



10/7/2025

The Commissioner
Australian Law Reform Commission
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Flinders Lane
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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 surrogate and I have an interest in surrogacy and the wellbeing of future surrogates. As I went through surrogacy, had a baby and came out the other side a different person. I have no formal links to the community except actually being a surrogate. My views may be negative at times, but there are also positive aspects and they are mine from my lived experience.

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 please.

1. If you or someone close to you has had personal experience of surrogacy, please describe:
 - What parts of your experience were positive?
 - What parts of your experience were negative?
 - What could be improved and how?

I am a surrogate. Honestly, the whole experience was not what I expected. The appointments were standard, totally fine. But would I encourage people to be a surrogate? Probably not. The emotional toll it

took on my family and I has been huge. Post birth was the hardest thing I have ever gone through, and I never ever want to feel like it again. Part of me wants to erase it all from my memory.

What was negative?

*Surrogates are meant to have bodily autonomy, but do we really get that? Yes we can say no, yes we can have a say, but at what expense? If our IPs have hinted or said they would want something in particular to happen, unless you're the sort of person to seriously stand up for yourself and advocate for your boundaries then you're just going to do whatever is needed to keep the peace. I know I did. There were times throughout pregnancy and post pregnancy that I felt like what I wanted was just not accepted or considered and I felt like I had to do things I didn't really want to do. I know I could have spoken up but having to deal with the downfall felt harder than just doing the thing I wasn't really keen on.

*The stress of carrying the mental load on what things would cost our IPs.

*The stress of worrying about how my IM felt. Do I tell her how it feels to have a baby kick, do I tell her my feet hurt? Will I trigger her?

*Sometimes I wonder if I'll ever go back to the person I was before surrogacy. I want to.

These were some of the negative parts of it.

What was positive?

*The community of people. The strength and growth my family and I went through to come out the other side united. That is my favorite part of it all.

*The baby born because of what we did for/with our IPs

*The friendship- particularly between the mothers; birth mother and genetic mother.

2. What reform principles should guide this Inquiry?

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?

Bodily autonomy. The best interests of the birth mother and the baby born, The mental wellbeing of the birth mother/surrogate and her family. This should be at the forefront. The surrogate is a person, a person with feelings, and mental capacity that needs to be tended to.

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?

Any child born should know their birth heritage. How they were born and where they came from is part of their story and part of who they are. My children know how they were born and who they came from. So why shouldn't babies born through surrogacy have the same?

The details of this should be on the birth certificate issued to IPs. This document belongs to that baby born and it makes up part of their story. There should be a section where the birth mother's (surrogate) and birth father details are written. To leave that out is completely invalidating to the woman who not only birthed them but was a huge part of that baby's beginning.

Other details around the birth, the birth family etc should be kept in a register for the baby to have access to if needed or wanted by them.

Unless the teams maintain a relationship forever more, the surrogate/birth mother could be completely wiped from the baby's story. How would this be helpful for anyone's mental wellbeing?

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?

Probably money. For both parties. Surrogates wonder about lost income (I did when I first considered it years ago) and IPs don't always have surplus income to support their surrogate

How can we overcome this? Maybe some funding for IPs.

Incentive for women to become surrogates? Although I'm not sure that would attract the right sort of people to become surrogates or for the right reasons.

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

Yes there absolutely should be.

There should be a minimum age at the very least.

I also think there should be a certain number of counselling sessions for surrogates and their partners that need to be completed before an arrangement can be made- funded so surrogates are not out of pocket

The surrogate needs to either not want her own children or be finished having children before becoming a surrogate.

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

I think all states should be the same, all in or not in at all.

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

9. Should surrogacy agreements be enforceable?

YES. As a surrogate in NSW, we enter into a relationship that, while it is based mostly on connection (with intended parents) and trust, it's also based partly on the feelings of safety around the agreement, even though we know it's not enforceable.

This is my view- as a surrogate for a couple that were strangers before surrogacy: If we knew the agreement was enforceable, we'd know that what was being said or agreed on (by both parties) prior to entering into a surrogacy agreement wasn't just being said in hopes of getting the baby at the end. Both parties would know that what was agreed on was actually going to happen and wasn't just simply being said to please the other person/people.

Neither party/ies would agree to something they weren't prepared to actually follow through with if it were enforceable.

Therefore, having the surrogacy agreements be enforceable would take a lot of second guessing out, would make surrogates feel safe and would have something to fall back onto if things didn't end how they'd intended.

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

*Counselling check ins periodically pre pregnancy, during pregnancy and post pregnancy. Yes, we can have appointments, but when you're worried about the cost to IPs, surrogates will tend not to book them in.

*Make them more accessible for surrogates so we don't feel guilty.

*Surrogacy keycard that will always have funds in it. Surrogates should not have to be asking for money back, if they even do.

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

Not enough health professionals understand surrogacy and how to support both teams.

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

13. How should surrogacy advertising be regulated?

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

IP should have the same access as the rest of us.

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

If a card became mandatory, this would not be an issue then. We should not have to ask to be reimbursed.

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?

Yes, 'A' to a degree. Compensated within reason. Not payment, but not out of pocket.

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

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

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

I think the way it is now is fine. I think surrogates and partners should be in the birth certificate too though, just somewhere small. The parents can be the legal parents, but they can never ever be the 'birth parents'. I birthed my children and am also their legal parent. So having me and my husband on there makes sense, we are both their birth parents and their legal parents.

In surrogacy, there are birth parents and legal parents to that baby.

20. 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.

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

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

Having them all the same. States agree on the same and stick to it.

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

Yep, oversight by relevant health professionals

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

Commercial surrogacy should not happen.

Sometimes I even wonder if altruistic surrogacy should happen. Yes we agree to it, but we agree to it not understanding exactly how it will impact us or our families. We don't know what we don't know. We do it to help people and sometimes that comes at the price of ourselves and our mental well being.

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

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

27. 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?

Thank you for considering my submission.

Yours Faithfully,

