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1 August 2024

Dear Director of Civic Justice,

We are very concerned to hear that the NSW Government, through the Department of Communities and Justice, has initiated a review of the *Surrogacy Act (2010)* and the *Status Children Act (1996)*. We suspect that this Review has come about in connection with the *Equality Legislation Amendment Bill 2023*.

We already wrote a Submission to the Inquiry Committee (report tabled in June 2024) in which we strongly recommended to the NSW Parliament to *NOT* consider the *Equality Legislation Amendment Bill 2023* any further.

We were dismayed to hear that, contrary to our group's recommendation (and those of many other groups and individuals we know), the Inquiry Committee suggested to the Parliament of NSW to *proceed* with deliberations on this so-called Equality Bill. This means that further scarce taxpayer resources will be spent on this *Inequality* Bill which will seriously affect the lives of girls and women living in NSW. Of the lives of those it is meant to improve – the LGBTQI++ community in NSW – it really only caters to the G and T: gay men and so-called transwomen (biological men who think they are women) and very few transmen (biological women who think they are men).

In the case of the *Surrogacy Act (2010)*, the most important change sought will be to make commercial surrogacy legal in NSW, so that commercial surrogacy arrangement can take place in Australia or internationally. This change would mostly benefit gay men who, since the legalisation of same-sex marriage in western countries, have become increasingly important stakeholders in surrogacy as 'clients/commissioning parents', lawyers and so-called middle men: pro-surrogacy groups that lobby for an increase of surrogacies globally. [REDACTED]

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Executive Summary

FINRRAGE (Australia) proposes to the NSW Government to

- 1. Ban all surrogacy and sign The Casablanca Declaration.**
- 2. If 1. is not possible, leave current *NSW Surrogacy Act 2010*, but reinforce punishment for the criminal act of going overseas for commercial surrogacy and bringing back a baby to Australia. This would include tougher action of Border Force Personnel at entry points to Australia, but also, importantly, investment in a big advertisement campaign so that Australian citizens who are contemplating an overseas surrogacy know that they would**

be breaking the law and would not be able to bring the trafficked child into Australia. Draw parallels to the import ban on plants and seeds. Publicise court cases of people who defied the ban and were caught (and now have to live with the trafficked child in her/his country of origin).

- 3. Ban groups such as Growing Families so that the illegal advocacy through their paid seminars, conferences and connecting Australians to overseas surrogacy clinics stops.**
- 4. Do *NOT* change current parentage provisions. It is important that in so-called altruistic surrogacies, the birth mothers are the ones on the birth certificates and have the option for a limited time to keep their child.**
- 5. Do everything in your power to discourage NSW citizens to engage in so-called altruistic surrogacy. Invest in an information campaign about the dangers and heartbreak that can result from these unethical practices.**

Together with many other international organisations such as Stop Surrogacy Now, CIAMS (the Coalition to Abolish Surrogate Motherhood), ABSA (Abolish Surrogacy Australia), Stoppt Leihmutterchaft and The Declaration of Casablanca, *FINRRAGE* (Australia) aim to abolish all 'types' of surrogacy, whether they are undertaken for 'love' or money.

We argue that there is *no right to a child for anyone*, be they a couple, single, gay or straight. We define surrogacy as a human rights violation of so-called surrogate mothers, which in itself is a misnomer: they are *mothers* who grow an embryo into a child in nine months in their bodies from their own blood and bones. Every pregnancy has its own health risk but when a woman gestates a 'foreign' embryo that is transferred to her womb, her health risks increase greatly, including developing gestational diabetes, high blood pressure, and pre-eclampsia before birth. Most children born from surrogacies are born via C-section. This, too, is much harder on a woman's body than a natural birth, and the recovery time is longer. Plus she has no child next to her to give her joy. The child was taken away (often when she was still unconscious from the C-section so she did not even see it), and given to strangers, whose voices and smells the babies do not know which traumatises them. Women have died from undergoing these surrogacies, in which case they leave their own motherless children behind (and a grieving partner).

