[redacted]

10 July 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 an intended parent and as an advocate for the rights of all Australian families formed through surrogacy.

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

I seek that my submission be de-identified prior to any publication.

Dear ALRC team,

Thank you sincerely for the opportunity to contribute to this critical review of Australia's surrogacy laws. I write as a single intended parent with lived experience navigating the surrogacy process in Victoria and Tasmania, and as an advocate for the rights of all Australian families formed through surrogacy.

While I appreciate the original intent behind our current laws, to protect the welfare of children and ensure ethical surrogacy practices, the reality is that the existing legal framework is fragmented, inconsistent, and no longer fit for purpose. It creates significant barriers that are discriminatory, confusing, and often harmful to all parties involved: intended parents, children, and surrogates.

My personal journey towards parenthood, following treatment for uterine cancer which left me unable to carry a child, has been long, emotionally challenging, and fraught with systemic obstacles. Despite perseverance through multiple embryo transfers and a heartbreaking miscarriage, I have not yet become a parent. This journey has underscored for me that surrogacy is far more than a medical or legal process, it is the pursuit of a fundamental human right to build a family.

Current laws fail to adequately recognise and uphold the rights and dignity of intended parents, surrogates, and especially children born through surrogacy. The inconsistent state and territory regulations cause uncertainty and injustice, resulting in unequal access to parentage orders and legal recognition. This fragmentation undermines the principle that all families formed via surrogacy deserve fair, accessible, and consistent legal outcomes.

Reform is urgently needed to create a nationally consistent, rights-based framework that supports all parties' welfare and dignity. This framework must prioritise:

- The best interests and rights of children born through surrogacy, including timely and clear legal recognition of parentage,
- The recognition of intended parents' right to family formation without discrimination or undue burden,
- The protection and respect of surrogates' autonomy, informed consent, and wellbeing, and
- Access to clear, equitable processes across all jurisdictions, removing legal complexity and uncertainty.

Such reform would align Australia's surrogacy laws with contemporary human rights standards and the ALRC's vision for ethical, inclusive, and supportive surrogacy arrangements.

I urge the ALRC to consider these outcomes-focused principles and human rights imperatives as the foundation for law reform. Families like mine, and many others, deserve a legal system that truly supports their rights, dignity, and wellbeing throughout this deeply personal and important journey.

Thank you again for your work on this review.

Part One

Personal Experience

I am an intended parent from Victoria, navigating domestic surrogacy following treatment for uterine cancer, which left me unable to carry a child. My journey towards parenthood has been long, emotional, and deeply complex. Despite significant effort, hope, and commitment, I have not yet become a parent, largely due to failed embryo transfers and miscarriage.

Surrogacy is not simply a process, it is a pursuit of the fundamental right to build a family. It's a journey filled with emotional investment, legal complexities, and systemic barriers. My experience has highlighted how our current laws and structures fall short in recognising and supporting this path.

Positive experiences

Community Support:

Being part of the Australian surrogacy community has been a lifeline. This community offers invaluable support, shared knowledge, and lived experience that makes an otherwise isolating process more bearable.

Compassionate Professionals:

I have been fortunate to work with some dedicated professionals, counsellors, lawyers, and fertility experts, who are knowledgeable, empathetic, and respectful of the unique emotional terrain surrogacy involves. However, these people are very rare.

Negative experiences

Systemic Barriers & Misinformation:

- Misleading Guidance -
  For example, in Victoria, IVF clinics often misrepresent traditional surrogacy as illegal, when in fact, it is legal, though unsupported by the clinics themselves. This misinformation disempowers and misleads intended parents.

Patient Review Panel (PRP) Process:

- Lack of Empathy & Rigid Bureaucracy:
  The PRP process has been cold and bureaucratic, lacking consideration for individual circumstances. For example, I was forced to pay $1,200 for a second legal opinion, providing no new advice, because of an unfounded perceived conflict of interest. The only beneficiary of that decision was the second lawyer.

- Inefficient & Duplicative Processes -

I submitted two surrogacy applications, one involving my own egg and another with donor eggs, as agreed by all parties. When the first transfer failed, PRP's refusal to hear both applications simultaneously resulted in months of delay and repeated hearings. This duplication wastes time, adds financial burden, and undermines the goodwill of altruistic surrogates.

- Limited Hearing Availability -
  PRP hearings are infrequent, usually one day per month. My surrogate was available for a 12-month period, but systemic delays consumed nearly half that time, leaving us with a severely restricted window for embryo transfer.

