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RESEARCH REPORT 2 (1987) - SURROGATE MOTHERHOOD: AUSTRALIAN PUBLIC OPINION**

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## Terms of Reference

To inquire into and report on the need to make laws on:

- (i) Human artificial insemination (AI).
- (ii) In vitro fertilization of human ova with human sperm (IVF) and transfer of the resulting embryo to the human uterus (ET).
- (iii) Any other procedure whereby human ova may be fertilized otherwise than by sexual intercourse.
- (iv) Any other procedure whereby the process of human reproduction may be commenced, continued or completed otherwise than in the body of a human female.
- (v) The preservation of human ova, human sperm and human embryo outside the human body.
- (vi) "Surrogate mothering" arrangements (arrangements under which a woman agrees to bear a child for another person or persons).
- (vii) Any other related matter.

2. To include in its report recommendations on the extent and nature of any recommended laws.

3. In making its inquiry and report the Commission may take into account to the extent that it decides is necessary or desirable:

- (i) Social, ethical and legal issues related to the subjects described above.
- (ii) Any form of artificial conception of a human child that it considers relevant.
- (iii) The public interest and the interests of children, parents, infertile couples, and any other relevant person.
- (iv) The nature of and issues raised by arrangements and agreements relating to any of the subjects described above, and to any child that may be born as a result.
- (v) The legal rights and liabilities of medical and other personnel involved in such practices **and** other related practices.
- (vi) Present laws including laws concerning children, including custody, adoption, inheritance and anti-discrimination, ownership of and dominion over human tissues, and the treatment of human infertility.
- (vii) Proposals and activities in relation to the subjects described above under consideration by the Standing Committee of Attorneys General, and by any Committee or other Organisation established in Australia by a State or Territory or by the Commonwealth.

D P Landa  
Attorney General and  
Minister of Justice  
5 October 1983

## Participants in this Research Report

### Commissioners

For the purpose of this Research Report in the Artificial Conception reference the following members of the Commission have acted as a Division constituted by the Chairman in accordance with s12A of the Law Reform Commission Act 1967.

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## Preface

The New South Wales Law Reform Commission is undertaking substantial research on a project relating to surrogate motherhood arrangements. The project is, in turn, part of the Commission's work under its reference Artificial Conception which covers all aspects of human reproductive technology. In order to obtain information on Australian attitudes to surrogacy arrangements, the Commission arranged the conduct of a national sample survey of public opinion. This report of the survey will greatly assist the Commission in formulating recommendations for its report on surrogate motherhood.

Completion of this report would not have been possible without the help of a number of people. In the first place, the Commission wishes to record its thanks to the Law Foundation of New South Wales for the generous grant which it gave to provide the funds for the preparation and conduct of the survey, the analysis of the results, and the production of this report.

Members and officers of the Artificial Conception Division of the Commission, together with Concetta Rizzo, Consultant Statistician to the Commission, drafted the questions to be asked in the survey. Further assistance was provided by the Roy Morgan Research Centre Pty Ltd, the Organisation selected by the Commission to conduct the survey on its behalf.

This Research Report was jointly written by the Commission's Research Director, William J Tearle, and Concetta Rizzo. Particular acknowledgment is due to the expertise and unremitting energy of Mr Tearle who has ensured the efficient completion of a unique, balanced and well-presented document. The Commission also wishes to record its appreciation of the assistance provided by Mr Keith Mason QC, Solicitor General of New South Wales, who is a former Chairman of the Commission and a former member of the Artificial Conception Division.

Special mention is due to the contribution of legal officer Gail Morgan. Further valuable assistance was provided by Fiona Curtis, Lauren Melloy and Juliet Potts, members of the Commission's research staff, and by the Commission's word processing supervisor, Nozveen Nisha Khan, in the preparation of the tables. Additional expert word processing assistance was provided by Mrs Irene Vassarotti.

The Commission believes that this Research Report will make an important contribution to public debate and understanding of the issues in surrogacy arrangements. I am pleased to present it and to express the Commission's thanks to all who participated in its preparation.

Russell Scott  
Deputy Chairman and Commissioner-in-Charge of Artificial Conception Reference  
May 1987

## Summary

This Research Report presents the results of a national sample survey of Australian public opinion on aspects of surrogate motherhood arrangements. The survey, which was conducted in November 1986, forms part of the research being undertaken by the New South Wales Law Reform Commission for its project on surrogate motherhood. This, in turn, is part of a major Commission reference covering all aspects of human artificial conception. The survey was made possible by the generous financial assistance of the Law Foundation of New South Wales.

Under the most common form of surrogacy arrangement, a woman (the surrogate mother) agrees to become pregnant, to bear a child and to hand the child over after birth to a married couple (the commissioning couple) to be brought up as their own. The surrogate mother usually becomes pregnant by artificial insemination (AID) with sperm from the husband, although other means of conception might be used. Couples typically make use of surrogacy arrangements in order to overcome medical problems the woman may experience in having children.

The aspects of surrogacy arrangements on which public opinion was sought were the following:

- General attitudes to surrogate motherhood itself;
- Payment of the surrogate mother;
- Involvement of intermediaries in surrogacy arrangements;
- Enforcement of such arrangements;
- Disclosure of the identity of the surrogate mother;
- Availability of surrogacy arrangements to persons other than married couples;
- Availability of surrogacy arrangements for reasons other than medical difficulties.