When a woman agrees to be a 'surrogate', she surrenders control over her life for the next nine months. The baby buyers (and their doctors) decide what she eats and drinks, who she has sex with and how often, how many tests she has to undergo in order to make sure the baby she carries has no 'defects', and how many vaccinations she has. If this 'quality control' reveals imperfections, she can be forced to undergo an abortion; if more than one embryo was implanted and develops, so-called foetal reduction can be mandated, if the baby buyers only want one child. (In foetal reduction saline solution is injected into the heart of the 'surplus' embryo and it dies, dissolving next to the one deemed 'superior'.)

All this is done to satisfy the egotistical, narcissistic desire of some so-called 'commissioning parents' to 'own' a baby with half their genes (from the sperm donor). It is left entirely up to the 'commissioning parents' to decide whether to even tell the growing child who the woman was who gave birth to him or her. With international commercial surrogacies for Australian baby buyers, it is highly unlikely that the child will ever meet her/his mother. This process erases the mother. It is extraordinarily unethical and should not exist in the 21st century. Instead, it has become an international billion-dollar industry and is growing.

Surrogacy is not cheap. A surrogacy in the USA can easily cost \$US150,000 dollars or more, once lawyers and surrogacy agencies – Australian and US ones – as well as medical expenses for the pregnant woman are paid. So surrogacy is not for 'ordinary' people but only for the rich or at least the

well-heeled. Gay couples are again prime candidates: two male incomes (often higher than women's) can be splurged, first, on a big wedding and second, to continue the heterosexualisation of homosexuality, on the product 'baby': commissioned and imported from overseas. (Please note that many FINRRAGE members are lesbians, including the signed writer of this Submission. Do not construe our comments as homophobic; they simply reflect the reality of a significant increase of paying gay customers which the surrogacy industry welcomes with open arms.)

To those readers who say that our comments do not apply to so-called altruistic surrogacy, we attach the story by 'Odette' (a pseudonym that a Family Court judge has ordered her to use). Odette is an Australian mother who wanted to help her beloved cousin who had become infertile through cancer treatment to create a family, and at the same time give her own young son a playmate and strengthen links in the extended family. Alas, due to the erratic and mean behaviour of her cousin, Odette's pregnancy turned into a nightmare. She considered an abortion but was too far gone. Her lawyer (none other than Stephen Page), dropped her when the commissioning parents stopped paying his fees, leaving her high and dry with mounting unpaid medical bills, until a commendable female barrister took up her case pro bono. Odette delivered her son in April 2016. To this day, she has not seen him again (not even a photo), because the Family Court judge decreed that it was up to the commissioning parents to grant her access to her son and they decided not to. Recently, the couple has divorced and Odette's son now lives with her cousin who caused the problems. Presumably, the now eight-year-old boy has no idea about the circumstances of his birth. Odette's story is a cautionary tale which shows that altruistic surrogacy can be every bit as cruel as commercial surrogacy. It has also caused deep divisions in the extended family which, eight years later, have not healed. (See attached pdf excerpt from *Broken Bonds. Surrogate Mothers Speak out*, 2019.)

Going back to the description of what happens in surrogacy, while half of the genes in a baby born from surrogacy are from the sperm donor, the other half of the genes creating the newborn baby come from a so-called egg 'donor'. This woman is even more invisible than the 'surrogate mother', also disrespectfully called 'gestational carrier' in medical research papers on surrogacy. Unlike sperm donation (a simple affair), a woman 'donating' eggs needs to undergo dangerous stimulation of her ovaries with fertility drugs that can lead to ovarian hyperstimulation syndrome which can be life threatening and/or imperil her own fertility. Repeated ovary stimulations can also result in cancer (we attach a story by 'Maggie' who unfortunately was left with terminal breast cancer after a number of egg 'donations' (in same pdf as Odette's story from *Broken Bonds*).

An Australian couple who goes overseas for commercial surrogacy may never know the name of their egg 'donor' which for the baby born with her genes can be a real disadvantage: not only for never getting to know the woman whose genes they have in their bodies – their genetic mother – but also because they have no knowledge of her medical history. If there is anything in Australia we have learnt from centuries of the illegal removal of Indigenous children from their mothers, it is the devastating and lifelong effects such removal can have on the children concerned. Yet somehow a blind eye seems to be turned when similar illegal removals are taking place, every day, under the banner of surrogacy.