- Overreach in Decision-Making -
  PRP suggestions (like optional psychological testing) often blur the line between recommendations and mandates, creating confusion and further delay. Additionally, requirements like police checks, without clear rationale, add unnecessary administrative burden.

- Inappropriate and discriminatory questioning:
  During my PRP hearing I was asked to detail who would be the guardian on my child if I was to die before they are 18yrs old. Of all my friends and family who have received non surrogacy related artificial reproductive treatments, none have been asked this question. Due to requiring PRP approval to proceed with surrogacy, I felt pressured to answer this question despite feeling it was highly inappropriate and discriminatory.

Discrimination in Public Health Systems:

- Lack of Medicare Access:
  I am ineligible for Medicare rebates for donor egg cycles and embryo transfers. This exclusion punishes people like me, those unable to carry a pregnancy due to cancer or medical conditions, despite being taxpayers and fully deserving of equitable access to healthcare.

- Centrelink & Identity Barriers:
  Intended parents face delays enrolling their babies in Medicare or claiming parental leave. These are more than inconveniences, they impact children's access to healthcare and family income during a critical period.

Legal and Ethical Concerns:

- Consent Requirements:

Spousal consent for egg donation or surrogacy erodes personal autonomy. A person's ability to donate or carry a pregnancy should not be subject to veto by a partner. Informed consent must belong to the person undertaking the procedure.

- Discrimination Against Single Parents:
  As a single intended parent, I encountered additional hurdles, such as navigating double donor arrangements, often having to educate professionals unfamiliar with this path. Clinic paperwork is geared to cis gendered heterosexual couples, despite single and trans people requiring artificial reproductive treatments.

- Cross-Jurisdictional Inconsistencies:
  Having a surrogate in Tasmania added unnecessary legal complexity due to differences in state legislation. A national framework would alleviate this and streamline the process. [redacted] I raise this issue as whilst I was able to call out the unethical behaviour of charging for services not rendered, there is potential for intended parents less educated about the surrogacy processes in each state and territory to be exploited by the clinics lack of due diligence and potential breach of their consumer rights and guarantees under Australian Consumer Law.

- Outdated Legal Presumptions:
  Laws that automatically assign parentage to the birthing woman, and her male partner, regardless of genetics, actively discourage surrogates from helping others. My own brother declined involvement due to the legal responsibilities and risks he would temporarily assume. Pre-birth parentage orders would have resolved this.

  Additionally, this legal presumption can influence inconsistent application of policies at Medicare and Centrelink and could have implications for the surrogate's estate. The delay of transferring the parentage order can cause significant stress for everyone – surrogates don't like being the legal parent, nor do they appreciate all the paperwork they have to complete, and neither do the parents.

Alternatives

- Pre-birth orders:
  Pre-birth orders would provide certainty at a time when intended parents should be focused on caring for and bonding with their baby, not navigating legal red tape. The orders would also protect surrogates from being the legal parents of a child they carried for someone else. Surrogates can leave hospital after giving birth and have no legal responsibility hanging over their heads.

Pre-birth orders can also support safe medical care. With the intended parents legally recognised at birth, they can make medical decisions for their baby without delay or confusion.

Delays in the legal recognition of intended parents, especially for same-sex couples and single parents, leave families in legal limbo during a child's most vulnerable early months. This not only creates uncertainty but undermines the legal and emotional security of the child.

Another consideration is the cost involved with post birth parentage orders. As of 1 July 2025, there are no consistent court costs for this parentage orders across all states and territories. Rather they range from $0 in ACT. South Australia, Western Australia and Northern Territory to $1,384 in New South Wales.

- Automatic legal parentage recognition at birth
  Automatic legal parentage recognition at birth for intended parents, with appropriate safeguards would remove unnecessary court processes, reduce administrative burden, and affirm the identities and intentions of all parties involved.

Part Two

Reform Principles

I believe that surrogacy reform within Australia should be guided by principles that centre the rights of children, respect the autonomy and wellbeing of surrogates, and provide clarity and security for intended parents.

I further believe that this reform must prioritise legal certainty at birth, equal access for all family types, informed consent, and better support systems throughout the process. These changes are not just about legal frameworks, they are about real people, real families, and the right to build them with dignity, compassion, and confidence in the system that supports them.

