



The Commissioner
Australian Law Reform Commission
GPO Box 3708
Sydney NSW 2001

Sent by email to: surrogacy@alrc.gov.au

16 December 2025

Dear Commissioner,

Re: Review of the *Surrogacy Act 2010* and the *Status of Children Act 1996*

I began to do a submission on how all surrogacy violates children rights as mandated in the United Nations *Convention on the Rights of the Child* but could not even get past the preamble. Not only do all forms of surrogacy violate the majority articles in this instrument, but the overall objectives contained in the preamble are entirely disregarded such as the duty of States to bear in mind that the child, *“by reason of his [sic] physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”*.

This foundational objective is stated at least four times in the preamble alone, which also refers to multiple other treaties and instruments which reiterate this.

The preamble and Article 2 mandates that States must NOT discriminate amongst children. All forms of surrogacy discriminate against children: only those Australian children not born under surrogacy contracts are permitted to remain with their mothers after birth. This is blatant discrimination against children created for the purposes of surrogacy contracts.

Article 3 states the best interest of children principle as a “primary” consideration. Without going past even Article 3 of this instrument, the NSW government has completely failed by enacting legislation to allow the permanent separation of mothers and babies to fulfil surrogacy contracts because we all know it is in the best interests of all children to remain with their mothers and breastfeed unless there are serious child protection concerns.

Shame on you all. I have been a consultant to the Australian Childs Rights Taskforce which reports to the UN every 4 years on Australia’s compliance with this convention and I cannot imagine what they can report on Australian’s efforts in protecting mothers and babies while surging ahead to entrench legislation that simultaneously traumatises a whole new demographic of commodified children by mother-loss.

I am co-founder of Abolish Surrogacy Australia (ABSA), a doctor of philosophy, a practicing lawyer, a mother of two children, and someone with lived experience of being separated after birth from the mother with whom I grew and who gave birth to me.

Her name is Ann. But you won't find her name on my birth certificate. Nor, for that matter, will you find my name, Marianne Lubicz. Because State governments in their wisdom in the twentieth century enacted Adoption Acts which stole my identity from me, and enabled a business boom of removing thousands of babies from single mothers. Need I say that – like a slave – this special legislation just for us adoptees disinherited me and controls me for life.

It is no good having reunion with your parents as an adult – after the honeymoon phase which is captured by so many TV programmes such as Find My Family, the experience rapidly degenerates as you have to confront the trauma and loss of what you should have had by right – your family and kin and true story.

I have also worked for decades with the Australian and international communities of people who have lived experience of not only being separated after birth from the mothers with whom they grew and who gave birth to them, but also of being forced to live with identity documents that do not reflect the truth of their births, which erase the names of those mothers, and who are also subject and controlled for life by legislation that applies only to them, known as the Adoption Acts. And now history repeats with Acts to control the rights of donor conceived people, who cannot even get the names of their fathers on their birth certificates, and cannot get their names of abusers who are not even biologically related to them off their birth certificates, (see court case brought by Damian Millar which he lost) and now we have a Surrogacy Acts to create and control and whole new demographic of children traumatised by mother loss so young.

To this day there is still no indication on the birth certificates of children being adopted today to let them know the truth of their birth and, therefore, there are still many Australians being deceived by family and government by not being told. Donor conceived people have fortunately done better in this regard and, at least in South Australia, have their donor information included on the back of their birth certificates. But then donor conceived people are less traumatized than adoptees as a rule as they are usually not separated from their mothers at birth – except in surrogacy – and are able to organise and lobby more effectively than adoptees who are all traumatised by mother-baby separation at or near to birth, making it harder for them to effectively function in the world due to conditions such as depression, CPTSD, substance abuse, and suicidal ideation.

Why do people separated from mothers suffer so much? When babies are born it makes zero difference to them, emotionally and psychologically, whether or not they are naturally conceived, or rather grew with their mothers from implanted gametes.

In either case, the universal truth of babies does not change: babies want their 'mummies' and the only person whom they recognise as such are the mummies who grew them. This is *regardless of the attitudes of the mother* – the babies are born only knowing and loving her.