Similarly, surrogacy is a significant human rights violation of the resulting child who has never consented to be a 'take-away' baby, removed from her/his mother who has grown her or him in her body for nine months. Many adult adoptees have suffered from this early maternal deprivation all their lives (see the Submission from Catherine Lynch from ABSA). Surrogacy is much worse than adoption: no child already exists that is in need of care. On the contrary, in a surrogacy, the child is 'conceived' as an item on a contract, to be 'made from scratch'. It is hard to find a more insulting description of manufacturing a human being!

And what do children born from surrogacy say when they find out how they were born? Especially when they did not know until they were adults that they have a ‘real’ mother in some far away country? Olivia Maurel is one such adult woman (now 32), whose rich baby buyers live in France where she grew up. They did not tell her that they had used surrogacy. Olivia only discovered this fact when she did an Ancestry DNA Test at the age of 30 and found out that she had relatives in the USA.

We attach a presentation by Olivia Maurel to members of the parliament of Croatia on 3 March 2024. <https://www.youtube.com/watch?app=desktop&v=fxFkUdeDb24&t=190s>

We urge you to listen to Olivia’s words. Olivia is deeply angry at her ‘social parents’ about withholding such vital information from her and explains how all throughout her childhood and adolescence she had feelings of not belonging as well as unexplained deep sadness and depression which she tried to beat by forays into alcohol and drug abuse and a number of suicide attempts. It is really only by listening to women and men born of surrogacy that we begin to understand the depth of despair they feel because of the separation at birth from their mother and the vacuum that not knowing their origins has left in their lives. Olivia is now a passionate spokesperson for the Declaration of Casablanca, a group that wants to ban surrogacy globally and seeks for governments around the worlds to join them. <https://declaration-surrogacy-casablanca.org/wp-content/uploads/2023/03/Declaration-of-Casablanca.pdf>

Surrogacy is a practice of exploitation that violates a number of UN conventions and other international treaties. For instance, surrogacy can be likened to slavery, which Article 1 of the United Nations Slavery Convention defines as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” This describes a ‘surrogate mother’ during her pregnancy (<https://www.ohchr.org/en/instruments-mechanisms/instruments/slavery-convention>).

Surrogacy also profoundly violates the rights of the child, under the United Nations Convention on the Rights of the Child Article 2 prohibits the sale of children, and Article 35 stipulates that ‘State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, *the sale of, or traffic in children for any purpose or in any form*’ [emphasis added]. In commercial surrogacy, children are clearly sold and trafficked (<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>).

And surrogacy contravenes Article 1 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, which obligates governments to criminalise the sale of children (<https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-involvement-children>).

Proponents of surrogacy say that the birthmother is paid for her ‘services’, but this is blatantly untrue. If she miscarries or has an abortion, she will most likely not be paid. It is the ‘product child’ that the payment is for. So if the NSW *Surrogacy Act (2010)* were to be changed to allow international commercial surrogacy, the government would be obliged under Article 1 quoted above to “criminalise the sale of children.” None of this sounds appealing, so we strongly suggest that the NSW Government does *not* allow commercial surrogacy!

But there is a further compelling reason why it would be a travesty to now allow commercial surrogacy. Linda Burney, the just retired Federal Minister for Indigenous Australians, was the NSW Community Services Minister in 2010. It was *her* Amendment that criminalised commercial surrogacy, particularly when going overseas. The maximum penalty consists of 2 years imprisonment and/or a fine of \$110, 000. Ms Burney added this Amendment with the full awareness of what

happened to children of the Stolen Generation as well as unmarried women whose children were removed from the 1950s onwards. We very much hope that people who conduct this Review – and all parliamentarians – are familiar with this fact. (If Mr Greenwich does not know it, he should educate himself; if he is aware of Ms Burney’s Amendment, then we can add ‘racist’ to his misogynist attempt to remove criminal convictions for going overseas for commercial surrogacy and jeopardise the lives of overseas’ women.)