I therefore recommend the following reform principles to guide this Inquiry:

- A National Surrogacy Framework:
  - Uniform laws across states and territories,
  - Equal access for all family types, including same-sex couples and single parents, and
  - Standardised forms, costs, and eligibility.
- Legal Parentage at Birth
  - Automatic recognition of intended parents at birth to avoid post-birth legal limbo,

    - Ensures proper access to Medicare, Centrelink, childcare, and other essential services, and
    - Protects the surrogate from being assigned unwanted legal responsibility.
- Clarity Around Reimbursement
    - National guidelines for reimbursable surrogate expenses to prevent exploitation, and
    - Optional, regulated compensation for time, effort, and medical risk.
- Informed Consent and Autonomy
    - Remove requirements for spousal consent for donors and surrogates, and
    - Empower adults to make autonomous decisions about their bodies and reproductive choices.
- National Registry for Donor/Surrogate Identity
    - Enable children to access information about their biological origins, and
    - Promote lifelong transparency and honour a child's right to identity.
- Professional Education
    - Mandatory surrogacy training for medical, legal, and psychological professionals, and
    - Clear and inclusive language in forms and communications.
- Improved Access to Services
    - Increase the availability and training of surrogacy counsellors and lawyers, and
    - Centralised matching and support services - potentially through licensed agencies.
- Decriminalisation of International Commercial Surrogacy
    - Decriminalise international commercial surrogacy arrangements to ensure that intended parents have the right to choose surrogacy arrangements that best suit their needs, without fear of legal repercussions.
      This would also allow for better regulation of international surrogacy and greater protections for all parties involved.

Human Rights

Surrogacy, when done ethically and transparently, supports fundamental human rights: the right to form a family, the right to identity, and the right to equitable access to healthcare and legal recognition. Current barriers in Australia violate these rights by:

- Discriminating against individuals based on marital status, gender, sexuality or medical condition,
- Delaying legal recognition of parentage, and
- Preventing children from knowing their biological origins.

Furthermore, the criminalisation of overseas surrogacy arrangements potentially violates the human rights of those seeking access to reproductive technologies. As well it undermines the

autonomy of individuals and families seeking to make the best decision for their circumstances.

Intended parents who pursue surrogacy overseas often face challenges in having their parentage recognized upon returning to Australia. Implementing a clear and consistent process for the recognition of international surrogacy arrangements would provide legal certainty for families and ensure that children born through international surrogacy are afforded the same rights and protections as those born domestically.

Birth Information

Every child has a right to know their origins. I support the creation of a National Donor/Surrogate Registry to give children born through surrogacy or donor conception access to this information when they are ready. This promotes identity, psychological wellbeing, and legal certainty.

Resources like now defunct Victorian Assisted Reproductive Treatment Authority's (VARTA) "Time to Tell" seminars have been incredibly valuable in helping parents communicate openly and age-appropriately with their children. I recommend national support for such programs and that industry professional should be required to attend this or similar program as part of their professional development requirements.

Part Three

Main barriers to domestic surrogacy

Many people, both intended parents and surrogates alike, are discouraged from pursuing surrogacy within Australia due to:

Misinformation

Misrepresentation about the legalities of surrogacy in Australia, lack of consistent and reliable information, discriminatory eligibility requirements and a lack of national harmonisation of surrogacy laws, can and does, result in the dissemination of misinformation about surrogacy within Australia.

Australia's surrogacy laws are currently fragmented across states and territories, leading to a lack of consistency and clarity. This fragmentation complicates the surrogacy process for intended parents and surrogates alike. A unified national legal framework would provide clear guidelines, reduce confusion, and ensure equitable access to surrogacy services across the country. Furthermore, a national legal framework could also standardise processes across states, creating certainty and fairness for all parties involved, including ensuring that same-sex couples, single parents, and other non-traditional families have equal access to surrogacy pathways.

Lack of trained surrogacy professionals

A shortage of trained surrogacy professionals, particularly counsellors and lawyers familiar with best practices which results in both intended parents and surrogates having to actively advocate for themselves and in some cases educate the very people whose services they are paying for to navigate surrogacy. This is an unnecessary burden to place on people during a vulnerable time

As such all professionals involved in surrogacy should receive specialised training, including professional development requirements, and a national accreditation or licensing framework should be considered.

Limited support for connecting with surrogates or intended parents

The prohibition of advertising and the lack of formal surrogacy matching services in Australia create barriers for intended parents seeking suitable surrogates. Establishing regulated matching services, as seen in New York under the Child-Parent Security Act. would facilitate connections between intended parents and potential surrogates, ensuring that all parties are informed and supported throughout the process.

Potential costs borne by the surrogate

Potential out of pocket cost for surrogates due to no standardized compensation framework or clear national rules on reimbursable surrogate expenses.

This could be addressed by introducing clear, national guidelines on reimbursable surrogate expenses. These rules should ensure that intended parents are not financially exploited, while also protecting the surrogate's right to fair compensation for their time, effort, and any medical expenses.

