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10/07/25

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

[You can also make a submission at www.alrc.gov.au/inquiry/review-of-surrogacy-laws/make-a-submission/]

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 potential surrogate for dear friends, we have successfully gone through the PRP review process in Victoria over the last 6 months and sadly were last week informed the first embryo transfer attempt to be implanted in myself was unsuccessful. Our beautiful friends have previously unsuccessfully completed 22 rounds of IVF and have 'unexplained infertility'.

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:

Having recently gone through 9 months of appts and counseling and finally the PRP process I feel the PRP hearing was a positive experience, I felt confident in our reasoning for becoming surrogates and was particularly grateful for some prompting given in the 'test call' from the PRP senior administration officer which

made me feel prepared. Sarah Jefford representing us as our lawyer gave fantastic insight as to what to expect and I felt confident heading in as opposed to intimidated. I also feel the panel were safeguarding the best interests of myself and my family.

Sadly the mandatory counselling sessions prior did not support this. We found ourselves with little to talk about, lack of connection with the assigned therapist through the Fertility Clinic and the process was uncomfortable and inconvenient for all.

I recognise counselling is in fact important however feel it could have been led by ourselves and meaningful practitioners already in our lives. I also believe as educated professionals that we could have submitted an equally informative report to the PRP given some prompting as to potential situations to address.

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 believe this is the decision of the parents in childhood and individual to the situation, we feel transparency is important.

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?

   - Cost
   - Lack of clarity in process
   - Different process across each state

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

   - Legitimate medical reasons
   - Same sex couple

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

   - Mandatory Counselling with IVF provided counsellor - detailed previously
   - Review of the PRP process ?a report submission and interview to determine the depth of counselling actually required
   - Independent legal advice separate for IP/surrogates: in situations where values are clearly aligned could this be done as a Team to minimise cost and double handling

6. What entitlements, if any, should be available to surrogates and intended parents?
    - Medical rebates
    - Paid parental leave for both surrogate and IP without challenge from centrelink
7. How could the process for reimbursing surrogates for reasonable expenses be improved?

    Find yourself IP's such as ours, a credit card linked to their account has been very helpful not that I want to make purchase on it

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

Pre- birth orders where IP's are named on the birth certificate

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

One law across Australia

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

Yes, where the intentions/situation are not in the best interest of a child or the surrogates mental emotional or physical wellbeing

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

To date I have been met with compassion and kindness however I am fingers crossed yet to enter the hospital system and process to transfer parentage order.

Please do not hesitate to contact me should you require any clarity or lived

experience re the above. Thank you for considering my submission.

Yours Faithfully,