[redacted]

10/06/2025

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. My fiancé and I are intended parents currently navigating the surrogacy process in Queensland. Given the complexities and inconsistencies between state laws, I felt compelled to share our experience and offer suggestions for how surrogacy in Australia could be improved in Australia for myself and others in similar situations.

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 I am personally involved in surrogacy as an intended parent:***

One of the most positive parts of our surrogacy journey so far has been the welcoming and incredibly supportive community. We've met people who genuinely look out for one another, and that sense of connection has meant a lot to us. But there have also been some difficult parts, most notably trying to navigate the confusing and inconsistent laws across different states. My partner and I have come up against barriers, made worse by the shortage of surrogates here in Australia. What's frustrating is that if we lived in any state other than Queensland,

NSW, or the ACT, we could legally pursue a commercial surrogacy arrangement overseas without risking prosecution. Relocating just to access a different set of laws isn't realistic for us. Queensland is our home where we've built our lives, careers, and support networks here.

I believe there are a few changes that could really help people like us. Firstly, commercial/ compensated surrogacy should be legalised in Australia, as it is in many other countries. Secondly, laws should be streamlined nationwide to allow those in Queensland, NSW, and the ACT to pursue commercial surrogacy overseas. And finally, we need national consistency, standardised laws that don't punish people simply for wanting to start a family. No one should have to consider moving states just to avoid a law that shouldn't exist in the first place.

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 main barriers are the lack of available surrogates and not allowing commercial surrogacy arrangements. Why should Surrogates be expected to put their lives on hold without fair compensation? Another barrier is the inconsistencies in laws regarding surrogacy in Australia. Entering commercial surrogacy arrangements overseas is illegal, but only if living in QLD, NSW and ACT. The laws should be standardised to remove these restrictions allowing greater access to surrogates.

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

Entitlements should include fair compensation for surrogates.

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

The reimbursement process could be improved by formalising it through a clear, mutual agreement outlined in a legally binding contract.

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?***

I am in support of both.

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

    As previously stated, a mutual agreement outlined in a legally binding contract.

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?***

A pre-birth order could help streamline the surrogacy process by clearly establishing the intended parents' legal rights before the child is born. Another major issue is the inconsistency of surrogacy laws between states, which can criminalise parents simply based on where they live. These outdated and discriminatory laws should be abolished.

22. ***What is the best way to approach differences in surrogacy regulation between or within jurisdictions?***

The laws should be streamlined across all states and territories in Australia. Intended parents should be able to legally enter into commercial or compensated surrogacy arrangements, whether within Australia or overseas. Surrogates should also be able to offer their services and receive fair compensation. Those entering such arrangements should be free to do so without fear of prosecution based on their location. Harmonisation of surrogacy laws in Australia needs to be established now.

23. ***Should the law have a role in discouraging or prohibiting certain forms of surrogacy?***

No, the law should not discourage or prohibit surrogacy commercial/ compensated arrangements should be allowed with proper regulation to protect all parties

Thank you for considering my submission.

Yours Faithfully,

[redacted]