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8th 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 a surrogate currently, have an educational background and professional experience within the IVF sector and am motivated to share my experience with the hopes of contributing towards an improved experience and greater opportunities for others in their currently complex and challenging paths towards parenthood.

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:

- **What parts of your experience were positive?**

One of the most profound and rewarding aspects of my experience has been forming a close and trusting relationship with the intended parents, knowing that I have the privilege of helping them build their family. We are currently 22 weeks into the pregnancy, and I feel incredibly fortunate to be part of a journey that will, hopefully, result in the ultimate gift, helping bring a child into the world for people who deeply long to become parents.

- **What parts of your experience were negative?**

The most challenging aspect of the process has been the excessive time, cost, and emotional toll of navigating the bureaucratic requirements, especially the numerous and protracted steps necessary to present to the Patient Review Panel. These include multiple counselling sessions, psychological assessments, and an approval process that, in our experience, stretched out over nearly 12 months. While I understand the importance of safeguards, the duration and complexity of this process caused unnecessary delays and emotional strain on all involved.

- **What could be improved and how?**

There is significant room for reform in the current surrogacy pathway. The prolonged pre-approval process, including repeated counselling sessions and psychological evaluations, could be streamlined to reduce the burden on both intended parents and surrogates. These steps, though well-intentioned, can become a barrier to altruistic individuals willing to be surrogates.

In our case, the nearly year-long process meant that I became 12 months older, an important consideration when pregnancy health risks increase with age. Similarly, the intended parents also aged during this time, which is significant for individuals already managing the emotional and physical demands of years of infertility. More poignantly, the resulting child will have one year less with their parents, a reminder of how impactful these delays can be on real lives.

As a surrogate, I felt the urgency of a limited window between completing my own family and reaching the point where carrying another pregnancy might no longer be medically advisable. After PRP approval, we faced multiple unsuccessful embryo transfers. We were only successful after seeking an egg donor. Had this not worked, and if I had needed to start the approval process from scratch with a new intended family, I may have missed my chance altogether. This extended and inflexible process risks deterring other potential surrogates, who may be dissuaded by the emotional exhaustion and bureaucratic delay long before any medical procedure even begins.

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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?

International surrogacy arrangements are often fraught with ethical challenges, including potential human rights abuses, exploitation, and lack of legal protections for both the surrogate and the child. By contrast, Australia has the opportunity to provide a regulated, ethical, and safe alternative domestically. However, the current domestic process is so complex, costly, and time-consuming that many people feel forced to look overseas for solutions.

By simplifying and supporting ethical surrogacy within Australia, we can reduce the demand for international arrangements and help prevent the exploitation of vulnerable women in less regulated countries.

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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?
Key barriers include:

- A general lack of public awareness and understanding about surrogacy options and legal pathways.
- Inability to openly advertise the need for or offer to become a surrogate.
- Complex, drawn-out approval and legal processes.

Improving access to clear, centralised information, allowing regulated advertising, and streamlining the legal and psychological assessment processes would remove significant obstacles and make altruistic surrogacy a more viable and appealing option.

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6. Should there be eligibility criteria for surrogacy? If so, what should those requirements be?
Yes, but these should be minimal and focus on informed consent and safeguarding against coercion. Individuals who are of sound mind, not under pressure, and capable of making autonomous decisions should be free to choose to carry a pregnancy for others. Australians already have the freedom to make reproductive choices independently, this autonomy should be extended to surrogacy, without excessive gatekeeping.

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13. How should surrogacy advertising be regulated?
There should be the freedom to share accurate, factual, and respectful information regarding surrogacy arrangements. Over-regulation stifles awareness and access. A clear, ethical framework that allows for responsible advertising would help connect willing surrogates with hopeful parents in a safe and informed way.

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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 current process to obtain a parentage order is unnecessarily delayed. Intended parents should be legally recognised as parents from the moment of birth. Delays create confusion and distress, particularly for the surrogate, who may be asked to make decisions for a child who is not hers to parent. There have also been cases where babies have been placed in special care nurseries, not because of medical need but because the surrogate could not remain with the child, and the intended parents were not yet recognised legally.

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

Intended parents should be automatically recognised as legal parents upon the birth of the child. Surrogates and intended parents could complete consent processes and legal documentation prior to birth, ensuring a smooth and immediate transfer of parentage without unnecessary court delays or emotional uncertainty.

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

We need national consistency. Surrogacy laws should be harmonised across all states and territories to ensure fairness, clarity, and equity for all parties involved, regardless of where they live.

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

Yes absolutely. A concerning number of healthcare professionals are unfamiliar with surrogacy laws and practices, which can lead to misinformation and inappropriate care during critical stages. Improving education across the healthcare sector and making information more accessible to the public would significantly enhance the surrogacy experience for all involved.

Thank you for considering my submission.

Yours Faithfully,

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