Lack of compensation for a surrogate's time and the work involved in getting pregnant and carrying a baby

While altruistic surrogacy is permitted, the current model does not adequately compensate surrogates for their time, effort, and the physical and emotional toll of the process. Introducing a regulated compensation model, similar to those in the UK and Canada, would acknowledge the significant contribution of surrogates and encourage more individuals to consider becoming surrogates, thereby addressing the growing demand for surrogacy services.

Financial Uncertainty

The costs associated with surrogacy are high and often unclear. The lack of national guidelines on reimbursable expenses leads to confusion, legal risks, and financial exploitation of surrogates. In many cases, intended parents, especially from marginalized communities, struggle to navigate these financial pressures without clear legal protections.

Lack of Pre-Birth Parentage Orders

The existing process for obtaining pre-birth parentage orders is cumbersome and inconsistent across jurisdictions. Streamlining this process would provide greater legal certainty for intended parents and surrogates, reduce administrative burdens, and expedite the establishment of legal parentage.

Lack of Surrogacy Matching Services

The prohibition of advertising and the lack of formal surrogacy matching services in Australia create barriers for intended parents seeking suitable surrogates. Establishing regulated matching services would facilitate connections between intended parents and potential surrogates, ensuring that all parties are informed and supported throughout the process.

Eligibility criteria

I advocate that the eligibility criteria should reflect the capacity and intent of individuals - not their marital status, sexual orientation, or reproductive history.

I further believe that the eligibility criteria should include:

- There must be a medical or social reason for surrogacy – the intended parents must have a reason why they cannot or should not carry themselves.
- The parties should be over the age of 25 years.
- There are no requirements for treatment to occur within the same state as the intended parent.
- Traditional surrogacy and gestational surrogacy should be treated in the same way.
- The parties should engage with a qualified counsellor who is sufficiently experienced and qualified surrogacy counsellor, i.e. is a full member of the Australia & New Zealand Infertility Counsellors Association (ANZICA) prior to entering the arrangement.
- The parties should engage with independent lawyers prior to entering the arrangement.
- The parties should sign a surrogacy agreement prior to pregnancy attempts.
- Surrogates are not required to have given birth to a live child to be eligible to be a surrogate.
- Currently some states discriminate against women who do not wish to parent but do want to help others create a family. I know someone in this position who had to work with interstate intended parents, leading to avoidable travel, cost, and emotional stress. Decisions about a surrogate's health and fertility should be determined between her and her doctor not the law.
  Once again, a surrogate's agency and ability to provide informed consent is undermined if they have to have given birth to a live child to be eligible to be a surrogate.

Surrogacy agreements and enforceability

Establishing consistent requirements nationally for a valid surrogacy agreement would ensure that all parties have discussed and agreed to expectations and issue resolution processes prior to conception.

Surrogacy agreements should not be enforceable in altruistic arrangements. However, where compensated surrogacy is introduced, limited enforceability may be appropriate, especially to ensure reimbursements and agreed commitments.

National consistency in legal processes including counselling, legal advice, screening, and documentation is essential to ensure safe and ethical outcomes for all.

Process requirements

Surrogacy processes should require as minimum processes that:

- supports the rights, best interests and welfare of the child. Every child has a right to identity, birth registration, citizenship, family, access to healthcare, non-discrimination and privacy, to name a few,
- supports the rights, human dignity, autonomy and legal protections for the surrogate, including ensuring that she has capacity for informed consent. A surrogate should be compensated for her time, effort and risk when she enters a surrogacy arrangement, and
- includes safeguards such as screening for all parties, independent legal advice, counselling, education and information result in better outcomes for everyone, including the child.

Professional services gaps

A national surrogacy framework

Establishing a national surrogacy framework that applies equally to all family types, ensuring that same-sex couples, single parents, and other non-traditional families have equal access to surrogacy pathways would be an important foundation for all surrogacy related professional services. This framework would enable standardization of processes across states, including costs, creating certainty and fairness for all parties involved.

Surrogacy specific trained professionals

There is currently a shortage of trained surrogacy professionals, particularly counsellors and lawyers familiar with best practices. All professionals involved in surrogacy should receive specialised training, and a national accreditation or licensing framework should be considered.

Surrogacy matching services

Additionally, a significant barrier faced by intended parents in Australia is finding a surrogate. If they are able to do so, both parties are often left to navigate the requirements and processes of surrogacy themselves, often relying on social media connections or groups for information and support. This barrier/gap could be mitigated through the introduction of a licensing system for surrogacy matching services similar to those introduced in New York pursuant to the Child-Parent Security Act (CPSA). The New York model aims to balance the legal, ethical and logistical challenges of surrogacy arrangements and is managed by the New York Department of Health and requires all matching services, agencies and other service providers to be licensed if they wish to practice in the state of New York.

