Submission to the Australian Law Reform Commission: Review of Surrogacy Laws
By a NSW Egg Donor and Advocate for Family Equality

Introduction

I welcome the Australian Law Reform Commission's review of surrogacy laws and write this submission to call for urgent national reform. I support the decriminalisation of international surrogacy, a harmonised national framework, and a shift in legal focus toward the best interests of the child and the realities of modern families. My submission is grounded in personal experience and a deep concern for fairness, compassion, and common sense in the way Australia regulates family formation.

My Experience as an Egg Donor

Several years ago, I donated my eggs to close friends who were desperate to have a child after repeated failed attempts using other generous donors. Their longing to become parents and their perseverance through heartache moved me profoundly, and I knew I could help. I offered my donation willingly and without expectation, motivated purely by love and friendship.

Despite the simplicity of that intent, the journey that followed was anything but simple. We faced layers of legal, bureaucratic, and logistical obstacles. Navigating the maze of legal requirements, mandatory counselling, paperwork, and ethical scrutiny made an already emotionally complex situation even more difficult. While I understood the need for safeguards, the process felt unnecessarily onerous and disconnected from the practical and emotional realities that families face.

The law should support people like my friends—people who simply want to nurture and raise a child in a loving home—not punish or burden them for seeking a way to do so.

The Case for National Consistency

One of the most troubling aspects of the current legal landscape is the patchwork of laws that vary from state to state. This inconsistency creates confusion, delays, and sometimes impossible choices for intended parents, donors, and surrogates.

In my case, we were fortunate to live in a state where altruistic egg donation was legal and procedurally feasible. But had we lived elsewhere, our choices might have been severely limited. This disparity is unjust and unacceptable in a country that values fairness and equality.

What we need is a single, coherent, national surrogacy framework that:

- Ensures equal access to surrogacy and assisted reproduction services across all states and territories;

- Recognises and respects all types of families;
- Provides clear legal parentage pathways;
- Offers strong but reasonable protections for donors, surrogates, and children.

A national system would remove the uncertainty and injustice caused by state-based inconsistencies. It would also send a strong message that all Australians deserve equal access to family-building options, regardless of geography.

The Criminalisation of International Surrogacy Must End

The criminalisation of international commercial surrogacy in some jurisdictions, including NSW, is a particularly harsh and outdated feature of our laws. While I understand concerns about exploitation and ethics, criminalisation is not the solution.

Many Australians turn to international surrogacy out of necessity—not preference. The domestic options are few and the process is slow, restrictive, and uncertain. Criminal penalties only add to the stress, fear, and stigma faced by loving would-be parents who are simply trying to build a family.

Moreover, these laws do not stop international surrogacy—they only drive it underground and leave families legally and emotionally vulnerable. Instead of punishing parents, we should be ensuring ethical, transparent, and safe surrogacy arrangements, wherever they occur.

The legal focus should not be on the method of family creation, but on the *outcomes* for children and families. Every child, no matter how they were conceived or where, deserves legal recognition, security, and love. The law must reflect that.

Focusing on Outcomes

At the heart of surrogacy law should be the child's welfare and the right to a secure and loving family. This includes:

- Immediate and automatic recognition of intended parents after birth;
- Removal of the outdated requirement for family court parentage orders;
- Access to citizenship and legal identity for children born overseas;
- Legal protections for all parties, including donors and surrogates.

These outcomes are best achieved through compassionate, practical, and evidence-based law reform—not through prohibition or moral judgement.

Conclusion

My story as an egg donor is just one among many. But it highlights the unnecessary legal burdens and inconsistencies that affect Australians seeking to create families through surrogacy and donation. We can do better.

I urge the ALRC to:

1. Recommend the decriminalisation of international surrogacy;

2. Call for a nationally consistent and inclusive legal framework;

3. Focus reforms on the outcomes for children and families;

4. Uphold dignity, compassion, and fairness in surrogacy regulation.

No one should be made to feel like a criminal for wanting to build a family. No child should be denied legal recognition or a secure identity because of the method of their birth. And no friend should be discouraged from helping another create life out of love.

Australia has the opportunity to lead with empathy and reason. Let’s not miss it.