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09/07/2025

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. I am a past, and current Surrogate, and I have been involved in the surrogacy community for over 10 years.

I have read the Issues Paper and have responded to the questions posed in the paper below.

1. *If you or someone close to you has had personal experience of surrogacy, please describe:*

   I have personal experience as a surrogate, giving birth to a baby girl in 2017 for a same-sex male couple, and am currently involved in an arrangement with a different intended parent, a single man. I met my first intended parents intentionally to pursue becoming a surrogate, and was a gestational surrogate for them. My current intended parent is a friend I met prior to entering surrogacy and I am intending to be a traditional surrogate.

   - *What parts of your experience were positive?*

The outcome was very positive. I have formed relationships that will last a lifetime and have basically gained a new branch to my family. My heart is full every time I see my intended parents with their child that I helped to bring into their life.

My own children have grown up experiencing my journey through the surrogacy world and have become fantastic advocates for surrogacy. They have learnt that they have the ability to give of themselves without the expectation of any material gain. They have gained an understanding that sometimes being part of a community means that we give of ourselves. And, while the benefits might not be tangible to most, they are profound.

- *What parts of your experience were negative?*

The negative parts of the surrogacy journey involve the bureaucracy and the time it takes to wade through all of the information before you can even take the steps to start the process. It is difficult to find accurate information about what steps are required and it differs wildly state to state. It is deeply confusing to determine if what you want to achieve is law abiding or not. And what step needs to be taken first lest you jeopardise the parentage of the potential child. I can understand why there are very few women willing to put their hands up to become surrogates when they get road blocked at every turn.

- *What could be improved and how?*

More uniform laws across the country to make it easier for potential surrogates and intended parents to find accurate information that is relevant to their situation. And an independent resource, such as a government or regulated website that could give accurate and relevant information to all parties interested in seeking surrogacy. There is a plethora of misinformation in the community leading to many people assuming that surrogacy is illegal, which may deter both potential surrogates from volunteering to provide that service, and intended parents from seeking a domestic arrangement and instead heading overseas to a costlier and potentially more unethical option.

3. *What do you think are the key human rights issues raised by domestic and/or international surrogacy arrangements and how should these be addressed?*

The rights of the child should always be maintained at the forefront of any discussions involving surrogacy. The 'baby' that is the end goal of any surrogacy arrangement is actually the beginning of a life. That life needs to be heavily considered prior to, and during any discussions.

Also, the right of bodily autonomy of the surrogate is a consideration that sometimes seems to have been lost in other jurisdictions that have a commercial surrogacy industry.

4. *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?*

   All children should have access to the facts of their conception and birth. This is integral to their psychological and physical health. These records should be kept and maintained in a central database and accessible to the child.

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?*

   I will only talk to my own experience as a surrogate. The main barrier I experienced when I was first considering becoming a surrogate was accessing accurate information about domestic surrogacy. This was around 12 years ago, there seems to be a little more information available online now, but back then I could mainly only find information relating to overseas industries. It took me getting in contact with the right (very knowledgeable) people, to find out that becoming an altruistic surrogate was legal for me.

   The second barrier I experienced was finding intended parent/s. Once I had made the decision to start exploring surrogacy I realized that I didn't know anyone that required a surrogate. So, I had to go out independently looking for recipients. This is a daunting prospect and there is no simple way to do this. It is scary to put yourself out there like that, usually on a social media platform or some other internet platform. The potential for it to go wrong or for a bad outcome is very high. It is a risk both to the surrogate and her family. So, I believe that this point turns a lot of potential surrogates away from seeking it out.

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 support a compensated surrogacy model. In fact, I used to be firmly against and type of compensation for surrogates, believing that it would corrupt the altruistic model. However, since participating in surrogacy myself several times, I now strongly believe in a compensated model. I believe that compensation is

warranted in the case of a surrogate carrying a child from another person/couple because there is a number of intangible costs to the surrogate that can't be quantified. The surrogate gives up so much time that cannot be adequately reimbursed. She gives up time with her children and partner if she has one. She often delays career progression. She gives up social activities. She gives up little pieces of herself throughout the entire process, before, during and after the actual pregnancy and birth. These tiny pieces cannot be repaid with money, but a small amount of compensation could go a little way to filling the gaps for that woman and her family. It feels extremely unfair that everyone else involved in the process from the GP, the fertility specialist, the councilors, the lawyers, the health insurers and even the taxi drivers get paid for their contribution to the surrogacy. But, the person that is giving the most and taking the biggest risk gets nothing, and actually usually ends up financially worse off.

Thank you for considering my submission.

Yours Faithfully,

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