A licensing framework would assist adherence to established standards including disclosing financial ownership, management and stability, having policies around consent, privacy and anti-discrimination, and reporting and audits. This framework would also support ethical and standardised processes surrogacy.

Regulation of surrogacy advertising

Advertising for surrogacy should be permitted but carefully regulated under clear, inclusive, and ethical guidelines. Regulations must promote equity and transparency, preventing exploitation or misleading information. Such a regulatory body could be an Assisted Reproduction Commission or the Department of Health.

Advertising platforms should ensure that both surrogates and intended parents can access accurate information about their rights, entitlements, and medical coverage, including Medicare-funded surrogacy care.

Ethical advertising frameworks will support informed decision-making and protect vulnerable parties, fostering trust in surrogacy arrangements.

Entitlements

Surrogates and intended parents must have clear, equitable entitlements that recognize the complexity and significance of surrogacy arrangements. Crucially, all medical treatments connected to surrogacy, including IVF using donor eggs, should be fully covered by Medicare. This should apply equally to all intended parents, regardless of their fertility status or sexual orientation, ensuring no one is excluded from accessing reproductive assistance.

Furthermore, surrogates should be entitled to paid parental leave and robust workplace protections during pregnancy and recovery. Travel and accommodation assistance should also be available where needed to remove financial barriers to participation.

These entitlements support the health, wellbeing, and dignity of everyone involved, reducing stress and financial hardship while promoting a fair and transparent system.

Reimbursing and compensating surrogates

Currently, reimbursement processes lack consistency and clarity, which creates unnecessary stress and administrative burden for both surrogates and intended parents. A standardised, streamlined reimbursement process is essential.

From my own experience, providing surrogates with a dedicated bank card linked to the intended parents' account helped avoid out-of-pocket expenses and financial anxiety. Institutionalising such practical solutions within the regulatory framework would offer greater transparency and ease.

If matching agencies or regulatory bodies were involved, they could manage receipt submissions and reimbursements directly, ensuring accountability and reducing transactional burdens on all parties.

I support a model of compensated surrogacy where surrogates receive fair, regulated compensation for their time, effort, and medical expenses, within clearly defined limits. This approach respects surrogates as workers who's significant physical and emotional labour merits recognition and remuneration.

Commercial surrogacy that enables profit-driven exploitation must be avoided. However, altruism alone should not be expected or demanded of surrogates, especially when the fertility and surrogacy industries generate substantial revenue.

Pregnancy and surrogacy are forms of work and surrogates deserve fair compensation that balances protecting intended parents from financial exploitation with respecting the rights and wellbeing of surrogates.

Implementing compensated surrogacy

If matching agencies are established, they could provide an escrow service in which surrogates submit their receipts for reimbursement and to distribute a surrogate's compensation as this would be another burden for intended parents to take on. As well as ensuring that all parties act ethically and transparently.

Noting the difficulties in altruistic and compensated surrogacy, independent, not-forprofit escrow services can manage payments and reimbursements between the intended parents and the surrogate. Services could be optional for arrangements between friends and family and required for arrangements formed through matching services.

Matching services could also assist in managing and resolving disputes between intended parents, surrogates and advocate on both parties behalf with professional services whilst, ensure adherence to regulatory requirements and agreements. Services can protect intended parents and surrogates alike from exploitation and ensure all parties have access to ongoing support including counselling and legal advice.

If compensated surrogacy is legally permitted, a regulated framework should include matching agencies or authorised bodies that manage financial transactions transparently.

These agencies could collect and verify receipts, reimburse surrogates for reasonable expenses and distribute agreed compensation. This system would reduce administrative burdens on intended parents and surrogates, ensure compliance with ethical standards, and provide a safeguard against exploitation and financial disputes.

Legal parentage

The current legal parentage processes is plagued by delays and inconsistencies, which cause significant uncertainty and hardship for intended parent especially single parents and same-sex couples. It is unacceptable that intended parents face bureaucratic obstacles to establish legal parentage, sometimes delaying essential decisions in emergencies.

Additionally, the financial costs for post-birth parentage orders vary dramatically between states and territories, creating unfair barriers and confusion. From $0 in some regions to over $1,300 in others, these disparities undermine equitable access to parentage recognition.

Streamlining and standardising the legal parentage process across Australia, with clear timelines and affordable or no fees, is vital to uphold the rights of children and their families.