But perhaps those of you running this enquiry have never given birth yourselves? Have never been taken off your own mother at birth?

But even without this lived experience there are activists all over the world who do not find it difficult to understand that mother-baby separation – and the creation of human beings specifically to do that to them under the conditions of a contract – is utterly cruel and archaic.

Human studies have shown that even short-term maternal-neonate separation is stressful to babies, associating it with a dramatic increase in heart rate variability and a profoundly negative impact on quiet sleep duration, with an 86% decrease compared to when skin-to-skin with their mothers.ⁱ Maternal separation has a profound impact on the infant. “We knew that this was stressful, but studies show is a *major physiological stressor for the infant.*”ⁱⁱ

Do you think babies get over it? The crying, screaming, distress, bewilderment and loss? This is their foundational experience of the world – essentially the experience of terror and grief – and it colours their relationships for life because early childhood stress has been shown to have long-term neurodevelopmental effects.ⁱⁱⁱ The National Scientific Council on the Developing Child at Harvard University agrees that “[s]cience does not support the claim that infants and young children are too young to be affected by significant stresses,”^{iv} noting that “[h]uman studies with infants and children as well as animal studies have shown that adverse early infant experiences ... can lead to short-term neurobehavioral and neurohormonal changes in offspring that may have long-term adverse effects on memory, learning, and behaviour throughout life.”^v In this way, early separation trauma is biologically embedded, influencing learning, behaviour and health for decades to come^{vi} and perhaps beyond, as research in epigenetics has shown that stress in infancy can have intergenerational impacts on gene transcription.^{vii}

“In animal research, separation from mother is a common way of creating stress in order to study its damaging effects on the developing newborn brain.”^{viii} You can no longer pretend – as was done in the twentieth century forced adoption era – that babies do not suffer emotional, psychological, and physiological distress when taken off their mothers.

Newborn babies are not lumps of jelly - we are not blank slates. Babies are intelligent, emotional, and are absorbing everything around them – every nuance, every piece of information, every stressor - at an astonishing rate.

The trauma of separation has been proved by decades of animal and sleep studies as well as hundreds of personal testimonies from members of the Stolen Generations and victims of Forced Adoptions, that have been submitted to government in various commissions and enquiries, and for which the Australian government has apologised promising:

“We resolve, as a nation, to do all in our power to make sure these practices are never repeated.... we will remember the lessons of family separation.”

Incredibly for a government which has introduced a Surrogacy Act that mandates the separation of mothers and babies - **there IS NOT A SINGLE STUDY that shows that separation from the gestational birthing mother does not affect the neonate adversely!**

On the other hand, many studies show that it is in the best interests of children to remain with their mothers and suckle at her breast.

Therefore, all forms of surrogacy directly violate the human right of the child for State parties to act IN THE CHILD'S BEST INTERESTS.

Widespread trials of separating mothers and babies should be undertaken before such a thing is declared damage free for mothers and babies. No?

The recent **Cochrane Review**^x considered doing just that! Until their findings showed that there is now enough evidence to make immediate skin-to-skin contact with mother after birth the global standard of care. **The updated Cochrane Review highlights that further randomized controlled trials comparing skin-to-skin contact with 'usual care' are no longer ethical.** And as the World Health Organisation already recommends skin-to-skin as the standard of care, **the authors argue that randomizing the separation of mother and newborn is not justifiable.**

"Withholding skin-to-skin contact would now be considered unethical, as there is enough evidence to show that the practice improves newborn health and survival," says Karin Cadwell, senior author and Executive Director and Lead Faculty of Healthy Children Project's Center for Breastfeeding. "While the studies eligible for our review did not focus on survival, other research in low-resource settings has shown that skin-to-skin contact can be the difference between life and death in low-birth-weight infants. Recruitment for a large trial across Indian and African hospitals was halted after preliminary data showed that skin-to-skin contact significantly improved survival."

Most importantly, while the studies included in this review came from high- and middle-income countries across multiple continents, none were conducted in low-income countries and the authors note that future research should now prioritize improving study quality and focusing on implementation, rather than testing the intervention itself.

