Intended Parents of Overseas Surrogacy
Queensland

10/7/25

The Commissioner
Australian Law Reform Commission
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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 Intended Parent, and I have successfully engaged in overseas commercial surrogacy in 2024, in the USA.

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. We are a heterosexual couple who tried for 11 years to start a family through fertility treatments including two years of IVF. We were advised by our fertility doctor that the best course of action would be to use an egg donor, but considering our failure at implantation we started to research the idea of surrogacy.
2. We spoke with friends and family and was fortunate enough to have a friend offer to be an altruistic surrogate in Australia, however we were told by Monash IVF in Brisbane that she did not fufil the criteria to be a surrogate as she had no children of her own.
3. At this stage the intended mother was in her early 40s and time was pressured. So rather than 'courting potential surrogates online' we looked it international surrogacy options.
4. After much research, speaking with other intended parents, lawyers and professionals in the field, we decided to pursue surrogacy in America.
5. We chose a matching agency and were quickly matched with a gestational carrier in Kentucy.

6. We flew to the US, to create embryos with donor eggs, and the implantation was successful on the first attempt.
7. Our journey from here whilst very exciting and full of hope was tempered by a fear of the pregnancy happening so far from us, with strangers.
8. Whilst we were able to afford to go and create the embryos, we were unable to be at the transfer or any of the ultrasounds until a week before birth.
9. Our journey ended with great success with the birth of a daughter and a new friend found in our gestational carrier, and all our fears totally unwarranted.

10. What reform principles should guide this Inquiry?

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

    - We strongly believe in the women who is doing the vast majority of the work and is risking the most in absolute altruistic surrogacy should be adequately compensated for her work.
    - Doctors, lawyers, counsellors, scientists are all paid well for their labour, but the gestational carrier is not.

12. As a society, Australia voted to affirm gay marriage, and therefore we need to support male couple who wish to start a family as a matter of equality.

13. 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?

    - We believe that the children are entitled to all the information. As parents of a child born through both an egg donor and gestational carrier, we are going to be open and honest as age appropriateness allows, to ensure she never feels ashamed of how she came into this world.
    - We expect that our friendship with the gestational carrier will continue and our daughter will know her in some capacity. We have also kept the profile and and medical history of our egg donor.

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

- The lack of awareness and information and acceptance in the medical community. In our experience, we felt the Doctor's were highly judgmental or ignorant about Australian surrogacy practices and provided limited at best, and incorrect information at worst. This was a complete contrast to the medical staff in Kentucy where at the hospital all staff were knowledgeable and supportive, despite the fact that surrogacies were uncommon. This was a local hospital and not a specialist centre.
- Finding a surrogate is extremely challenging, We looked into how one goes about finding an altruistic surrogate in Australia and found that, aside from family and friends, was through Facebook groups, and courting people online. Speaking with other intended parents we knew that this could take years if we were ever successful.
- Our experience with our matching agency was both swift and efficacious. We provided a profile our who were are as a couple and what we wanted a family tom look like for us. In term, we were able to read potential GC profiles and their reasons for wanting to be GCs. There was a level of security knowing that these GCs has been through a variety of physical and mental health checks, and the the agency ensured that there was not exploitation.
- The issue of establishing parenthood is one that in most challenging in QLD. By contrast in Kentucky, we were able to obtain a pre-birth order that established us as the child parents weeks before birth. This allowed for a different experience in the Hosptial, were we were called Mum and Dad in the birthing suite, and there was clarity over medical issues of the child from birth. The intended mother, who has not genetic input into the child or physically carried the child, could be on the birth certificate as the mother, and on a personal level this solidified the feeling of being an authentic mother.

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

- We feel that it is important that surrogacy is regulated for the safety and security of all parties.
- Potential surrogates/GCs should meet physical and mental health requirements
- They have evidence of a strong support network.
- That there should be a limit on the number of times a person can be a surrogate.
- Should Australia consider commercial surrogacy arrangements, we would like to see regulations around agencies, so no one is being exploited.

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

    - Decriminalisation of overseas surrogacy arrangements and the inclusion of a highly regulated surrogacy industry in Australia.

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

18. Should surrogacy agreements be enforceable?

19. Yes, on the the advantages of America surrogacy is that all detail of the arrangement is written in contracts that all parties sign and is enforced through the financing. This provided clarity and a sense of security for all parties around their rights and responsibilities.

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

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

    - In our experience, Australian systems are extremely limited. In the US, we were provided with effective services by matching agencies, fertility specialists who were knowledgeable about surrogacy, surrogacy specific lawyers, insurance agents, ESCROW services.

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

23. How should surrogacy advertising be regulated?

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

- Intended parents should recieve the same entitlements as natural birth parents post birth, and the surrogacy should receive those entitlements pre-birth.

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

26. 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?

    - We believe in commercial surrogacy whole heartedly. Our GC was paid for her reproductive labour, but also had her altruistic reasons for engaging in the process. It was not just for financial gain. She also recieved compensation for and additional challenges and expenses that comes with any pregnancy. Our society has many vocations that are acts of service, none of them do it for free.

27. If Australia was to allow for compensated or 'commercial' surrogacy, how could this be implemented?
    - It needs to be under government regulation, that oversees processes to ensure there is no exploitation of women as surrogates, that there is no taking advantage of desperate intended parents and above all ensure the health and safety of the children.

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

    - We recieved good advice and found a surrogate in a pre-birth order state that made if a smooth if extremely expensive process.

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

    - Pre birth orders as mentioned earlier in this submission.

30. 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

31. an Australian visa.

- We had to engage a number of professionals to guide us through these processes which was costly.

- On the ground level, given the rarity of surrogacy in Australia, employees and post office and centrelink offices were often clueless when help was sought.

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

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

- Surrogacy laws should be determined at a Federal level.

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

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

    - No aside from laws ensuring that surrogacy is not seen a last resort for the desperate. Our GC was prohibited from engaging in surrogacy if she was on social security, or under financial stress.

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

    - Yes at all levels of government and social services, especilly the medical field.

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

38. 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,

Intended Parents of QLD.