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11/07/2025

The Commissioner
Australian Law Reform Commission
PO Box 209
Flinders Lane
Melbourne Victoria 8009
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 have been a gestational surrogate in NSW in 2017 and again in 2021 in the ACT.

I am also an adoptive mother of a child from Thailand.

The most important issue in my opinion relates to birth certificates for children born through surrogacy, whether locally or internationally. Article 8 of the United Nations Convention on the Rights of the Child states 1. State Parties undertake to respect the rights of the child to preserve his or her identity, including nationality, name and family relations…

Children born from donated gametes and via a surrogate have the right to know their biology and the facts surrounding their gestation and birth and be connected to their surrogate.

Currently in NSW, the original birth certificate of the child born through surrogacy has the surrogate and her spouse as the mother and father. After the issuance of the Parentage Order, the birth certificate is then amended and the surrogate and her spouse are erased and replaced with the intended parents.

Rather, the child born through surrogacy should only be issued an integrated birth certificate that includes the surrogate and gamete donor, if applicable, as well as the child's intended parents, which reflects the pre-conception intentions of the persons involved in the surrogacy agreement and the true identity of the child.

Unfortunately in NSW, after the issuance of the Adoption Order, original birth certificates for adopted children have long been amended to erasing the birth parents and replacing them with the adoptive parents.

In recent years, integrated birth certificates can also be issued for adopted children which includes both the biological/birth parents of the child and the adoptive parents. This is despite the adoptive parents having no relevance to the biology or birth of the child.

Original birth certificates should never be amended.

Integrated birth certificates are relevant to children born through surrogacy, not adoption.

Thank you for considering my submission.

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