<https://www.cochrane.org/.../strong-evidence-supports...>

<https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD003519.pub5/full>

The children whose creation, transport and transfer are governed by surrogacy contracts are already starting to protest around the world as they reach maturity and escape the intense socialisation and indoctrination of their families to celebrate their trauma.

How can you not possibly foresee the litigation and activism that will result from the people who were made victims of surrogacy by this government? They will have a whole generation of people to support and finance them – those of us removed in the twentieth century and who have been fighting this cruel, inhuman and degrading treatment our entire lives. We are already seeing such victims of surrogacy talking to the media: Jessica Kearns in the US and Olivia Maurel in Europe. It will not be long before we have an Australian woman or man born

from surrogacy who is old enough to come out of the fog of their childhood socialisation and indoctrination (“you wouldn’t be here if we didn’t commission you and take you from your surrogate so be grateful!”) and garner the strength required to start fighting.

Children continue to be purchased via surrogacy from overseas and yet not a single person has been prosecuted in NSW under the laws that outlaw cross-border surrogacy in this state. What is the use of these overseas surrogacy laws if they are not enforced? **Abolishing all forms of surrogacy is the only answer to protect children. Black market surrogacy hardly exists in countries that have abolished legalised surrogacy.**^x

It has to be finally acknowledged once and for all – by government and by society – that all surrogacy – even the offensively named altruistic surrogacy – is *undeniably cruel to children* and is the legalisation of child trafficking right down to human exchange, the erasure of mothers and even fathers, a legal fabrication of parentage and identity documents.

Please take a stand on this issue and protect future generations. All surrogacy must be abolished to protect the best interests of children and, above all, do not change the current *Surrogacy Act 2010* to allow overseas and national commercial surrogacy for NSW citizens.

It is time to stop the legalised trafficking of babies by repealing both the Surrogacy Acts and Adoption Acts in this country – you don’t need to fabricate identities, issue doctored identity documents, and lie to children to provide them with family-based care.

We note the Discussion Paper puts forward multiple proposals for increasing surrogacy and makes hardly any mention of the power of objections from the public, and comes straight after the Issues paper before all submissions were made available to the public.

The language that the ALRC uses erases women by referring to mothers as surrogates. We do not see mention of “mothers” or “women” – hello?! We are women and mothers and we exist.

We also note that a member of the ALRC’s Advisory Committee, [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Before the ALRC enquiry has finished, [REDACTED]
[REDACTED]
[REDACTED] Refusing to talk to victims does not mean you can claim they are not there. Nor has [REDACTED] read the multiple publications done by victims of surrogacy such as *Broken Bonds: Surrogate Mothers Speak Out*^{xi} and, from overseas, *Being and Being Bought: Prostitution, Surrogacy and the Split Self*^{xii} and *Towards the Abolition of Surrogate Motherhood*.^{xiii}

But these are voices of, and publications by, women and no doubt ignored by surrogacy lobbyists.

In George Orwell's 1984, he writes that the Ministry of Peace concerns itself with war, the Ministry of Truth with lies, the Ministry of Love with torture and the Ministry of Plenty with starvation. He writes, "These contradictions are not accidental, nor do they result from ordinary hypocrisy: they are deliberate exercises in doublethink".

Is the ALRC the **Ministry of Mother-Baby Flourishing**? Because right now the ALRC is looking very much as if it concerning itself with the creation of yet another generation of victims of mother-baby separations.

The world is watching the actions of the Australian government on this issue.

Contact us for further details at <https://www.facebook.com/AbolishSurrogacyAustralia/>

Catherine Lynch PhD JD

"Children will be taken from their mothers at birth, as one takes eggs from a hen.

The sex instinct will be eradicated. Procreation will be an annual formality like the renewal of a ration card. There will be no loyalty, except loyalty towards the Party. There will be no love, except the love of Big Brother. There will be no laughter, except the laugh of triumph over a defeated enemy. There will be no art, no literature, no science. When we are omnipotent, we shall have no more need of science. There will be no distinction between beauty and ugliness. There will be no curiosity, no enjoyment of the process of life."

— George Orwell, 1984

ⁱ Morgan, Horn, and Bergman, 817.