In sum, we believe that if the *Surrogacy Act (2010)* were changed to allow international commercial surrogacy, this would amount to a trashing of Ms Burney’s legacy.

However, we strongly suggest that now is the time to *enforce* these punishments because, rather inexplicably, to date, no such enforcements have taken place in NSW. This is despite DFAT mentioning on their website, that importing children from outside Australia is a punishable act in NSW, QLD and the ACT. Yet although written into law, these provisions are already being breached. Instead of introducing a law to make legal what is now illegal, we argue that the law as it stands now needs to be enforced rather than continue to be breached without impunity.

Australia has had numerous apologies to people whose children were taken away. First it was PM Rudd’s sincere apology in 2008 to the Stolen Generation whose Indigenous family members continue to suffer today from the inhuman practices their grandparents and parents were subjected to. Then it was PM Gillard’s moving apology in 2013 to unwed mothers who had their children taken from them from the 1950s through to the 1970s through forced adoption practices. As Julia Gillard said in her apology:

Too often did they not see their baby’s face. They could not soothe their babies’ first cries, never felt their babies’ warmth or smelt their baby’s skin. ... We deplore the shameful practices that denied you, the mothers, your fundamental rights and responsibilities to love and care for your children. ... *We resolve as a nation, to do all in our power to make sure, these practices are never repeated* [our emphasis]. (In Renate Klein, *Surrogacy: A Human Rights Violation*, Spinifex 2017, pp. 37-38.
<https://www.spinifexpress.com.au/shop/p/9781925581034>.)

Powerful words – and yet all Australian states and territories continue to allow so-called altruistic surrogacy whereby babies are taken away from their mothers. This is in direct contradiction of Gillard’s promise “ ... *to do all in our power to make sure, these practices are never repeated.* ”

We suggest to NSW Parliamentarians to be brave and revise the *2010 Surrogacy Act* by making all surrogacy in NSW illegal. A first step could be to sign the Casablanca Declaration. The next step would be to strongly recommend to all other Australian states and territories to do the same. In so doing, NSW would be the first state in Australia to join governments in most of Europe such as France, Spain, Switzerland, Austria and Germany that ban all surrogacy in recognition of the severe human rights infringements inherent in this barbaric practice.

If NSW Parliamentarians cannot bring themselves to ban *all* surrogacy, we sincerely hope they will at least reject the despicable attempt by pro-surrogacy forces to jeopardise the health of poor women overseas through facilitating legal access to their bodies through the legalisation of commercial surrogacy in NSW.

In its Report investigating surrogacy in Australia in 2015/16, ‘Surrogacy Matters’ (2016), the Federal Government concluded that commercial surrogacy would not be legal in Australia.



Feminist International Network of Resistance to Reproductive and Genetic Engineering

(https://www.aph.gov.au/Parliamentary_Business/Committees/House/Social_Policy_and_Legal_Affairs/Inquiry_into_surrogacy/Report).

We trust that this precedent would make any attempt to change the law in NSW null and void.

Before we provide brief answers to the questions in your Discussion Paper, we have one other suggestion to make. We strongly urge the reviewers of the *Surrogacy Act (2010)* to open an investigation into Mr Everingham's charity Growing Families. For more than 10 years, Growing Families (and its predecessor Families through Surrogacy) have held seminars in NSW (and Queensland) defying the laws of two states which ban commercial surrogacy, by inviting surrogacy practitioners from the USA, Ukraine, Mexico, Ireland and other overseas countries. Challenged on the ABC-TV's *7.30 Report* on 21 August 2019 about this, Mr Everingham said in reply that "we don't believe these laws are right." Such is his open contempt for Australian laws. Unfortunately, despite continually engaging in, and promoting illegal behaviour, so far there have been no consequences for him or his organisation. The question is, would ordinary Australian car drivers avoid fines saying, "We don't wear seatbelts because we don't believe these laws are right?" In the same 2019 TV program, ASIC figures were quoted that Growing Families – a charity – had accrued revenue of \$2 million during the last five years. While we know that this may be legal as long as the profits are re-invested into the 'business' of the charity, the question we are asking is if such behaviour is *ethical*? To sell organs is illegal, so why should a surrogacy business that trades in women's and children's bodies as well as egg and sperm cells be legal?

