Submissions in response to the Review of Surrogacy Laws Discussion Paper

Thank you for the opportunity to comment on this important Discussion Paper. In broad terms it is a very welcome starting point for making surrogacy more accessible in Australia and reducing the known risks of international surrogacy. It deals with the complexities of surrogacy and considers the needs of all parties involved while prioritising the needs of the children born as a result of surrogacy.

I have the following questions and comment:

1) **Re the proposal to establish a National Regulator**: The regulation of the assisted reproductive technology (ART) industry as a whole is currently being reviewed with the intention to establish an independent accreditation and overseeing body. This offers the opportunity to broaden the scope and establish a single, nationally consistent law regulating ART, including surrogacy, as suggested in a report commissioned by the Fertility Society of Australia and New Zealand in 2024. Rather than having two parallel processes, one for the ART industry and one for surrogacy, I suggest integrating the two.
2) **Re the proposal to establish Surrogacy Support Organisations (SSO)**: The idea of SSO's being a 'one-stop-shop' to help with matching and assist in the completion of the processes required to have a valid surrogacy agreement has merit. However, I have concerns about:
    a. How a for-profit model and will impact cost and what guard rails would be applied to avoid financial exploitation of intended parents.
    b. What the required qualifications of those running SSOs should be. I believe minimal standards needs to be established to ensure the needs of surrogates and intended parents are met.
3) **Re the proposal for reimbursing surrogates**: The proposed approach to compensating surrogates is excellent but needs to include:
    a. How disputes about costs to be covered are to be resolved.
    b. Some limit on how long after the birth surrogates can claim costs.
4) **Re the proposal for minimum ages for surrogates and intended parents:** There should also be stipulated maximum ages for both surrogates and intended parents. Pregnancy becomes more risky in women after the age of 40 and there are examples from overseas that people in their 50s and 60s and beyond engage in surrogacy which is not in the best interest of the child.