AFFILIATION OF AUSTRALIAN WOMEN'S ADVOCACY ALLIANCES

AAWAA statement to ALRC roundtable
18 December 2025

AAWAA maintains a clear, consistent abolitionist position: all forms of surrogacy constitute sex-based violence against, and exploitation of, women and girls and must be prohibited, not expanded or normalised through law reform or harm-minimisation. The harms identified in the Discussion Paper – exploitation risks, coercive economic pressures, and legal uncertainty – are not problems to be managed at the margins, but symptoms of a structural practice that commodifies women's reproductive labour and children's lives. These harms disappear only when surrogacy is abolished, which is the position we have already put on the record before the ALRC and the UN Special Rapporteur on violence against women, and which is supported by the Special Rapporteur.

From this abolitionist starting point, the governance of this review is not a technical side issue but goes directly to its legitimacy. The ALRC's own corporate governance framework, and the Australian Public Service Conflict of Interest Management Framework – which the ALRC could look to for guidance – require that both actual and perceived conflicts of interest are identified, documented, and transparently managed to maintain public confidence in Commonwealth decision-making. Those standards are especially important where the inquiry concerns fundamental human rights questions for women and girls, rather than minor technical amendments.

Yet, in this review, there is no publicly available explanation of how conflicts and perceived conflicts of interest were assessed or managed for either the Assistant Commissioner or the members of the Advisory Committee. The Assistant Commissioner has a substantial body of prior scholarship that directly overlaps with the reforms now proposed on cost recovery and pathways to parentage, but the ALRC has not set out how this overlap was analysed, what conflict assessment was undertaken, or what measures were adopted to safeguard independence and impartiality. The APS framework recognises that perceived conflicts can be as damaging to public confidence as actual conflicts; the appropriate response is not to deny or minimise them, but to address them openly through disclosure and concrete management strategies.

The Advisory Committee's composition compounds these concerns. Of eleven members, based on publicly available material, it appears that eight hold

professional, financial, or advocacy roles that are directly dependent on the continuation and expansion of surrogacy including fertility specialists, specialist surrogacy lawyers, surrogacy counsellors, and LGBTQIA advocacy organisations – no feminist abolitionist organisations are included. This amounts to structural capture: those whose livelihoods and ideological projects depend on surrogacy expansion are advising on whether and how surrogacy should be expanded, while women's organisations arguing for abolition are confined to this single, hour-long roundtable at the very end of the process.

Against that background, the central governance question for this roundtable is straightforward and goes to the heart of transparency and impartiality. How were material and perceived conflicts of interest identified, documented, and managed for each Advisory Committee member and for the Assistant Commissioner, in line with the ALRC's own corporate governance framework and the instructive APS Conflict of Interest Management Framework? Unless and until the Commission answers that question on the public record, and reconstitutes its advisory structures to include abolitionist feminist organisations, this review cannot credibly claim to meet basic standards of impartiality, transparency, or compliance with Australia's international human rights obligations under CEDAW.

The ALRC must pause this review and reconstitute the advisory committee. The commission must ensure abolitionist feminist organisations are included at advisory level.