Review of Surrogacy Laws: Issues Paper 2025

- The legislative responsibilities outlined in this issue paper address inconsistencies across state, territory, and Commonwealth laws regarding surrogacy. These measures aim to ensure the interests of children born through surrogacy, as well as those of mothers and parents, are safeguarded against commercial concerns during potentially vulnerable periods.

- Access to surrogacy arrangements, including services provided overseas, should be increased only if legal parentage for children born to Australian parents can be guaranteed under Australian law. Eligibility for surrogacy should also be consistent with the dual citizenship entitlements currently in effect in Australia.

- Address current barriers—medical, emotional, financial, and legal—by ensuring financial reimbursement, appropriate healthcare during pregnancy, and access to professionals like psychologists for both surrogates and expectant families to support mental health during and after the process.

- Standardise the process for providing information regarding children born through surrogacy arrangements so that citizenship, visa, and passport requirements correspond with dual citizenship regulations. This may include incorporating details about the birth mother on the child's birth certificate to address legal considerations for children born via surrogacy.

- By following the recommendations from key stakeholders, we aim to protect the rights and lives of those born through surrogacy arrangements and reduce stigma nationwide.