[redacted]

7th 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 psychologist who has been working as an infertility counsellor for approximately 20 years. I have developed, implemented and evaluated Victorian surrogacy programs since 2010 and have assisted in over 100 surrogacy arrangements by providing independent psychological assessments and implications counselling. My feedback is based on my experience in working with surrogacy teams over the past 15 years.

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. 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?

   Children should have all information about the circumstances surrounding their birth, including the name of the surrogate woman and the place of birth. This should be provided by the intended parents.

2. What do you think are the main barriers that prevent people from entering into surrogacy arrangements in Australia, and how could these be overcome?
    1. Inability to advertise for a surrogate. Allow IPs to advertise for surrogacy similar to how recipients can advertise for gamete donation.
    2. Vast differences in legislation across Australia. Create uniform legislation
    3. Inability to appropriately compensate surrogate women. Provide structure for compensation
    4. Inability to apply for pre-approval for a parentage order. Permit pre approval and make this consistent across Australia.
    5. Inability for clinics in Victorian to assist with traditional surrogacy. Change the legislation to allow clinics to assist in traditional surrogacy – this provides structure and support to all individuals involved
    6. Further education and awareness of surrogacy
    7. Permit Medicare rebates for people accessing surrogacy

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

    The current criteria are appropriate overall. It is important that a surrogate had carried a baby before. We should allow traditional surrogacy so a surrogate can use her own eggs if she wishes.

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

    Remove need for gestational arrangements only.

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

    Highly recommend thorough surrogacy counselling pre-treatment, and access to supportive counselling post birth as needed.

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

In a collaborative and informed manner. It would be helpful to be able to communicate with other experts in surrogacy to ensure inconsistency in reporting by patients.

7. How should surrogacy advertising be regulated?

   Similar to advertising for donors; just ensuring that the advertisement does not offer payment for services.

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

Medicare rebates and any entitlements that anyone can access when having a baby and preparing for pregnancy.

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

Greater ability to reimburse for pregnancy associated consumables, lost wages if surrogate woman or her partner need time off employment due to the pregnancy or birth.

10. 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?

    Compensated surrogacy

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

    Accessing pre-birth orders would be helpful; perhaps counselling can occur in final stages of pregnancy for pre-birth orders, and optional for post birth.

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

Pre-birth orders.

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

    Yes a non profit or government oversight/regulator would be helpful, but they must have skills and experience in surrogacy.

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

    Yes very much so, public education needs to be improved.

Thank you for considering my submission.

Yours Faithfully,

[redacted]