Liz Tripodi
[redacted]

11th June 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 parent with twins that were born via surrogacy in Tbilisi, Georgia during Covid in 2020. I am also the founder of The Georgian Surrogacy Podcast and online support groups to assist couples navigating the difficult world of surrogacy overseas.

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

I seek that my submission be published

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

- What parts of your experience were positive?

Doing surrogacy overseas was a very positive experience. Well regulated, lawful, caring and respectful of both the surrogate and ourselves as the parents. The legal aspect, the medical care and all facets of the journey were of the highest quality and easy to navigate.

- What parts of your experience were negative?
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The wait times with the Australian government to process citizenship by descent and the passport process.

- What could be improved and how?

Having a designated consulate representative in Georgia to do passport applications so one parent doesnt have to travel to Turkey to submit and collect.
A dedicated team for surrogacy arrangements and clear instructions on paperwork needed.
Improving the framework in Australia to ensure that citizens are confident in pursuing an overseas journey as they may be unable to in Australia. Take the stigma away by it being spoken and written about more.

1. What reform principles should guide this Inquiry?

Current frameworks restrict access based on outdated definitions of family. Surrogacy law must be inclusive of LGBTQ+ people, single parents, and diverse family structures.

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

Dealing with reputable and trusted organisations with a long standing history and long term staff so that safe practices are undertaken.

3. 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?

Every child deserves to know where they come from. Establishing a national registry would uphold that right while providing peace of mind to families.

4. What do you think are the main barriers that prevent people from entering into surrogacy arrangements in Australia, and how could these be overcome?

Lack of support and people willing to go into a surrogacy journey. Clear framework would be able to access more availability .

5. Should there be eligibility criteria for surrogacy? If so, what should those requirements be?

Yes. Must have completed their own family or at least have one child. Specified age range. Pre testing across medical, emotional, criminal.

6. Are there any current requirements which should be changed or removed?

No discrimination especially for getting heterosexual couples who find it more difficult to find a surrogate.

7. Are there any requirements for a valid surrogacy agreement you think should be added, removed or changed?

Replace punitive laws with a regulatory approach that protects children's rights and supports families who undertake surrogacy overseas when no viable domestic options exist.

8. Should surrogacy agreements be enforceable?

Yes

9. What process requirements should be in place for surrogacy arrangements?

Clear contracts between parties outlining all details of the agreement throughout every possible scenario.

10. What are the gaps in professional services for surrogacy in Australia?

Invest in training for professionals — including healthcare providers, lawyers, and counsellors — and public education campaigns to reduce stigma, promote understanding, and support ethical surrogacy practices.

11. What is the best way for professional services for surrogacy to operate?

Avoid the current state-by-state fragmentation in Australia. A single federal surrogacy framework should apply equally across all states and territories.

12. How should surrogacy advertising be regulated?

Surrogacy advertising should be regulated in a way that **protects vulnerable parties, prevents exploitation, promotes transparency, and respects the rights of all involved** — particularly surrogates, intended parents, and future children.

13. What entitlements, if any, should be available to surrogates and intended parents?

Create a consistent, well-defined list of allowable reimbursements to support fair treatment of surrogates and transparency for all parties.

14. How could the process for reimbursing surrogates for reasonable expenses be improved?

Establish a **national list of reimbursable expenses**, with categories such as:

- Medical costs not covered by Medicare/private health
- Pregnancy-related travel, accommodation, and childcare
- Loss of income (where applicable, within limits)
- Legal, psychological, and counselling fees
- Maternity clothing and nutrition supplements

Include **guidance on documentation**, timeframes, and eligibility.

15. 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 either. As long as it's consistent across the board.

16. If Australia was to allow for compensated or 'commercial' surrogacy, how could this be implemented?

Federal legislation that overrides state inconsistencies

Apply to **all family types**, including LGBTQ+ couples and single parents

Require **formal agreements**, pre-approvals, and independent legal advice

17. What are the main problems with the requirements and processes for obtaining legal parentage for a child born through domestic and/or international surrogacy?

In domestic surrogacy, intended parents must apply **post-birth for a parentage order**, usually through a **state court**.

This process can take **months**, leaving the **surrogate listed as the legal mother** and sometimes even the surrogate's partner as the second parent.

This creates **legal limbo**, especially in medical emergencies or when making decisions on behalf of the child.

18. How could the process for intended parents to become the legal parents of children born through surrogacy be improved?

Recognise intended parents as the **legal parents from the moment of birth**, provided:

- A formal, pre-approved surrogacy agreement exists
- All parties have received **independent legal advice**
- The surrogate **consents** prior to birth and is not forced to relinquish parentage post-birth

19. What, if any, are the main problems with obtaining the following documents for a child born through international surrogacy:

a. Australian citizenship;
b. an Australian passport; or
c. an Australian visa.

Delays. Complicated paperwork. No department that actually handles such cases. Outdated information on government websites. Having to travel to other countries sometimes to get a passport.

20. How could the process for obtaining these documents be improved?

Clear instructions in a national guideline on government websites. A dedicated team to assist.

21. What is the best way to approach differences in surrogacy regulation between or within jurisdictions?

Enact a **federal Surrogacy Act** (or national model law adopted by all states and territories) that sets out:

- Uniform eligibility criteria for intended parents and surrogates
- Standard processes for legal parentage recognition
- National rules on surrogate reimbursement
- Shared definitions (e.g. “altruistic”, “reasonable expenses”)

  Include a clause to override inconsistent state laws under the **Corporations power or Family Law power**, if necessary.

22. Is it appropriate for surrogacy arrangements to be subject to oversight? If so, what is the best approach?

Yes, **it is appropriate — and necessary — for surrogacy arrangements to be subject to oversight**. Oversight protects the rights, wellbeing, and dignity of all parties involved: the surrogate, the intended parents, and most importantly, the child.

However, **the type of oversight matters**. The best approach is one that ensures safety, transparency, and ethical integrity — **without adding unnecessary delays, stigma, or legal and emotional burden** to those involved.

23. Should the law have a role in discouraging or prohibiting certain forms of surrogacy?

If there is clear laws in place that are fair and just for all types of arrangements and situations then I think that is the most important factor.

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

Yes — there is a clear and urgent need to improve awareness and understanding of surrogacy laws, policies, and practices in Australia.

Current public knowledge and even professional understanding of surrogacy is often **limited, inconsistent, or outdated**, which contributes to confusion, stigma, legal missteps, and emotional distress for everyone involved — especially surrogates, intended parents, and the children born through surrogacy.

25. Do you have any views about the issues we consider to be in or out of scope?

No

26. Are there any important issues with regulating surrogacy that we have not identified in the Issues Paper? Do you have any other ideas for reforming how surrogacy is regulated?

No

Thank you for considering my submission.

Yours Faithfully,

Liz Tripodi