Parentage Improvements

As someone who cares deeply about the rights and wellbeing of children and families formed through surrogacy, I believe one of the most urgent reforms needed in Australian surrogacy law is the establishment of a clear, nationally consistent pathway for recognising the legal parentage of children born through both domestic and international surrogacy.

At present, intended parents who engage in surrogacy overseas often return to Australia to find their legal status as parents unrecognised. This creates legal uncertainty not only for them but, more importantly, for their children,who are left in a state of legal limbo through no fault of their own. These families often face lengthy, expensive court proceedings just to secure recognition of the most basic relationship in a child's life: who their parents are.

This lack of legal clarity affects everyday life in real and harmful ways, from enrolling a child in school or authorising medical care, to inheritance and citizenship rights. It also reinforces a message of inequality, that children born via international surrogacy are somehow less worthy of legal protection and recognition than those born through domestic arrangements.

I urge the Commission to recommend the creation of a streamlined, nationally consistent administrative process for recognising domestic and overseas surrogacy arrangements where appropriate safeguards were in place. In the cases of overseas surrogacy arrangements, the focus should be on the best interests of the child and the reality of their family life, not punishing parents for seeking surrogacy options abroad due to limited access or long wait times at home.

Such a reform would align with Australia's obligations under the UN Convention on the Rights of the Child, especially the right of every child to have their identity, including their

legal parentage, recognised and protected without delay. It would also promote greater transparency and openness, reducing the stigma or secrecy that can arise when legal parentage remains unresolved.

Above all, every child, regardless of the circumstances or location of their birth, deserves to be legally and unambiguously connected to the people who love and care for them. A modern surrogacy framework should reflect that truth.

Documentation for a child born through international surrogacy and improvements

While I have not personally undertaken international surrogacy, I have been part of a broader community of intended parents and have heard firsthand the distress and difficulty many families face in navigating this process. These are families who are simply trying to bring their child home safely and legally, yet they often encounter bureaucratic delays, inconsistent processes, and at times, discriminatory treatment.

I'm especially concerned about reports from same sex intended parents who believe they were treated differently, less respectfully, by consular staff compared to heterosexual couples. These experiences add an unnecessary emotional burden at what should be a joyful and affirming time for families.

Delays in granting citizenship or issuing travel documents can leave children stranded overseas, separated from extended family and access to medical care, and vulnerable to legal uncertainty. These are not just administrative delays, they have real human consequences. A lack of consistent procedures also causes significant stress and confusion for parents who are already navigating complex legal systems in two countries.

To improve outcomes for children and families, the Australian Government should introduce clear, standardised policies for processing citizenship and passport applications for children born through international surrogacy. These policies should be consistent across departments and ensure timely, fair, and respectful treatment for all families, regardless of their structure, sexuality, or where the child was born.

In addition, it is vital that all staff involved in processing these applications receive appropriate training to understand the legal and ethical dimensions of surrogacy, including how parentage is determined under Australian law. Without this understanding, decisions risk being made based on personal bias, misinformation, or outdated assumptions about what a family "should" look like.

Every child born to Australian parents deserves the same access to citizenship and identity documentation - no exceptions. These fundamental rights must be protected, and our systems must treat all families with the dignity and respect they deserve.

Regulation between or within jurisdictions

A unified national legal framework would provide clear guidelines, supported and managed by an assisted reproduction commission or similar, reduce confusion, and ensure equitable access to surrogacy services across the country. Furthermore, a national legal framework could also standardise processes across states, creating certainty and fairness for all parties involved, including ensuring that same-sex couples, single parents, and other non-traditional families have equal access to surrogacy pathways.

As someone who believes that all families, regardless of where they live or what they look like, deserve equal recognition and support, I strongly support the creation of a unified national legal framework for surrogacy in Australia.

Right now, the differences in laws between states and territories create confusion, delay, and inequality. Families in one part of the country may have access to pathways that are entirely unavailable to others just because of their postcode. This inconsistency is not only inefficient, but also unfair, and it undermines the principle that every child and every family should be treated equally under the law.

A national approach would help address these issues by creating a clear, consistent system that applies across all jurisdictions. It would offer legal certainty for intended parents, surrogates, and, most importantly, the children born through surrogacy. No child's rights or legal status should depend on which state or territory they were born in or where their parents live.

Importantly, a national framework would also provide an opportunity to enshrine inclusive, equitable access to surrogacy for all Australians, including same-sex couples, single parents, and other non-traditional families, who still face discrimination and exclusion under some state laws. Surrogacy laws should reflect the diversity of modern Australian families and uphold the rights of all people to build a family, regardless of their relationship status, gender, or sexuality.

