03-Jul-2025

The Commissioner
Australian Law Reform Commission
PO Box 209
Flinders Lane
Victoria 8009
Email: surrogacy@alrc.gov.au

Dear Commissioner,

RE: 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 my partner and I are in the stages of starting a surrogacy journey in Australia via an Altruistic Surrogacy arrangement. We are a gay couple.

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:
    - *What parts of your experience were positive*?
        - I can only speak about my experience of the surrogacy process thus far. So far the positive experiences include knowing that surrogacy is an option in Australia, and we have been fortunate enough that someone close to us has offered to be a surrogate for us. But from the community I'm aware that this is rare indeed. And not everyone has access to such a privilege.
    - *What parts of your experience were negative*?
        - There is a lot of uncertainty and stress just within the process, accessing information and learning about the process. It's only thanks to the work of people who have already navigated the

complex and convoluted systems as they are now that they have been able to really clarify and provide insight into how we can even start the process.
    - It took lots and lots of research just to get clear on what arrangements are legal, and in which states, and then which rules would apply to us. We were asking questions about whether or not we would have to go international, if that was even legal for us, or if there was an option for a domestic surrogacy.
    - Another component is the process of finding an egg donor. The only negative component is how hard it is to connect with or find an egg donor, as the laws around even conducting this kind of search varies from state to state. So, it took a lot of navigating, consulting with peers, and accessing online resources developed by parents, donors, and professionals in the field to really get a clear picture.
- What could be improved and how?
    - I think some things that could really improve this process and make it easier would things such as allowing surrogates the option to be compensated for carrying the child on behalf of the intended parents, consistent laws between each state and territory to remove confusion, and perhaps even facilitating the inception of regulated programs specifically for helping intended parents connect with and link with potential surrogates and gamete donors.
    - There is research out there that indicates that monetary compensation for surrogates doesn't take away the altruism and empathy of the surrogate but rather helps pay respect to the wonderful and important role that they play in gestation for the baby and intended parents.
    - These kinds of changes and additions, in favor of supporting the child and the intended parents in creating a family would certainly help reduce the number of folks who turn to overseas surrogacy.

2. What information about the circumstances of their birth do you think children born through surrogacy should have access to? How should this be provided / facilitated?

    - I think children born through surrogacy should have access to any information about their birth, just like any other child would. This just takes a little more effort and consideration in the context of surrogacy.

3. What do you think are the main barriers that prevent people from entering into surrogacy arrangements in Australia, and how could these be overcome?
    - Difficulty navigating the different state and territory laws
        - Universal national consensus or national law so that it's consistent anywhere in Australia
    - Clarity of information and the legalities around surrogacy in Australia
        - Similar to above, consistent laws, but also consistent and regulated information so that it's easy to access and digest for potential surrogates and/or intended parents
    - Government support of surrogates
        - There needs to be some form on monetary support for the gestational services that the surrogates provide, such as through a government scheme or similar. Or even allowing there to be some kind of payment – purely for the gestational labor.

4. Should there be eligibility criteria for surrogacy? If so, what should those requirements be?
    - I think that there should be reasonable criteria for safety of surrogacy, such as the surrogate being well enough to provide gestational services without significant risk to themselves. I think it's important to have guidelines in place to protect the surrogate and all parties involved. Perhaps exceptions be explored with thorough and informed consent of risks throughout the process.

5. Are there any current requirements which should be changed or removed?
    - I'm certain as we progress through the process, that some of these things will arise.
    - One thing I'm aware of is the requirements to present to court to in some states for "approval" to become parents. No other parents have to go through this process for "typical" births, so it's unclear why this needs to occur beyond counselling and assessment via the fertility clinic.

6. What are the gaps in professional services for surrogacy in Australia?
    - Regulated surrogacy matching programs

7. What entitlements, if any, should be available to surrogates and intended parents?
    - Intended parents, male/female/gay/straight should be able to access parental and carers leave just like any other parent or "mother" of a "typically born" child. I also think that surrogates should be able to access a level of maternity leave for at least the first 3 months after birthing. This would allow everyone to navigate and adjust over the "4th trimester" and to settle into their knew roles regarding the child just born without as much stress around work and finances.
    - I think intended parents should be entitled from the birth of the child to be able to be recognized as parents officially (e.g., like with the parentage order) from birth. So that they can attend any medical appointments required, do vaccinations, etc. just like any other parent.
        - This could be approached by allowing for pre-submissions of a parentage order, allowing for intended parents to be included on the original birth certificate upon presentation of the surrogacy agreement document or something along those lines. This can just help reduce the stress of the new parents, and help the surrogate also be able to transition into their new role more easily and/or recover from birthing.

8. How could the process for reimbursing surrogates for reasonable expenses be improved?
    - I think having some very clear guidelines on what is acceptable or not.

9. 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 think that compensated surrogacy is the way to go, so that there is a "cap" on compensation and so that there is a level of regulation. I think this could help reduce the risk of exploitation of the surrogate

10. If Australia was to allow for compensated or 'commercial' surrogacy, how could this be implemented?
    - There needs to be clear guidelines and policy, a regulatory board, and possibly some form of government agency that can help guide the service.

11. How could the process for intended parents to become the legal parents of children born through surrogacy be improved?
    - Similar to a comment above, I think allowing for the opportunity to "pre-apply" but maybe not the final signature or similar for a parentage order so that it can be essentially ready to submit or be approved at the time of birth. This way, when the child is born there is near instant rights awarded to the intended parents.

12. Do you think there is a need to improve awareness and understanding of surrogacy laws, policies, and practices?

    - Absolutely, not many people know about the processes until they've done some form of "research" such as looking into resources developed typically by folks and professionals in the community. There needs to be better information sources provided by the government or some way of ensuring that when people are looking for this type of information they are directed to high quality, current, and reliable sources.

13. Do you have any views about the issues we consider to be in or out of scope?
    - I think some level of supporting egg donation would be worth visiting. This is something that is certainly an issue for accessing domestic surrogacy. Because it could be one of the determining factors for Australians to then have to seek international surrogacy. There needs to be clearer and better and more consistent guidelines (nationally) around this that support people to create families and reduce risk of exploitation.

Thank you for considering my submission.

Yours Faithfully,

[redacted]