ⁱⁱ Elsevier, "Maternal separation stresses the baby, research finds," *ScienceDaily*, last modified 2 November, 2011, www.sciencedaily.com/releases/2011/11/111102124955.htm.

ⁱⁱⁱ Jack Shonkoff et al., "The lifelong effects of early childhood adversity and toxic stress," *Pediatrics* 129, no.1 (2012): e232-46, <http://pediatrics.aappublications.org/content/early/2011/12/21/peds.2011-2663>.

^{iv} National Scientific Council on the Developing Child, *Excessive Stress Disrupts the Architecture of the Developing Brain: Working Paper 3*, (Harvard University: Centre on the Developing Child, 2014), 5, http://developingchild.harvard.edu/wp-content/uploads/2005/05/Stress_Disrupts_Architecture_Developing_Brain-1.pdf.

^v National Scientific Council, 5; Megan Gunnar, "Integrating Neuroscience and Psychological Approaches in the Study of Early Experiences," *Annals of the New York Academy of Sciences* 1008 (2003): 238–47, <https://doi.org/10.1196/annals.1301.024>.

^{vi} American Academy of Paediatrics, *Helping Foster and Adoptive Families Cope With Trauma*, American Academy of Pediatrics and Dave Thomas Foundation for Adoption, 2015, 1, <https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/healthy-foster-care-america/Documents/Guide.pdf>.

^{vii} Tamara Franklin et al., “Epigenetic Transmission of the Impact of Early Stress Across Generations,” *Biological Psychiatry* 68, no.5 (2010): 408-15,
<https://doi.org/10.1016/j.biopsych.2010.05.036>.

^{viii} Elsevier, “Maternal separation stresses the baby, research finds,” *ScienceDaily*, last modified 2 November, 2011, www.sciencedaily.com/releases/2011/11/111102124955.htm.

^{ix} https://www.cochrane.org/about-us/news/strong-evidence-supports-skin-skin-contact-after-birth-standard-care?fbclid=IwZXh0bgNhZW0CMTAAYnJpZBExSjFNTHZHAnRBMUF2Qm50b3NydGMGYXBwX2lkEDiyMjAzOTE3ODgyMDA4OTIAR79_DHzWWKStnIm8akVjYLPgCINUAFM0Y3IO_jYoJKOAeZW3j3Jz0fjUzL2Q_aem_hLLy947ERPswmq7bdmg8BQ Moore ER, Brimdyr K, Blair A, Jonas W, Lilliesköld S, Svensson K, Ahmed AH, Bastarache LR, Crenshaw JT, Giugliani ER J, Grady JE, Zakarija-Grkovic I, Haider R, Hill RR, Kagawa MN, Mbalinda SN, Stevens J, Takahashi Y, Cadwell K. “Immediate or early skin-to-skin contact for mothers and their healthy newborn infants.” *Cochrane Database of Systematic Reviews* 2025, Issue 10. Art. No.: CD003519. DOI: 10.1002/14651858.CD003519.pub5. Accessed 16 December 2025. See also “Immediate “Kangaroo Mother Care” and Survival of Infants with Low Birth Weight” *New England Journal of Medicine* May 26, 2021 N Engl J Med 2021;384:2028-2038 DOI: 10.1056/NEJMoa2026486 VOL. 384 NO. 21Pages: 2028-2038, <https://www.nejm.org/doi/full/10.1056/NEJMoa2026486>

^x Kajsa Ekis Ekman. *Being and Being Bought: Prostitution, Surrogacy and the Split Self*. Spinifex Press 2013.

^{xi} Jennifer Lahl, Melinda Tankard Reist, Renate Klein (eds.) *Broken Bonds: Surrogate Mothers Speak Out*, Spinifex Press, 2019.

^{xii} Kajsa Ekis Ekman. *Being and Being Bought: Prostitution, Surrogacy and the Split Self*. Spinifex Press 2013.

^{xiii} Marie-Josèphe Devillers and Ana-Luana Stoicea-Deram (Eds), *Towards the Abolition of Surrogate Motherhood*. Multiple publishers in multiple languages in multiple countries. [English language edition Spinifex Press, 2021.](https://www.spinifexpress.com/)

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