Establishing an independent national body, such as an assisted reproduction commission, could help ensure that the system is managed consistently, ethically, and transparently. This body could support surrogates and intended parents with information, oversight, and dispute resolution, while also upholding best practices in child welfare and ethical standards.

Families deserve clarity. Children deserve protection. And the law should reflect our shared values of fairness, inclusion, and respect for human dignity. A national legal framework for surrogacy is the best way to make that vision a reality.

Oversight of surrogacy arrangements

I do believe that some form of oversight in surrogacy arrangements is important, particularly to ensure that all parties are entering the process freely, with full understanding of their rights and responsibilities, and that the best interests of the child remain central. However,

that oversight must be fair, respectful, and proportionate. It should protect, not police, the people involved.

In my own experience with Victoria's Patient Review Panel (PRP), I found the process to be emotionally challenging. At times, I felt scrutinised in ways that no fertile person or couple would ever be. It was confronting to have my motivations and suitability as a parent so thoroughly examined, not because I had done anything wrong, but simply because I was building my family through surrogacy.

That said, I understand the role the PRP plays in ensuring that legal and ethical safeguards are in place. Panels like the PRP can help confirm that everyone involve, especially surrogates, has received appropriate legal advice, counselling, and support. Ideally, this kind of oversight should help balance the interests of the surrogate, intended parents, and the future child in a way that is thoughtful and compassionate.

What's needed, however, is a system of oversight that is more supportive than interrogative. It should be trauma-informed, non-judgmental, and based on trust. Oversight should never create additional barriers, shame, or delay for people who are already navigating a complex and emotionally vulnerable journey to parenthood.

If a national surrogacy framework is established, I believe it would benefit from a centralised oversight body, independent, transparent, and focused on ethical practice and child welfare. This body could also help ensure consistency across jurisdictions, something that is sorely lacking under the current fragmented system.

Oversight is important, but it must be built on the assumption that people engaging in surrogacy are doing so with love, care, and good intentions. We need systems that protect and empower, rather than ones that make families feel like they are being put on trial for wanting a child.

Discouraging or prohibiting certain forms of surrogacy

As someone who has taken a personal interest in the impact of surrogacy laws on families and children, I believe it is vital that Australia moves toward a more compassionate, rights-based approach. Rather than criminalising certain forms of surrogacy, particularly international commercial arrangements, the law should prioritise the welfare of children, support intended parents and respect the autonomy of surrogates.

Current laws that criminalise international commercial surrogacy have not proven effective in deterring Australians from entering into such arrangements. The ALRC Issues Paper itself recognises this reality. Families continue to seek surrogacy overseas, not out of disregard for Australian law, but often because of limited options and significant barriers within the domestic system. Penalising these families does not prevent the practice, it only pushes it further out of reach of proper legal oversight, increasing potential risks to all involved.

Moreover, pursuing legal action against intended parents serves no clear social benefit. These are families simply trying to have children in a way that's safe and secure. Diverting

police and legal resources to investigate or prosecute these cases is a misallocation, especially when those resources could be better used addressing genuine threats to community safety.

More concerning is the impact of criminalisation on the children born through international surrogacy. The law, as it stands, fosters secrecy and shame, not only for the parents but also for the children who are entitled to a transparent and dignified account of their origins. Stigmatising their existence by criminalising the circumstances of their birth is not in line with Australia's obligations under the UN Convention on the Rights of the Child, which affirms every child's right to know and be cared for by their parents, and to have their identity, including their family relationships, legally recognised.

If the goal is to ensure safe, ethical, and respectful surrogacy arrangements, then regulation and oversight, not criminalisation, are the appropriate tools. Rather than discouraging specific forms of surrogacy through punitive measures, Australian law should focus on establishing frameworks that protect all parties, particularly the children, and provide clarity and security regardless of where the surrogacy occurred.

In summary, I urge the ALRC to recommend repealing laws that criminalise international surrogacy. Let's replace them with a system that prioritises child welfare, supports families, and upholds the dignity and autonomy of everyone involved in the surrogacy journey.

Improving awareness and understanding

One of the reasons many Australian intended parents turn to international surrogacy is not because they've carefully weighed all their options, but because they're unaware of what's actually possible here at home. There's a real lack of accessible, reliable, and unbiased information about domestic surrogacy in Australia, and that gap is being filled by private, often profit-driven, international agencies and trade shows.

As someone who has followed this space closely and connected with many others on the surrogacy journey, it's clear that the current information landscape is deeply inadequate. If the first point of contact for an intended parent is a commercial conference or an overseas facilitator, then by the time they begin to consider ethical, legal, and safety issues, they may already be financially and emotionally committed.

