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15th 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 a parent of a child born via a local surrogacy here in NSW. I am an active member of the surrogacy community and help organise local catch-up groups in the Hunter Valley/Newcastle NSW region where I reside. I am a real advocate for more surrogacies to take place here in our country. I am now an intended parent again as I am hoping to find another surrogate to carry a sibling to complete my family. This time around its proving very difficult to find a woman to carry my next child into the world and I feel it's partly because I have already been fortunate enough to have one positive local journey. I have been on four surrogacy journeys so far which has taken its toll on my mental health and finances yet only have one live child called [redacted] who was born on the [redacted] and my sisters friend carried him.

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?
    - Following our surrogate's pregnancy and attending all the appointments with her was wonderful.
    - Feeling included in the process because it was a local journey was great.
    - NSW Health and birthing in our local public hospital where all the staff were excited and accommodating yet professional was refreshing.

    - What parts of your experience were negative?
    - Dealing with Centrelink and Medicare with a newborn baby to access the parental leave entitlements and adding a child to your Medicare card before the court proceedings was a nightmare.
    - The fact that none of our surrogacy journey was covered by Medicare even though myself and my partner pay into top private health cover and most of the experience was out of pocket expenses which isn't the same for heterosexual couples undergoing fertility treatments.
    - Male partner and I having to get a medical certificate from our GP to access the fertility clinics which stated we couldn't carry a baby as men.
    - External providers such as lawyers, obstetricians, psychologist, birth photographers, doulas and counsellors charging exuberant amounts for their services which are needed for the journey, but their prices should be capped and not taking advantage of desperate people trying to build a family.
    - The approval process for surrogates and all the hoops an adult woman needs to go through to be a surrogate. I had surrogates turned away by a clinic whose BMI was too high, one who was considered too high risk by Dr's yet she carried 3 healthy children herself with no intervention from fertility clinics.
    - Having to adopt your own biological child and the process of going through the NSW Supreme court to have our names on a birth certificate of our child.
    - What could be improved and how?
    - The bureaucracy needs to be streamlined or reduced to make it easier for people to be surrogates and go through surrogacy journeys in our country Australia.
    - Medicare should cover surrogacy costs and LGBTQ+ residents should be able to claim rebates for fertility treatments equally.
    - All states and territories in Australia should have the same laws surrounding surrogacy arrangements.

- Pre birth parentage orders should take place whilst the surrogate is in her fourth trimester to eliminate lengthy wait times and court proceedings where the child isn't legally recognized by its intended parents.
- When the child is born in the Australian hospital the intended parents should be put on the birth form which is provided to Centrelink and Medicare to eliminate the lengthy and unfair processes and jumping through hoops. I spent 16 hours on hold, 3 applications that kept getting rejected for no reason and about 6 emails with personal details to sort out my parental leave that I applied for 3months before due date to be organized.
- You should be able to advertise ethically for a surrogate or allow agencies to work in Australia to match surrogates with intended parents and stop so many people heading overseas.
- Surrogates should also be allowed to be compensated for their time and health. Everyone else along the surrogacy journey makes money from the perspective parents expect the poor surrogate who puts her body and life on the line under the current altruistic model.
- The Australian government should also decriminalize entering an international surrogacy arrangement

2. What reform principles should guide this Inquiry?

    - Individual rights, community standards, protection of the children, common sense, focus on content and the purpose of the review.

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?

    - Exploitation and consent, Child's Rights, Commodification, Discriminations and Legal Gaps

4. 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?

    The child should have access to their full story and how they entered the world when their old enough to comprehend such complexities. A national register like the donor registry for donating bodily gametes would suffice.

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?

    - The financial burden of paying 70-100 thousand dollars out of pocket expenses for their child is a huge barrier for most.
    - There is no go to place to find out information about surrogacy in Australia as each state and territory has its own rules and regulations

people are left second guessing and fumbling their way through a journey relying on social media platforms for advice.

- I think the fact women cant be paid for their time and putting their body through such a thing out of the goodness of their heart.
- There are far too many intended parents in Australia who need a surrogate but not enough surrogates for everyone in our country hence why the majority risk the law and cost to go abroad as its easier than in their own country with too much red tape.
- The fact a couple who need a surrogate cant legally advertise for one makes it difficult to match with one.
- Loads of people in Australia still consider it illegal and taboo because its not really discussed in social settings.

6. Should there be eligibility criteria for surrogacy? If so, what should those requirements be?
    - A very important one is that the intended family can afford the process and a dependent child.
    - The surrogate should be in good health to carry an uncomplicated pregnancy.
    - The age across Australia should be the same in all states. You shouldn't need to have completed your own family first.
    - The surrogate is mentally stable and understands the process they are about to embark on.
7. Are there any current requirements which should be changed or removed?
    - The age limit across Australia should be the same for surrogates
    - The rules shouldn't be so hard for straight women to qualify for a surrogate.
    - If a grown adult wants to have a baby for someone they should be allowed to. After all they know the risks. The intended parents are paying the bills to go through the process.
    - Fertility clinics shouldn't be so fussy and only worried about their statistics and reputation.
8. Are there any requirements for a valid surrogacy agreement you think should be added, removed or changed?
    - What's the purpose of them if they are not legally binding and wouldn't stand up in court if something were to go wrong.