(<https://cbc-network.org/2019/08/a-cry-from-the-heart-surrogacy-scandals-in-ukraine/>)

More recently, in August 2023, Mr Everingham admitted to directing Australians (for a fee of course) to an IVF clinic in Crete, the Mediterranean Fertility Institute. A scandal broke, when it was revealed that women were trafficked to Crete from Georgia and Romania. They became so-called surrogates but received only a fraction of the money that the commissioning parents had paid. Up to 60 Australian couples were involved in the Greek scandal and they were trying to locate 'their' children and/or find out where the still pregnant women had been taken to. All clinic staff had been arrested. (<https://medium.com/@babymoonfamily/the-surrogacy-crisis-in-greece-and-how-the-world-should-respond-d66f53eb0cc5>)

In another ABC report from 14 September 2023, lawyer Stephen Page is quoted as saying that he had been working with Greek clinics for Australian clients for 30 years including the Mediterranean Fertility Institute. And found them trustworthy. Sam Everingham reveals that "Growing Families' cryoshipping arm had also previously coordinated shipments of genetic material to the clinic." If this 'genetic material' came from NSW, QLD or the ACT, Growing Families was in breach of their laws on surrogacy.

In this same article, both men blame Australian surrogacy laws for this dire situation and call for reform.

Because this is *precisely* what they want to be the outcome of the Review of the NSW *Surrogacy Act (2010)*, we quote them in detail. Under the headline 'Calls for Surrogacy Reform in Australia', we are treated to the following demands for change:

Among the barriers, Mr Everingham highlights the inability to adequately compensate surrogates, complications with putting intended parents on birth certificates, an inability to advertise for surrogates, and a lack of Medicare support for surrogacy.

“We need to have the structures where there can be support organisations who can play a role as an agency to support those arrangements, who can advertise for surrogates and who can support them appropriately with counselling and not be obstructed by laws that are just not fit-for-purpose,” he said.

Needless to say that Mr Everingham is describing here precisely the roles that his ‘agency’ Growing Family already fulfills. The text from the ABC Report continues, still quoting Mr Everingham:

“It’s an obscene situation where the government says that everybody else who needs IVF can get a Medicare rebate, but if you’re a person who doesn’t have a uterus or if you’ve had cancer and need a surrogate, then we’re not going to do that for you.”

“We’re effectively pushing people off-shore.”

Mr Page estimates that for every child born through surrogacy in Australia each year, four are born to Australian intended parents overseas.

He said Australia’s current patchwork of surrogacy laws is pushing people into potentially risky situations overseas, and called on the federal government to act on a 2016 parliamentary inquiry that recommended creating uniform national laws to facilitate surrogacy in Australia.

That report did not recommend legalising commercial surrogacy, although Mr Page believes that should also be considered in order to help the supply of surrogates and egg donors match the demand of intended parents who are currently unable to conceive on their own.

“Surrogates and egg donors should be able to be compensated for their time and energy and effort, and the government could easily regulate such a system by placing caps on the amounts being paid, and putting in place a system that facilitates surrogacy while balancing the rights of intended parents, surrogates and children,” he said.

(<https://www.abc.net.au/news/2023-09-09/greek-surrogacy-scandal-australian-intended-parent/102819796>)

Without any shame, these two men who are the most prominent pro-surrogacy supporters in Australia and whose organisations could profit considerably if Australian States and the Federal Government changed their laws on surrogacy, starting with NSW, direct the blame for the scandal in Greece to Australian lawmakers!

What Page’s and Everingham’s remarks also show clearly is that they do not have the slightest inclination to see anything wrong with surrogacy per se. They see it as a business that should be encouraged and given ‘fairer’ laws. Like going to the dentist. Lucrative for the provider, no big deal for the parties involved.

As long-time critics of the surrogacy industry, we see plenty of things wrong with such callous pro-surrogacy statements by involved middlemen as we have spelled out in our Submission.

Growing Families’ Annual Conference in 2024 was held in Sydney from 22 to 23 June. Attendees could learn about doing surrogacies in Argentina and Ireland. Again, Growing Families was disregarding NSW laws that ban international commercial surrogacy.

