

**Feminist Legal Clinic Inc.**

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The Honourable Michelle Rowland
Commonwealth Attorney General
4 National Circuit
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By email: attorney@ag.gov.au
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CC: Commissioner Deb Tsorbaris
National Children's Commissioner
communications@humanrights.gov.au

11 November 2025

Dear Attorney General

Re: ALRC Review of Surrogacy Laws

Feminist Legal Clinic Inc. is a community legal service that works to advance the human rights of women and girls through a combination of targeted casework, community legal education and law reform work. We would like to congratulate you on your appointment as Attorney General.

We are writing to express our concerns about the biased nature of the panel of experts appointed to the Australian Law Reform Commission's (ALRC) Review of Surrogacy Laws. All the panel members listed on ALRC's website have previously participated in and/or promoted the surrogacy industry and cannot be regarded as capable of providing an impartial opinion on these matters.

We attach a table which sets out the details of the advisory committee members and the conflicts of interest we have identified. It is very clear that there is a complete absence of countervailing voices, and this creates a strong perception of bias that will undermine the legitimacy of any recommendations reached.

Section 10 of the *Public Service Act* 1999, which applies to ALRC staff, sets out APS Values and includes under the heading "*Impartial*":

The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.

We appreciate that this review and the appointments to the advisory committee were announced during the term of your predecessor, Attorney General Dreyfus. However, in view of the very obviously partisan nature of the advisory committee we urge you to either reconsider these appointments or cancel the entire review.

All surrogacy involves a clear human rights violation which involves the cruel and premeditated breaking of the attachment between a mother and her child. It is a practice of exploitation that violates the rights of the child under the United Nations Convention on the Rights of the Child. Article 35 thereof 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*'. Contractual provisions should never trump the human rights of children, who are not commodities to be gifted or exchanged for cash.

We urge you to act in accordance with Australia's international human rights obligations and your duty of care to prevent any further attempts to dismantle existing protections against the sale and exploitation of women and children through surrogacy. We would be happy to meet and provide further detail of our concerns and look forward to hearing from you.

Yours faithfully



Anna Kerr
Principal Solicitor
Feminist Legal Clinic Inc.
Organization in Special Consultative Status with the Economic and Social Council (ECOSOC) since 2023.