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16.6.25

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 intended parent and 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.

To the ALRC,

We are a couple from Queensland currently pursuing surrogacy. Our journey has now spanned approximately three years, ever since we made the difficult decision to seek alternative options to grow our family due to the significant medical risks and challenges preventing me from safely carrying a pregnancy. The path we have travelled so far, filled with countless IVF appointments, loss, grief, renewed hope, and further heartbreak. It has been incredibly painful and, at times, overwhelming.

We are now at the stage of preparing to create embryos with the help of an egg donor and my husband's genes. At the same time, we have commenced the search for a surrogate. To be candid, this process has been immensely challenging. We have no family members who are able to assist us; both our mothers are beyond the age where

pregnancy is possible, and both of us have only brothers, with no extended family available to help. While some friends have generously offered, they too have faced their own health challenges or personal circumstances that have made them ineligible.

The search for a surrogate has felt like an almost impossible task. While there are online communities such as Facebook groups, the restrictions on advertising mean that hundreds - if not thousands - of intended parents are relying on the rare occasion that a potential surrogate posts their availability. When this happens, these women are often inundated with a flood of messages, creating an atmosphere akin to a lottery where hopeful parents are desperately waiting to be "chosen." The process is emotionally draining and disheartening.

From our personal experience, we strongly believe that compensated surrogacy should be available and legalised in Australia. Legal, ethical, and carefully regulated compensation would not only acknowledge the extraordinary commitment and sacrifice made by surrogates, but would also help to normalise and increase the availability of surrogates willing to embark on this life-changing journey. The establishment of safe, accredited agencies affiliated with medical practices could also enhance the level of care provided to surrogates while creating supportive communities for both surrogates and intended parents.

A structured agency model would allow for thorough screening, counselling, and interview processes for both surrogates and intended parents. This would ensure that all parties are well-informed, compatible, and supported, reducing the likelihood of potential conflicts or misunderstandings during the process. Importantly, such a system would also address the very real financial sacrifice surrogates make; taking leave from work, managing household responsibilities, and navigating the demands of pregnancy - often without adequate financial support. We would willingly and gratefully compensate a surrogate for providing us with the precious opportunity to grow our family.

Furthermore, we firmly believe that surrogacy arrangements should be fully legal and consistent across Australia and internationally. No family we have encountered throughout our infertility journey has ever pursued surrogacy because it was the "easier" option. On the contrary, surrogacy is an incredibly complex, emotionally taxing, and daunting process. The added threat of criminalisation serves only to increase the anxiety and burden faced by families already struggling with the challenges of infertility. Criminal penalties do nothing to protect the children born through surrogacy - if

anything, they only serve to stigmatise and destabilise their families. We believe that models such as the one implemented in Canada could serve as a valuable framework for Australia to adopt.

We also advocate for pre-birth parentage orders to be established prior to the birth of the child. It is deeply distressing to give birth to a baby who is genetically our own, yet not legally recognised as such for many months. The current legal process of transferring parentage after birth often coincides with one of the most stressful and financially challenging periods in a new parent's life - returning to work, caring for a newborn, managing household expenses, and simultaneously navigating legal fees, court appearances, and the uncertainty of delayed legal recognition. This prolonged legal limbo places an unnecessary and significant strain on the mental health and wellbeing of intended parents.

Lastly, we believe that transparency in birth certificates and records for children born through surrogacy is crucial - not for public disclosure, but for the private knowledge of the child, the parents, and the surrogate. This information should be securely recorded and made available for medical and personal reasons, ensuring that the child has full access to their own story as they grow.

We respectfully submit our story and views for your consideration, and sincerely thank you for your time and efforts in reviewing these important matters.

Kind regards,

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