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6 July 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 an intend parent, and I have learned much international surrogacy industry knowledge in 2024 and 2025.

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.

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

   I am an intended parents in NSW; I started talking to surrogacy industry in the US in 2024 and surrogacy industry in Australia in 2025; aim to use surrogate help, build a family, having a healthy baby.

   - What parts of your experience were positive?

1. I found US has very good infrastructures in finding surrogates, i.e. lots of agents, established process, many supports in finding a suitable surrogate,

2. I find “Surrogacy Australia and Australia surrogacy “and Donation in Facebook, have very good positive people around, the under altruistic surrogate model, surrogates who are willing to help intended parents are great.

    - What parts of your experience were negative?

1. I found in US, it is very expensive, plus is so far away, more difficult for intended parents.
2. I feel in Australia, it is very hard to find a suitable altruistic surrogate, which makes difficult for Intended Parents fulfilling family building dreams.

    - What could be improved and how?

I suggest Australia have an easier access for intended parents, more fair treatment for Surrogate, right now, altruistic Surrogates in Australia not compensated, while all the rest the professional services in surrogacy chain are, could trigger inconsistency and unfairness.

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

- Limited Availability of Surrogates

  Altruistic surrogacy relies on volunteers (often friends or family), making it difficult for those without a willing surrogate.

  Cultural stigma and lack of awareness discourage potential surrogates.
- How to Overcome:

  Public awareness campaigns to educate on altruistic surrogacy.

  Explore regulated compensation models (without full commercialisation) to incentivize participation.

- Overall, Reforms could include legal harmonization, financial support, and awareness campaigns to make ethical surrogacy more feasible for those in need.

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

Lack of Surrogate Matching Programs

- Gap: Unlike the U.S. (with agencies), Australia lacks formal matching services, forcing intended parents to find surrogates independently.
- Impact: Long delays, reliance on personal networks, and higher risk of informal (unregulated) arrangements.
- Solution:
    - Government or nonprofit-run matching platforms (with safeguards).
    - Ethical advertising guidelines to help connect parties.

No Centralized Information Hub

- Gap: Information is scattered across state websites, lawyers, and NGOs, causing confusion.
- Impact: Families abandon surrogacy due to complexity.
- Solution:
    - A national surrogacy information portal (like the UK's HFEA).
    - Government-funded helplines for guidance.

4. How should surrogacy advertising be regulated?

1. Allow Altruistic Surrogacy Advertising—With Strict Guidelines
    - Problem: Many intended parents struggle to find surrogates due to bans on advertising.
    - Solution: Permit non-commercial ads (e.g., "Seeking altruistic surrogate, expenses covered") but regulate platforms and content.
2. Approved Advertising Channels
    - Government or Nonprofit Platforms: A regulated online portal (similar to adoption ads in some states) where parties can connect safely.
    - Social Media & Forums: Allow ads only in designated groups/websites that enforce compliance (e.g., requiring disclaimers like "No payment offered beyond legal expenses").

3. Mandatory Disclosures in Ads
   Ads should include:
    - A statement confirming compliance with altruistic surrogacy laws.
    - No mention of financial incentives (beyond medical/living expenses).
    - Contact details of a registered surrogacy lawyer or counsellor.

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

Part 1:

1. Permitted Payments

- Base Compensation:
    - Fixed minimum/maximum ranges (e.g., $5,000–$15,000 AUD, adjusted for inflation).
    - *Rationale:* Prevents exploitation while acknowledging surrogates' Labor (similar to California's market-based model).
- Expenses:
    - Medical costs (IVF, prenatal care, postpartum recovery).
    - Lost wages, childcare, travel, and maternity clothing.
    - Insurance: Life, health, and disability coverage for the surrogate.

2. Anti-Exploitation Measures

- Income & Eligibility Checks:
    - Surrogates must meet minimum income thresholds (to avoid targeting low-income women).
    - Intended parents must prove financial capacity (e.g., escrow accounts for payments).

3. Transparency:
    - Publicly funded **price guidelines** to prevent price gouging.

Part 2, suggest reference below three countries' compensation models

Canada (Hybrid Model – Altruistic with "Reasonable Expenses")

- Legal Status: Commercial surrogacy is banned, but reasonable expenses can be reimbursed.
- Compensation Permitted:
    - Includes medical costs, maternity clothing, travel, and legal fees.
    - Some provinces (e.g., Ontario) allow lost wages if medically necessary.
- Strengths:
    - Clearer guidelines than Australia on what qualifies as "reasonable."
    - Surrogacy agreements are legally enforceable in some provinces.
- Criticisms:
    - No national standard—differences between provinces.
    - Some argue the system still relies too much on altruism.

UK (Strict Altruistic Model with Limited Reimbursement)

- Legal Status: Only altruistic surrogacy is legal; commercial agreements are void.
- Compensation Permitted:
    - "Expenses reasonably incurred" (e.g., medical bills, pregnancy-related costs).

    - Courts can retrospectively approve higher payments via a Parental Order.

- Strengths:
    - Prevents profiteering while allowing flexibility in reimbursement.
    - Surrogacy UK provides voluntary guidelines on expenses.
- Criticisms:
    - Lack of upfront clarity—expenses often negotiated privately.
    - Surrogates may hesitate due to uncertain legal protections.

New Zealand (Altruistic Model with Court Oversight)

- Legal Status: Altruistic surrogacy only; commercial agreements illegal.
- Compensation Permitted:
    - Reimbursement for verified expenses (medical, legal, travel).
    - Requires Family Court approval for surrogacy agreements.
- Strengths:
    - Judicial oversight prevents exploitation.
    - Clearer process than some Australian states.

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

Yes.

Thank you for considering my submission.

Yours Faithfully,

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