MONASH University | CASTAN CENTRE FOR HUMAN RIGHTS LAW

11 December 2025

By email: surrogacy@alrc.gov.au

Australian Law Reform Commission
PO Box 209
Flinders Lane
Victoria 8009

Dear Commissioners,

Review of Surrogacy Laws

Thank you for the opportunity to make a submission on the Discussion Paper prepared as part of the Australian Law Reform Commission's Review of Surrogacy Laws. The Castan Centre for Human Rights Law (**Castan Centre**), based in the Faculty of Law at Monash University is a research, education and policy centre which aims to create a more just world where human rights are respected, protected and fulfilled, allowing all people to flourish in freedom and dignity.

We make this brief submission in response to the Discussion Paper on the Review of Surrogacy Laws. We also enclose a copy of our earlier submission on the Issues Paper of this inquiry.

We strongly endorse the Commission's articulation of a human rights approach to surrogacy and again highlight the importance of ensuring that any recommended reforms to the law of surrogacy in Australia be undertaken with the rights of all those involved in the surrogacy arrangement at the centre of the process, and with the rights of the child as the primary consideration.[1]

We also support the Commission's recommendation that there should be consistency in the regulation of surrogacy across Australia, in line with Proposal 1 of the Discussion Paper.[2] Of course, given the significant differences in how surrogacy is regulated across Australia achieving a co-ordinated and harmonised set of Commonwealth, state and territory laws on surrogacy will present a number of challenges and will require strong cooperation between different levels of government.

We otherwise refer to our previous submission.

Yours sincerely,

[1] Discussion Paper, para 34.
[2] Discussion Paper, Proposal 1.

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