What we need is clear, practical, and impartial information, publicly available and easy to access, for all Australians considering surrogacy, whether here or overseas. The government's current Surrogacy in Australia website is a start, but it's far from comprehensive and lacks the kind of depth and reach needed to support informed decision-making.

I believe we need a single, reliable source of truth that provides up-to-date, country-specific information about international surrogacy destinations. This would include legal frameworks, citizenship and immigration issues, human rights concerns, and the presence (or absence) of protections for surrogates and children. Importantly, it would also point people toward options for ethical and supported surrogacy in Australia.

This single, reliable source of truth resource could be informed by diplomatic and legal experts, as well as international organisations like the UN or International Social Service, who are already monitoring child protection and family formation issues globally.

Oversight of international surrogacy providers may not be possible within Australia's jurisdiction, but what the government can do is make sure Australian citizens aren't making life-changing decisions based on glossy marketing or misinformation. Empowering intended parents with honest, well-rounded information can help reduce the risks of exploitation overseas, support ethical decision-making, and increase awareness of domestic options that many people still don't realise exist.

Ultimately, this is about outcomes for children, surrogates, and families. When people are well informed, they're more likely to choose pathways that are safe, ethical, and respectful for everyone involved.

Out of scope

I understand that the ALRC has placed gamete donation and the availability of egg donors outside the formal scope of this review. However, as someone who has engaged deeply with the surrogacy process and the broader fertility landscape, I feel strongly that these issues cannot be meaningfully separated from surrogacy itself.

Many, if not most, surrogacy arrangements rely on donated gametes, especially donated eggs. This means that any attempt to improve or regulate surrogacy without also addressing the availability, regulation, and ethical oversight of egg and sperm donation risks leaving a major gap in both policy and outcomes.

Fertility services, gamete donation, and surrogacy are part of the same journey for many families. Intended parents don't experience these processes in silos, and neither should the law. The systems that support people to build their families, whether through donation, surrogacy, or both, need to be coherent, connected, and consistent.

That's why I support the idea of a national, independent body, such as a federal Assisted Reproduction Commission, that could oversee all aspects of assisted reproduction. This body could play a central role in regulating fertility clinics, overseeing gamete and embryo donation, licensing surrogacy matching services, and ensuring ethical and transparent practices throughout.

Such an approach would help protect all parties, donors, surrogates, intended parents, and especially children, by creating a unified framework built on rights, transparency, and long-term wellbeing. It would also support consistency across jurisdictions and reduce confusion for families navigating already complex systems.

Even if gamete donation is technically outside this review's scope, I encourage the ALRC to acknowledge the deep interconnection between donor conception and surrogacy, and to recommend a future review or national strategy that brings these areas together under one regulatory umbrella.

Final thoughts

Surrogacy is a path I've chosen not out of convenience, but out of necessity. Like many others, I am navigating this complex and emotionally demanding process with care, integrity, and love. However, the current system, rooted in outdated laws, misinformation, and red tape, adds preventable distress to an already difficult journey.

The outdated laws do not reflect the diversity and reality of Australian families in 2025. As a single woman, I am no less capable, loving, or prepared to be a parent than someone in a couple. I urge the ALRC to recommend reforms that promote equality, legal clarity, and child-focused outcomes.

I strongly believe that reforming Australia's surrogacy laws is imperative to ensure that all families have equitable access to surrogacy services, that surrogates are appropriately recognized and compensated, and that children born through surrogacy arrangements are afforded the same legal rights and protections as those born through traditional means. A comprehensive review and reform of the current legal framework will not only align Australia with international best practices but also uphold the principles of fairness, transparency, and human rights.

This Inquiry is an opportunity to create a legal framework that genuinely reflects the diversity of modern Australian families, respects human rights, and delivers fair, transparent outcomes for children, surrogates, and intended parents alike.

I therefore urge the ALRC to be forward thinking in their recommendations and include recommendations regarding:

- A National Surrogacy Framework,
- Automatic legal parentage at birth,
- Decriminalisation of international surrogacy,
- Clear rules on surrogate reimbursement and compensation,
- A National Donor/Surrogate Registry,
- Improved training, public education, and professional services, and
- Legalising and regulating matching services.

Thank you for the opportunity to share my lived experience. I remain hopeful that with meaningful reform, surrogacy in Australia becomes more obtainable and is practised within an ethical framework that regulates the industry, protects the rights of children and supports both intended parents and surrogates alike.

Thank you for considering my submission.