(https://www.instagram.com/growing_families_global/p/C7Xm7vfMZ_z/?locale=%E4%B8%93%E4%B8%9A%E5%81%9A%E4%B8%AA%E5%81%87%E7%9A%84%E9%9F%A9%E5%9B%BDCA%3F0ImGk&hl=am-et).

We suggest that Growing Family’s involvement in all these incidents need a thorough investigation. We look forward to the day when such illegal and deceptive practices are banned.

In conclusion, we now turn to the questions in your Discussion Paper. We note that they provide a fair assessment of the current altruistic surrogacy laws in NSW and even mention the upsetting story of Baby Gammy who was left behind in Thailand with his ‘surrogate’ mother because he had Down Syndrome. His ‘commissioning father’, who took only Gammy’s non-disabled sister home to Perth, was later identified as a previously indicted child sex offender. The Baby Gammy case led to the shutdown of the surrogacy industry in Thailand.

What your Discussion Paper does *not* do (apart from mentioning the Baby Gammy travesty) is to note the upsetting consequences for so-called surrogate mothers, egg ‘donors’ and children born from surrogacy.

Our Submission supplies a small amount of information about these consequences. For more literature on surrogacy, we refer Reviewers and Parliamentarians to the books *Surrogacy: A Human Rights Violation*; *Broken Bonds: Surrogate Mothers Speak Out* and *Towards the Abolition of Surrogate Motherhood* (<https://www.spinifexpress.com.au/collections/p/the-stop-surrogacy-now-collection-cbw4n>).

Lastly, we also want to point out that ‘normalising’ surrogacy in the way Stephen Page and Sam Everingham propose to do, throws us back to the 1950s when in order to be considered a ‘normal’ woman you had to be a mother. So today, if you are an infertile woman, infertile man, or even two men who call themselves ‘socially infertile’, you are told that you cannot live a happy life without your own biological children. You need to try out IVF – still largely a failed technology with ‘success rates’ at less than 30% – and, if too old after repeated attempts, surrogacy.

But it is quite possible to have children in your life by having a job that involves you with children (e.g. as teachers, child care workers, social workers, etc.), foster one of the many needy children, or become a regular supporter of children in families who love to have a special aunt or uncle. It smacks of biological essentialism to insist that only if a child has your genes (or at least half of them) it is a worthwhile addition to your family. To know what can happen to ‘surrogate’ mothers, egg ‘donors’ and children born of surrogacy should immediately stop decent people from engaging in such deeply unethical practices.

FINRRAGE's brief answers to the questions in the Discussion Paper about the Surrogacy Act:

Surrogacy Act

1. What do you think of the guiding principle and policy objectives of the Surrogacy Act? Do you think they are still valid?

The *Surrogacy Act (2010)* endorses altruistic surrogacies. The guiding principle and policy objectives may be valid in this context. However, for critics like *FINRRAGE* (Australia) and ABSA et al. they are *invalid* because they contravene international human rights instruments such as the UNCRC on children's rights. We see all surrogacy as a human rights violation of both women and children.

2. Does the Surrogacy Act ensure that the best interests of the child are paramount in every case?

Absolutely not. No child should ever be born of surrogacy. See Olivia Maurel's talk to the Government of Croatia in our Submission. In order to ensure the best interests of the child, *all* surrogacy has to be stopped.

3. Does the Surrogacy Act provide sufficient protections for birth mothers?

NO. women who act as so-called surrogates are exploited and violated; they are controlled like slaves. In all types of surrogacy, they are supposed to relinquish their child grown in nine months in their wombs on the day s/he is born. Even puppies are required to be at least eight weeks' old and fully weaned before they are removed from their mothers. Surrogacy is barbaric.

4. Does the legislation adequately meet the needs of various family structures, including LGBTIQ+ families, families who conceive using fertilisation procedures and families created through surrogacy arrangements.?

Lesbian couples very rarely use surrogacy as one of the two women is usually fertile. You need to understand that the sought Amendments in 2024 to the *Surrogacy Act (2010)* are intended to only support gay men who have been heterosexualised to now also wanting babies. As biological men can't have babies, they always need to exploit two women: a so-called surrogate and an egg 'donor'.

