 'commercial' surrogacy, how could this be implemented?

Framework (drafted with experts in the industry with actual experience of surrogacy, not just people who have studied it) and legislation.

Thank you for considering my submission.

Yours Faithfully,

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