Dear ALRC,

I am writing to express my deep concerns about the legalisation of surrogacy and to urge the ALRC to oppose any changes to current laws.

I know a child conceived through altruistic surrogacy and understand the fulfilment of dreams this can be for a couple unable to have a child another way. We rejoiced with our friends who were able to welcome a daughter into the world via surrogacy from a family member. However, we must be careful that any laws are careful to keep the rights of the child paramount, even beyond the understandable desires of would-be-parents, not least because their plight does engender sympathy which may tempt us to open the door to surrogacy that does not serve the child or that causes other moral or ethical issues.

Surrogacy, especially commercial surrogacy, commodifies women and children, and poses serious human rights implications and modern slavery/human trafficking risks. It is essential that we prioritize the protection of women and children over any potential benefits that may come from legalising surrogacy.

I was concerned to learn that a Greek fertility clinic was raided in 2023 and its staff charged with human trafficking. These are the dangers of surrogacy, especially when it is commercialised. Furthermore, in that case, approximately half of the clients were Australian. Our laws must be such that Australians are not able to source surrogacy overseas - and in so doing, violate human rights - and then bring the child to Australia. Our laws must be robust enough that Australians will not be tempted to participate in international surrogacy and be part of contributing to human trafficking.

With respect to question 2 of the inquiry, the reform principles should be that the interests of all children should be of utmost importance and also that the rights of women are protected from sexual and reproductive abuse.

Regarding questions 16, 17, and 21, international and commercial surrogacy should definitely remain illegal due to the rights of the child and birth mother. The right of a child to know their biological parent should be protected.

In addition, with respect to question 13, surrogacy advertising should be prohibited.

Thank you for considering my views on this important issue.

Sincerely,

Samantha Bryan

Queensland