



Australian Government

Australian Law Reform Commission

Ruth Barson
Executive Director

30 January 2026

Dr Megan Poore
Founder
Affiliation of Australian Women's Advocacy Alliances

via email: women@womensactionall.org

Dear Dr Megan Poore

ALRC Response to your Correspondence

Thank you for your letter dated 23 December 2025 addressed to Justice Bromberg. Justice Bromberg has read your correspondence and asked that I respond on his behalf as the Australian Law Reform Commission's (ALRC) Executive Director. Your letter relates to the ALRC's Review of Surrogacy Laws (Inquiry), and the consultation held on 18 December 2025 which was attended by Justice Bromberg, Assistant Commissioner Ronli Sifris, and members of the Inquiry team.

I understand that you write as the Affiliation of Australian Women's Advocacy Alliances (AAWAA), which seeks to advance the cause for the prohibition of surrogacy. I understand that you do not represent the broader feminist movement in Australia, or the coalition of organisations that attended the 18 December roundtable.

Your letter raises three substantive matters, and I will respond to each in turn.

1. The Composition of the Review of Surrogacy Laws Advisory Committee

Your concerns in relation to the composition of the Review of Surrogacy Laws Advisory Committee (Surrogacy Advisory Committee) are based on three incorrect premises, which I have sought to correct below so as to allay your concerns. In summary:

- a) You mischaracterise the role of ALRC advisory committees in ALRC inquiries;
- b) You wrongly assume that the personal views of advisory committee members have any relevance or bearing on an inquiry; and
- c) You incorrectly believe that the ALRC has not and will not consult widely in this Inquiry.

In relation to a), the ALRC typically forms an advisory committee, or panel of experts, for each inquiry. An advisory committee will not necessarily include representatives from each stakeholder group, as these groups may be consulted separately. An ALRC advisory committee's sole function is to provide advice to, and to share their views with, the ALRC. The advice received from advisory committees is just one way that the ALRC hears from stakeholders – the other methods are through consultations and submissions. As with consultees, advisory committee views and advice are informative and not determinative.



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Under the *Australian Law Reform Commission Act 1996* (Cth) (ALRC Act), the Commissioners of the ALRC are the sole decision makers. The ALRC President, Justice Bromberg, is the only Commissioner on this Inquiry, and therefore he is the sole decision maker. In arriving at a position, the ALRC has regard to all of the evidence – submissions, consultations (including with the advisory committee and more broadly), research and our own analysis.

For transparency of our evidence base, submissions to the ALRC are published on our website in accordance with our policy; a list of consultees is published in our final reports; the names of advisory committee members and expert readers are published; our final reports are comprehensively referenced; and our recommendations are fully reasoned. If some stakeholder views are not reflected in final recommendations this does not mean that those views were not fully considered – it rather means that the ALRC, in considering the totality of evidence, ultimately formed a different view.

In relation to b), members of ALRC advisory committees are selected because of the regulatory, research or practice expertise of each committee member in a particular area relevant to the area of law under consideration. The personal views of advisory committee members are irrelevant. The constitution of the Surrogacy Advisory Committee is reflective of member expertise and the diverse groups identified in the [Terms of Reference](#) in this Inquiry.

In relation to c), in all inquiries, including this one, the ALRC consults broadly and listens to a range of views. In addition to holding, and continuing to hold, consultations, the ALRC has also provided anyone with an interest in this Inquiry the opportunity to provide their written feedback in the form of a submission on two separate occasions. As you are aware, most recently we published a Discussion Paper seeking stakeholder views on our draft proposals.

Lastly, your request that the ALRC pause the Inquiry and reconstitute the Surrogacy Advisory Committee in a fashion acceptable to you, not only misunderstands the ALRC's powers, it also fundamentally misunderstands the ALRC's independence. The ALRC is bound by the Attorney-General's decisions in relation to Terms of Reference, the time provided for an inquiry, and the resources provided to that inquiry. Once the ALRC receives Terms of Reference for an inquiry, the ALRC conducts that inquiry entirely independent of government and stakeholder influence. It would be entirely improper for the ALRC to accede to the views of government or any single interest group, as opposed to forming its own independent views as to how an inquiry should be conducted, and what recommendations should be made.

2. Management of Conflicts of Interest

Your suggestion that the ALRC has not appropriately managed conflicts of interest is serious, unsubstantiated and premised on several mischaracterisations.

First, as explained above, the Surrogacy Advisory Committee (as with all ALRC advisory committees) have no decision-making functions and are constituted of diverse experts reflective of groups identified in our Terms of Reference. Advisory committees play an important role in ALRC inquiries, however their function is consultative.



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Second, the Assistant Commissioner is an APS employee recruited for her skill and expertise following usual recruitment processes. While the Assistant Commissioner plays an important leadership role in this Inquiry, APS employees do not have the decision-making powers of a Commissioner under the ALRC Act. The personal views of APS employees are irrelevant to their employment.

Third, I can assure you that the ALRC takes very seriously its statutory obligations and is subject to the same reporting and compliance obligations as all comparable Commonwealth agencies.

3. Consideration of Australia's International Law Obligations

I wholeheartedly agree that the ALRC must aim to ensure its recommendations are consistent with Australia's international law obligations. This is required by the ALRC Act and the Terms of Reference in this Inquiry. Human rights are one of the reform principles guiding this Inquiry, as outlined in our Issues Paper, and we have explicitly sought and received feedback in relation to interpreting and applying relevant human rights laws. In addition to the submission you have already made, I encourage you to review our Discussion Paper and engage with the proposals, drawing our attention to where and how you think they diverge from international law and human rights principles. If you would like to make a further submission, please let the Inquiry team know.

As indicated above, the ALRC must conduct inquiries within the time and resources provided by the Attorney-General. This Inquiry is due on 29 July 2026 and the ALRC is operating with limited resources. You have attended one consultation and been provided with two opportunities to provide written feedback in response to our Issues Paper and Discussion Paper. Once we review the submissions responsive to our Discussion Paper, we will hold further consultations to refine our proposals, before proceeding to draft the Final Report. If the Inquiry team considers that further consultation with your organisation is required, we will be in touch.

Thank you once again for your interest in and engagement with this Inquiry.

Yours sincerely



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Executive Director

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