11 July 2025

Dear Australian Law Reform Commission,

Thank you for the opportunity to engage in Review of Surrogacy Laws: Issues Paper - 2025

Single Mother Families Australia, formerly known as the National Council of Single Mothers & their Children Incorporated, was established to support women who have children outside of marriage and to advocate for their rights, equality, and justice. In 2023, our organisation proudly celebrated 50 years of dedicated service, coinciding with the tenth anniversary of the National Apology to those harmed by forced adoption practices. Given our historical context and lived experiences, we urge the ALRC to consider the full scope of implications and unintended consequences for women within this inquiry.

Single Mother Families Australia Inc. is deeply familiar with the discourse surrounding forced adoption in Australia. This practice involved the expectation of often unmarried and young mothers to relinquish their babies for adoption. Adoption served the needs of two-parent families with a waiting list, as the supply surpassed the availability of babies. This issue prevailed predominantly between the 1950s and 1970s, affecting approximately 250,000 children. The policies and practices relevant at that time inflicted profound and lasting impacts on both individuals and families.

Many mothers have gone through significant emotional and psychological turmoil, often feeling overwhelming pressure to adhere to established norms and cultural expectations. Handing over a baby was normalised under those established parameters. It was then referred to as the 'clean break theory'

On 21 March 2013, then-Prime Minister Julia Gillard issued a formal apology on behalf of the Australian Government, acknowledging the profound and enduring harm caused to mothers, adopted individuals, fathers, and extended families This apology represented an essential step towards recognising historical injustices, with various state and territory governments, including those in New South Wales, Victoria, Queensland, Western Australia, South Australia, Tasmania, and the Australian Capital Territory, following suit with their acknowledgements While these actions mark significant milestones in addressing past wrongs, survivors and advocacy groups continue to call for tangible measures, such as compensation and comprehensive support services The institutional responses are still occurring such as the Australian Association of Social Workers who issued an apology in June 2025, acknowledging the profound emotional scars caused by these unjust practices.

The journey toward healing continues for many, with numerous individuals still seeking recognition, support, and justice for the traumas they have endured. The institutions involved, ranging from hospitals to adoption agencies and religious organisations, frequently operated

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under the guise of moral authority, further compounding the trauma for affected families and individuals. This practice was systematised and normalised, causing considerable harm, and once caught in the system, it was overpowering, negating women`s wishes to maintain and raise their child.

We are particularly concerned that the commercial surrogacy framework could mirror these detrimental practices and are worried about the potential inequitable financial and social agency for surrogate mothers within contractual agreements. We fear that the needs of surrogate mothers may be sidelined and treated as secondary. Reinstating the clean break theory.

Moreover, we wish to highlight findings from studies that identified increased risks to the health[i] and mental well-being of surrogate mothers[ii]. Our focus remains steadfast on the life and health of surrogate mothers, as we recognise the profound emotional expectations placed upon women, who may not be able to navigate their post-pregnancy lives as per the contractual arrangement[iii].

The founding women of the National Council of Single Mothers and their Children Inc. have emphasised the need for a submission that highlights the importance of reflecting on the knowledge learned, stressing that these historical lessons, which promoted formal apologies, should shape future approaches and that the committee is aware of the real-life consequences.

I appreciate your consideration.

Sincerely,

Terese Edwards

[redacted]

Chief Executive

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[i] Nicola Davis, July 2024, Surrogates face higher risk of pregnancy complications, study finds https://www.theguardian.com/lifeandstyle/2024/sep/23/surrogates-face-higher-risk-of-pregnancy-complications-study-finds#:~:text=The%20team%20found%20that%20the,4.3%25%20for%20pregnancies%20involving%20IVF

[ii] Kate Cheng, 24 September 2024, Surrogate mothers are more likely to experience pregnancy problems, says study. https://www.womenshealthmag.com/uk/health/female-health/a62346389/surrogate-risk-pregnancy-problems/

[iii] Taebi, Mahboubeh; Alavi, Negin Masoudi1,; Ahmadi, Seyed Mehdi2. The Experiences of Surrogate Mothers: A Qualitative Study. Nursing and Midwifery Studies 9(1):p 51-59, Jan–Mar 2020. | DOI: 10.4103/nms.nms_19_19

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