Having children is neither a right or a need. Women's and children's rights must prevail.

5. Do you have any comments about the definition of surrogacy arrangements?

Please read our Submission above. Surrogacies, especially commercial surrogacies are legalised forms of trafficking and selling of children. In those few places where commercial surrogacy is allowed (a few US states), it must be called state-sanctioned baby trade.

6. Do you have any comments about the extent to which surrogacy arrangements can be enforced?

They should *never* be enforced. If a woman decides to keep her baby, this is her right.

7. Do you have any comments about the prohibition of commercial surrogacy arrangements in NSW?

It is commendable that NO Australian states allow commercial surrogacy. But in NSW, offenders to date have not been prosecuted. This has to change. The penalties need to be enforced. If necessary, at an Australian border, an offender who tries to bring in a child bought overseas from a so-called surrogate mother, has to go back to the child's country of origin. (This happened in Switzerland where two men had to fly back to India with the child they tried to traffic.) Such harrowing incidents can be (mostly) avoided by broadly advertising that commercial surrogacy is a crime.

8. Do you have any comments about the prohibition on NSW residents entering into commercial surrogacy outside of NSW?

This is excellent. Needs to stay and be re-enforced. Groups like Growing Families who support and encourage commercial surrogacies (for a fee) need to be banned. Urging others to break existing laws is in itself criminal behaviour.

9. Do the offences and penalties for commercial surrogacy in the Surrogacy Act meet the policy objectives?

Only on paper. In reality they are not enforced. This needs to change.

10. What disadvantages may be experienced by children born through commercial surrogacy agreements due to parentage orders not being available in NSW?

NO disadvantage! It should always be the birth mother whose name is on the birth certificate and who makes the decision whether to keep her child. In the case of commercial surrogacy which is illegal in NSW, children should not be brought to Australia. This is a crime. This question is nonsensical.

11. Do you have any comments about advertising for altruistic surrogacy arrangements? Do you think individuals should be able to pay for advertising related to altruistic surrogacy arrangements?

Absolutely not!! We want to minimise all surrogacy in Australia, even so-called altruistic ones. Poor women might be tempted to earn some money (there is a money exchange even in altruistic surrogacy). It also preys on women's kindness to be an 'angel' and carry a child for other people. Women mostly do not know the dangers involved (see our Submission).

12. Do you have any comments about the lack of a central register recording details of women willing to be surrogates and/or intended parents?

This is a good thing. It means, the surrogacy business can still be stopped. It does not have a perfect grip on people's lives.

13. Do you have any comments about the process for obtaining parentage orders in NSW?

No child who has been 'commissioned', and trafficked and bought overseas should have parentage orders brought down on him/her.

14. Do you have comments about the preconditions to obtaining parentage orders?

15. Do you think the process for obtaining parentage orders adequately protects birth mothers and other parties to a surrogacy arrangement?

Absolutely not, it only protects the baby buyers. Surrogacy is a violation of the rights of birthmothers, egg 'donors' and children.

16. Do you think the parentage order process meets the policy objectives of the Act, including providing legal certainty and promoting the best interests of the child?

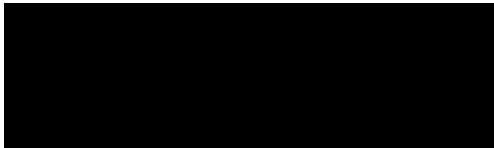
No. Surrogacy can never promote the best interests of the child because it removes the birthmother and egg 'donor' from his/her papers.

17. Do you have any other comments about the provisions of the Surrogacy Act?

Abolish the *Surrogacy Act (2010)* and stop all surrogacy practices in NSW. Make even so-called altruistic surrogacy illegal. Failing that, make SURE to keep commercial surrogacy illegal in NSW and reinforce penalties!!

We trust that our Submission will be useful for Reviewers of the NSW *Surrogacy Act (2010)*. Please contact us, if we can be of further assistance.

Sincerely,



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Biologist and social scientist
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