[redacted]

11.07.2025

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 an intended parent and have direct experience with current surrogacy laws in Australia as my son, [redacted] was born via altruistic surrogacy in October 2023.

I have read the Issues Paper and have responded below.

I seek that my submission be published but deidentified.

My husband, [redacted] and I are so lucky to have the most incredible best friends. [redacted] and [redacted] offered to help us complete our family via surrogacy after having watched us experience years of infertility and many failed IVF cycles. Overall, we had a positive surrogacy experience with the birth of our very cherished and most importantly healthy son, [redacted]. Our friendship with our best friends of over 20 years also only grew stronger. However, we still found the process to be extremely stressful, drawn out and expensive.

We had been very thorough in our own research and had many conversations with our best friends prior to officially starting the surrogacy process and felt like we covered most topics that would come up in the required counselling sessions.

However, once we had completed all the screening, independent legal advice, counselling, education and were finally approved by the Patient Review Pannel, we felt even more equipped to handle any situation that came our way. I believe that given this process is so comprehensive, I strongly believe that a pre-birth transfer of parentage be implemented. When we were trying to manage with our newborn baby [redacted], and [redacted] was trying to recover while getting back to focusing on her family, we then had to work with our legal team to complete the parentage order. This is added unnecessary stress for both parties and having that process completed prior to the birth would have been so helpful and reassuring to both [redacted] and I, and [redacted] and [redacted].

[redacted] and I know how truly lucky we are to have [redacted] and [redacted] in our lives. There are few people like them. For most intended parents just finding a surrogate is impossible in Australia. Especially as it can be illegal to advertise or even document the intention to find a surrogate. [redacted] was willing to risk her health by having a fourth caesarean and make her already busy life with her young family even busier with medical and legal appointments, all without payment. [redacted] was clearly only motivated to help [redacted] and I out of the goodness of her heart. However, everyone else part of this process, including the fertility clinics, doctors, private hospitals, lawyers are all making huge profits, while the one person taking the most risk and doing the most work is unpaid. As the intended parents this made us very uncomfortable, but there was also nothing we could do about it. I believe that the huge barriers to finding a local surrogate and that a surrogate cannot be fairly compensated for the hard work and risk they take on, results in a higher proportion of intended parents travelling overseas to utilise international surrogacy. By making surrogacy more accessible in Australia lowers the chances of intended parents travelling overseas and protects women and children globally who may be unwittingly exploited by Australians unable to access surrogacy locally.

Medicare rebates were available to [redacted] and I as we completed IVF cycles when I was trying to get pregnant. However, these rebates were not available when we started treatment for the purpose of surrogacy. This felt very discriminatory and made an already stressful situation even more stressful. I would suggest that IVF treatment for the purpose of surrogacy allow for Medicare rebates be applied.

As mentioned previously, given the drawn-out process of requesting a parentage order occurs following the birth of the baby, the process to then obtain a medicare card for my son, [redacted] was very difficult. This was made worse by the fact no one at the Centrelink/ Medicare office that I attended knew what to do in this situation. This was the same situation when I tried to claim the government's Paid Parental Leave. It took months of online forms that didn't fit my situation, phone calls to clarify, and hours

waiting in the Centrelink office as no one knew what documentation was required to approve my claim. This was such a time-consuming process, which is clearly made very difficult with a newborn. I also really needed to receive the parental leave payment to assist with essential living expenses. It was evident that Centrelink employees had almost no knowledge about surrogacy laws in Australia or even their own Paid Parental Leave requirements. I would suggest that all government agencies develop clear pathways and polices for surrogacy births and ensure that there is adequate training provided to their staff.

Finally, surrogacy has helped, and I hope will continue to help so many families including my own. There is room for improvement through better regulation and education. This will help to empower surrogates and protect all involved, especially the children. Our son, [redacted] has made our world a better place. I hope that other Australian families who need the help of a surrogate can do so without obstruction, within Australia, and feel the same joy we get to experience with [redacted].

Thank you for considering my submission.

Yours Faithfully,

[redacted]