CoAL (Coalition of Activist Lesbians) Inc Australia
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**18 December 2025**

**Submission to the Australian Law Reform Commission on Surrogacy**

Please accept this submission to the ALRC's Discussion Paper on Surrogacy Laws, Policies and Practices in Australia (November, 2025).

The Coalition of Activist Lesbians (CoAL) is the peak body in Australia representing the rights of lesbians nationally and internationally. The Coalition of Activist Lesbians (CoAL) Australia Inc was formed in late 1993 to work towards the end of discrimination against lesbians. We work with the United Nations Convention to Eliminate All forms of Discrimination against Women (CEDAW). CoAL was the first lesbian NGO (Non-Government Organisation) to gain United Nations ECOSOC (Economic and Social Council) accreditation as a Civil Society Participant with Special accreditation for Consultative Status. We are, therefore, active in representing the rights of women and our critical concerns about gay men in this submission cannot be attributed to homophobia as our organisation is made up of lesbians – female homosexuals – with decades of research, activism and lived experience in this space.[1]

We want to interrogate some important issues of language in the Discussion Paper, since legal clarity is crucial in setting out the ways in which surrogacy operates in Australia. Furthermore, language should not be used to obfuscate the realities of regulation and law. The use of words throughout the Discussion Paper creates confusion about who are the groups of people most affected by laws and regulations about surrogacy. The terms I am paying particular attention to are: 'woman', 'mother', 'surrogate' and 'intended parent.

**'mother'**
The Discussion Paper uses the word 'mother' just once in the text (and in the footnotes ten times). Without mothers there would not be any surrogacy. The mothers in question give at least nine months of their lives 24 hours a day.

**'woman'**
The word 'woman' is used just four times in the text (and 17 times in the footnotes). This suggests that the ALRC is not using the word 'woman' or 'mother', in their considerations or discussions. If the ALRC members were concerned for the safety and well-being of women and of their role in the process, the members of the ALRC would ensure that the words woman and women were central to the document. When the words woman / women are used, it is mostly feminist commentators whose work is referenced in the footnotes where the words appear.

**'surrogate'**
The mothers, those women who gave birth to a child, are referred to as 'surrogates' 264 times in the text (73 times in footnotes). Using language that minimises the subjects – those whose

[1] For further references, please see the CoAL submission to the ALRC submitted on 11 July 2025 (252).

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lives and safety lie at the centre of the surrogacy industry –indicates an intentional expunging of women from surrogacy law. To erase the reality of surrogacy and obliterate women and mothers from the text in such a dehumanised way is unconscionable.

**'intended parent'**
The term 'intended parent' which appears just over 200 times in the text (and in 16 footnotes). These are the buyers of children, those engaging in an illegal trade in children, but this term hides the reality of the surrogacy industry in which a contract is made between two parties who are unequal in power even before a child exists. This is nothing less than trafficking.

**'gay men', 'single men'**
Gay and single men are each mentioned once in the text (the same number of times as 'mother'). Gay men are not only a significant clientele, but also among the lawyers, agencies and corporates who profit from the surrogacy industry. Where are all the gay clients and agencies in this text? We believe that many are hiding behind the term 'intended parent' which disappears the real actors who are likely to gain the most, whether it is as fathers of a child they have not carried or from the profits made from legal, medical and corporate services (for the latter the SSOs are a prime example). For a gay couple, which of the two fathers will be registered as the child's mother? Or will the politically neutral term 'parent' be used to hide the sex of the commissioning couple?

**'trans'**
The other word that gets some use in the text is trans – as in 'the trans parent'. This is a tiny group compared to mothers and women. But the frequency of use is the same as for 'mother'. While the Discussion Paper does not include the unsatisfactory term 'LGBTQI+', the use of apparently neutral language such as 'intended parent' does nothing for a document if one is aiming for legal clarity.

**'tokophobia'**
This term which means an irrational fear of pregnancy is provided as a possible rationale for allowing a surrogacy arrangement to be made. Is such a person likely to be a good parent to a purchased child?

I restate: women and mothers are the most important actors to be included in the Final Report.

CoAL concludes that the ALRC needs a major rethink about its role and its use of language throughout the Discussion Paper. The only reasonable course of action to take in order to protect those most affected – women and children – is to rein in the practice of surrogacy completely; to abolish it; to make it illegal with strong consequences for those who foster this lawless industry.

Dr Susan Hawthorne, Convenor