9. Should surrogacy agreements be enforceable?
    - They seem useless to have a legal agreement in place to start the journey yet the legal agreement is not legally binding say the surrogate changed her mind and wanted to keep the baby which is not genetically theirs. They should be enforceable for the sake of the child.
10. What process requirements should be in place for surrogacy arrangements?
    - Pre surrogacy counselling, an enforceable legal contract between both parties, compensation scheme and pre parentage order organization. Post surrogate counselling for the surrogate.
11. What are the gaps in professional services for surrogacy in Australia?
    - Surrogacy agencies who can ethically match surrogates with intended parents as most countries around the world have.
    - Fertility clinics who only deal with surrogacy arrangements in our country. They could be a one stop shop and a lucrative business as fertility clinics add lots of money to our economy. Imagine if we could regulate that ethically in our own country to prevent all that money going offshore.

12. What is the best way for professional services for surrogacy to operate?
    - I think Australia is very behind the times when it come to surrogacy agencies. We should follow Canda, America and even the UK who have been doing it properly for years. The best interest of the child and ethically standards such as APRA to regulate the medical side of the businesses.
13. How should surrogacy advertising be regulated?
    - It shouldn't be regulated. Look at the wedding industry and social media experts. If it were legal you could share on social media, pay for video or advertisements to be made to match with the correct surrogate.
    - Better still if agencies were allowed, we wouldn't need to regulate the advertising so strictly.
14. What entitlements, if any, should be available to surrogates and intended parents?
    - I was very grateful to receive the paid parental leave both from my work and the government to care for our child the same as heterosexual couples do. I have worked since I was 18 years of age and paid my taxes for I should have been entitled to it.

- The surrogate should be able to be paid for the risk to her family and her body. Women and men get paid to work in the mines and for other high risk professions. Why shouldn't a surrogate be able to be compensated fairly for her efforts to grow a baby and be paid by the grateful family. If surrogates could be paid in our country it would prevent all these babies being born overseas.

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

    - There should be a paid model, or a compensation strategy capped at a certain amount to prevent exploitation and unethical standards across the country. It would also encourage more women to want to become surrogates to help desperate people. For example, $1000 per month and all medical expenses paid for 12months. That would cover pre-natal and post-natal expenses and any losses that may occur.

16. 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 a compensation model for surrogacy in Australia and commercial surrogacy should be legal here like in America. Women who enjoy being pregnant and might like to stay home with their children could work as a surrogate as a profession whilst being a stay home mother which could avoid expensive childcare fees for all.

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

    - Quite simply allow women to work as surrogate as a profession or allow them to be compensated for their time and risk to their life for carrying someone else's baby/babies. Other prominent countries like America have been successfully helping people have babies for many years.

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 surrogate and her husband or partner going on the child's first birth certificate when they have no genetic link to the child.

    - Having to "adopt" through parentage your own biological child is ridiculous.

    - The fees lawyers and the court charged I think were in the vicinity of $10000 to have our names on put on our child's birth certificate. Most other parents in our country pay $65 for their child's first birth certificate. It seems very unfair for children born through surrogacy and their parents to have such unreasonable costs associated with the process.

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19. How could the process for intended parents to become the legal parents of children born through surrogacy be improved?
    - Very simply be put on the form from the hospital when the child is born as the intended parents. Surely the form could have two spare boxes for our government agencies.

20. What, if any, are the main problems with obtaining the following documents for a child born through international surrogacy:

a. Australian citizenship: waiting for parentage order (some people I know didn't receive before their childs first birth due to court back logs).
b. an Australian passport; or not being on the childs first birth certificate even though you are the biological parent.
c. an Australian visa. not being on the childs first birth certificate even though you are the biological parent.

21. How could the process for obtaining these documents be improved?
    Simply by putting the intended parents from the surrogacy agreement on the child's first printed birth certificate and avoiding parentage orders.

22. What is the best way to approach differences in surrogacy regulation between or within jurisdictions?
    - Make it s commonwealth law reform that makes all surrogacy with our country legal and under the same rules.

23. Is it appropriate for surrogacy arrangements to be subject to oversight? If so, what is the best approach?
    - No

24. Should the law have a role in discouraging or prohibiting certain forms of surrogacy?
    - Yes, unethical form of surrogacy that have been proven by the law enforcement.

25. Do you think there is a need to improve awareness and understanding of surrogacy laws, policies, and practices?
    - Yes, the Australian government should have a website or take responsibility for educated the country on these matters.

26. Do you have any views about the issues we consider to be in or out of scope?

- Pre organised parentage orders during fourth trimester instead of once the baby arrives. This would make both surrogates and intended parents feel at ease knowing their child is rightfully theirs and no longer in the surrogate's name like at hospital etc.

27. Are there any important issues with regulating surrogacy that we have not identified in the Issues Paper? Do you have any other ideas for reforming how surrogacy is regulated?

    - Surrogacy in Australia can be a beautiful process when everyone adheres to the rules. Our son was a testament to a wonderful journey. We are forever grateful for our surrogate and her family and the sacrifices they made for our family to grow. The process should be easier and more attainable for everyone though.

Thank you for considering my submission.

Yours Faithfully,

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