## Submission to the Australian Law Reform Commission – Inquiry into Surrogacy Laws

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My name is [redacted] and I'm currently a surrogate for my best friends (heterosexual couple) of more than 20 years. So far, we've undergone four embryo transfers, none of which have been successful yet. We still have two more attempts ahead of us, and despite the emotional and physical toll, we remain hopeful.

Becoming a surrogate was one of the most meaningful decisions I've ever made, born out of love and trust. But through this journey, I've experienced firsthand how Australia's surrogacy laws are fragmented across states and lacking in national coordination. This creates unnecessary barriers, delays, and distress for everyone involved - surrogates and intended parents alike.

Financial Barriers: Medicare Discrimination

One of the biggest challenges we've faced has been the financial cost of surrogacy, particularly the lack of Medicare access for intended parents. Despite undergoing medical procedures for a legitimate reproductive health issue (infertility), my intended parents are not eligible for Medicare rebates simply because the treatment is for the purposes of surrogacy.

This means that while IVF is subsidised for people trying to conceive in the traditional sense, those who need a surrogate must pay thousands more—out of pocket—for the same procedures. This creates a two-tiered system that discriminates against families who require surrogacy to have a child.

It also places immense pressure on intended parents, both emotionally and financially. Many are forced to consider riskier international options due to cost, which can lead to ethical concerns and legal complications.

Legal and Policy Gaps

Beyond the financial strain, we've experienced a host of other issues that reveal how outdated and fragmented the current laws are. These include:

1. Access and Eligibility

Each state has its own laws (I reside in QLD and my intended parents reside in NSW)

around who can access surrogacy, how it works, and what is considered lawful. This creates inequality, especially for single people, LGBTQ+ families, or those who live in more restrictive jurisdictions. Access to surrogacy should not depend on your postcode or relationship status.

2. Parentage at Birth

As the surrogate, I am not the genetic parent and have no intention of raising the child—yet I would be listed on the birth certificate and considered the legal parent at birth. This process fails to reflect the reality of modern families and places stress on all parties during what should be a joyful time.

3. Reimbursement and Clarity

Currently, there is no consistent national guidance on what expenses are considered reasonable for reimbursement. This creates confusion and anxiety for both surrogates and intended parents, and leaves too much room for misinterpretation or even legal risk.

4. International Surrogacy Risks

Because domestic options are so limited, many Australians seek international surrogacy arrangements—despite the increased risks of exploitation, legal uncertainty, and the difficulty for children to later access their birth information. This is a human rights issue as much as a legal one.

5. Children's Rights to Identity

There is no national donor or surrogate registry, which makes it difficult for children born via surrogacy to access information about their origins. This lack of transparency fails to uphold the rights of the child, including those set out in the UN Convention on the Rights of the Child.

Recommendations for Reform

As someone directly involved in this system, I support the following reforms and urge the ALRC to implement them as part of a modern, compassionate, and rights-based national surrogacy framework:

1. A National Surrogacy Framework for All Family Types

Establish a consistent, inclusive legal framework across all states and territories, regardless of family structure, gender, or relationship status. This will ensure fairness and clarity for everyone involved.

2. Automatic Legal Parentage at Birth

Intended parents should be recognised as the legal parents from the moment of birth—

without needing to go through court processes or wait months for a transfer of parentage.
3. Clear National Rules on Reimbursable Surrogate Expenses
Define and standardise what expenses can be reimbursed to surrogates so that there is transparency and legal certainty nationwide.
4. A National Donor and Surrogate Registry
Create a secure, national registry so children born through surrogacy and donor conception can access their genetic and gestational history if and when they choose.
5. Education and Training for Healthcare Providers
Healthcare professionals should receive mandatory training on surrogacy so that intended parents, surrogates, and their children receive respectful, appropriate, and equal care in all health settings. Public awareness should also be improved to reduce stigma.

Conclusion

Surrogacy is not just a legal process—it's a deeply human journey. I have chosen to walk it with my closest friends, but the experience has exposed how outdated and inconsistent our laws truly are. If Australia values fairness, equality, and the best interests of children, we must do better.

I hope the ALRC uses this opportunity to deliver transformative, rights-based reforms that reflect the reality of modern families—and ensure all people can build a family with dignity and support.

Thank you for considering my submission.

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