[redacted]

24/06/2025

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 a surrogates husband and I have watched my wife and her friends complete a surrogacy journey in April this year.

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:

   My wife was a surrogate and it was incredible to watch. The journey, which took approx. 1.5 years, was with her life-long friends. What was good was the information we received from our clinic, what was not good was that the first clinic we attended knew nothing about surrogacy. The second clinic which we ended up going through for the journey, added extra wait times and did not seem to understand what was legally required, as they added an additional 3 month incubation period for the embryos, on top of the 3 month cooling off period. This was very frustrating for all as we all agreed to sign a waiver, however they did not allow it.

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

   Human trafficking in other countries is a huge concern, we need to support other countries by reforming the laws in Australia and making surrogacy more accessible. The Australian children and parents involved in surrogacy internationally also need protecting and support and wouldn't be stuck in such awful situations if surrogacy in Aus was more clear and straight forward.

3. 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?

   There needs to be proof and evidence for them, if they so chose to source, that states how they were born and from who. They have a right to know.

4. 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 laws differ in each state and it is beyond confusing for everyone, including clinics. The laws and frameworks need to be the same across the board.

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

   The surrogate should have her own child/ren, no age limit

   Intended Parents should be able to access surrogacy without any need to a reason. If they wish to have a surrogate for personal reasons and their own choosing, they should be able to.

   Gay, single, bisexual etc- all humans should have equal rights to seek a child through surrogacy, provided they pass the psychological testing.

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

   Yes. I think all states need to be on the same page and have the same laws.

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

   Surrogates should receive some kind of compensation, this will help increase the amount of surrogates within Aus.

8. Should surrogacy agreements be enforceable?

Yes. There are regulations and contracts to be part of a surrogacy agreement. IPS and surrogates seek legal advice and make a very educated decision going into this, they know what the expectations are and should be held accountable for this.

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

Speaking to a former surrogate and intended parent rather than a clinic would have been beneficial.

10. How should surrogacy advertising be regulated?

    Advertising should be legal, they should be free to advertise as they please. If the process is regulated and people go trough the correct channels of IVF clinic etc, they should be able to source their own surrogate.

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

Surrogates should be entitled to compensation. Both the IPS and surrogate should also receive parental leave. I believe compensation should be a capped amount.

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

We had a debit card from the IPS and it worked wonderfully.

13. 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?

    I support compensated surrogacy. We need more surrogates in Aus, its pretty clear.

14. If Australia was to allow for compensated or ‘commercial’ surrogacy, how could this be implemented?

15. By introducing a capped amount of financial benefit.

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

the laws in Aus are so different in each state, no wonder IPS are confused. The laws need to be the same across the country. Surrogacy needs to be more accessible in Australia so that people don’t NEED to go overseas.

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

a pre-made and pre-filed birth order

18. What, if any, are the main problems with obtaining the following documents for a child born through international surrogacy:

Getting approval in Aus through the court seems to be the difficulty, again because the laws make it impossible for these poor humans who just want a child. Make it more accessible in Aus and we wont have this problem!

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

    Make laws in Aus clear and the same in each state. Make surrogacy more accessible by being able to advertise and also compensate a surrogate.

20. What is the best way to approach differences in surrogacy regulation between or within jurisdictions? Same answer as above.

21. Is it appropriate for surrogacy arrangements to be subject to oversight? If so, what is the best approach? Each arrangement should be approved by a governing body, the RTC in WA was great for reviewing this.

22. Should the law have a role in discouraging or prohibiting certain forms of surrogacy? No. however I think Aus does a good job in assessing if a couple/group are mentally prepared for this.

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

ABSOLUTELY. It is clear states, humans and clinics are very confused on what is the law and what is made up.

Thank you for considering my submission.

Yours Faithfully,

[redacted]