



Justice Mordecai Bromberg
President Australian
Law Reform Commission
via EAtoPresidentBromberg@alrc.gov.au and info@alrc.gov.au

2 February 2026

Dear Justice Bromberg,

Re: Review of Surrogacy laws, response to correspondence from Executive Director

Thank you for inviting us to set out our position in writing following the surrogacy roundtable consultation held on 18 December 2025 and for asking us to explain how a recommendation for prohibition might fall within the Terms of Reference. We note your invitation for individual correspondence may have created a misunderstanding about our collective position. We led a coalition of twelve feminist organisations that made a joint submission; our individual letter reflects shared concerns within that broader coalition. We appreciate the engagement, and we appreciate, too, that Ms Barson has responded on your behalf.

Justice Bromberg, we write today regarding three positions attributed to us in Ms Barson's letter (attached) that we did not, in fact, take. For the record, we wish to clarify:

1. Advisory committee role

We did not claim that advisory committees have decision-making power. We raised concerns about the *composition and balance of expertise* on the Committee, noting that it comprises individuals with direct financial or ideological interests in surrogacy expansion while excluding feminist scholars, adoption experts, and those with negative surrogacy experiences. This is a question of balance and robustness, not of formal authority.

2. Personal views and conflicts

We did not assume that personal views of members are determinative of recommendations. We raised concerns about the transparency of conflict-of-interest identification and management for Advisory Committee members and the Assistant Commissioner, as required under the *ALRC Act 1996* and the *Public Governance, Performance and Accountability Act 2013*. Transparent governance processes are foundational to public confidence in law reform institutions.

3. Consultation

We did not claim that the ALRC will not consult widely. We noted only that feminist organisations were not consulted until 18 December 2025, one day before the Discussion Paper submission deadline, after the substantive direction of the inquiry had been set. Early consultation at the development stage is critical to shaping inquiry frameworks; late-stage consultation, while valuable, cannot serve the same function.

Our substantive concerns, which remain unaddressed, are

- The Advisory Committee lacks the balanced range of expert perspectives described in the ALRC's own guidance on constituting advisory committees with a range of experts from different 'schools';
- There has been no transparent process for identifying and managing conflicts of interest (material or perceived) for Advisory Committee members or the Assistant Commissioner;
- Consultation with feminist organisations and stakeholders occurred late in the inquiry process, after formative policy development stages;
- The ALRC's statutory obligation under the *Australian Law Reform Commission Act 1996* to ensure that its recommendations are, as far as practicable, consistent with Australia's international obligations, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), has not been adequately addressed in the inquiry's framing or the Discussion Paper.

We appreciate that this inquiry addresses matters on which people hold deep and sincerely held views, and that robust law reform requires engaging with the full range of evidence and perspectives, particularly on issues of significant public concern and international obligation.

Thank you for allowing us to re-state our position for the record. We would appreciate acknowledgement of receipt of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Megan Poore', written over a vertical line that extends downwards.

Dr Megan Poore
Founder, AAWAA

Attachment

'ALRC Response to your Correspondence,' Ruth Barson, Executive Director, 30 January 2026