The principal results of the survey are set out below.

### Approval of surrogacy arrangements

The survey first sought an opinion of surrogate motherhood as a means of providing children for married couples who cannot have children because of medical problems. According to the survey results, 16 % of Australians expressly approved of surrogate motherhood as defined in that first question, and more than one-third did not object to it. Together, these two groups give a total of 51% expressing a view which is not opposed to surrogate motherhood. One-third of respondents objected to surrogate motherhood for married couples. A very small proportion did not have an opinion, while 13% said that they needed to know more. Men and women expressed similar opinions.

Young married men and women without children were, as a group, most favourably disposed towards surrogate motherhood. More than 70% of this group either specifically approved of, or did not object to, surrogate motherhood for married couples, while only 15% objected to it.

A greater proportion of Australians professing no religion, or who belonged to a non-Christian religion, gave a favourable opinion on surrogate motherhood than did those who identified themselves as Christians.

Federal voting intention appeared to make little difference to the attitude of people to surrogate motherhood.

The survey sought to determine whether or not attitudes to surrogate motherhood were affected by personal experience of infertility. It emerged that those who themselves had, or whose partner had, a fertility problem were more favourably disposed towards the use of surrogate motherhood.

Attitudes to surrogate motherhood expressed by residents of New South Wales were generally the same as those shared by people across Australia.

### Payment of the surrogate mother

Some surrogacy arrangements contemplate payment of a fee to the surrogate mother ("commercial" surrogacy) while other surrogacy arrangements provide that the surrogate mother is to receive either no fee at all, or, at most, reimbursement for her medical expenses. These latter two types of arrangement might be described as "altruistic" surrogacy. The survey sought the attitudes of Australians to these issues.



There is clearly support among Australians for providing some form of payment to the surrogate mother. 40% of Australians would pay the surrogate mother her medical expenses plus an agreed fee. A further 34% considered that the surrogate mother should receive payment for medical expenses only. Only 17% thought that there should be no payment at all.

There were some differences between the views of men and women on this issue. More women considered that there should be at least some payment to the surrogate mother, while more men than women were in favour of “commercial” surrogacy.

### **Making surrogate motherhood arrangements**

Couples wishing to have a child by means of a surrogacy arrangement might not have access to a woman ready to act as a surrogate mother. Accordingly, it might be necessary for other people to assist in making introductions, and in advising on the terms of the agreement. Respondents were asked whether various persons or agencies should be allowed to arrange surrogate motherhood agreements.

There is a majority view that the parties themselves should be allowed to make the surrogacy arrangements. Similarly, there is majority support for the proposition that non-profit agencies (such as welfare organisations or a branch of a hospital) should also be allowed to make such arrangements. About 40% of Australians considered that the parties should be allowed to make surrogacy arrangements provided that they have the approval of a government agency. There was very little support (17%) for government agencies alone making these arrangements. Very few people indeed (3%) considered that individuals and agencies who charge commercial fees and intend to make a profit should be involved in making surrogacy arrangements.

### **Enforcement of surrogate motherhood arrangements**

Arguably the most controversial aspect of surrogate motherhood arrangements is the question whether the agreement should be enforced if the surrogate mother refuses to surrender the child to the commissioning parents.

Approximately one-third took the view that, in the event of such a dispute, the married couple should have first claim to the child. Support for the surrogate mother in such circumstances was slightly less (26%), while another one-quarter considered that a court should decide the matter. Men and women held similar opinions on who should have first claim to the child.

### **Disclosure of the identity of the surrogate mother**

Another important issue that arises in surrogacy arrangements is whether the identity of the surrogate mother should be revealed to the child. This question is analogous to that arising in the context of adoption procedures, where it may become a matter of great importance for some persons, on learning that they were adopted, to seek out their natural parents. Accordingly, respondents in this survey were asked whether, after the child becomes an adult, the child should be allowed to learn the identity of the surrogate mother.

There was very strong support for the view that the child should be entitled to learn the identity of the surrogate mother. Of all Australians, 71% supported disclosure of her identity, while only 17% would not have revealed her identity.

Responses to this question displayed a marked trend with age. Younger people were most in favour of disclosing the identity of the surrogate mother. This support decreased with age.

### **Eligibility for surrogate motherhood arrangements**

Once views on surrogacy arrangements for married couples had been recorded, interviewees were asked for opinions concerning the availability of surrogacy arrangements to people other than married couples.

At least two-thirds considered that people in the following four categories should be forbidden to make a surrogate motherhood arrangement:

- A male homosexual couple living in a stable domestic relationship;
- A female homosexual couple living in a stable domestic relationship;
- People under 18; and

- People who could not financially support a child.

Less concern was shown about the possibility of surrogacy arrangements for other groups in the community. Approximately half the population considered that people in the following three groups should be forbidden to make surrogacy arrangements:

- An elderly couple;
- A single man; and
- A single woman.

The survey revealed that there was less opposition in the community to surrogacy arrangements for unmarried couples living in a stable domestic relationship, and for people who already had children.

### Surrogacy for non-medical reasons

Respondents were initially asked for their views on the availability of surrogacy arrangements to married couples who could not have children because of medical reasons. The survey then went on to ask respondents for their opinion as to the availability of surrogacy arrangements for non-medical reasons. Accordingly, respondents were asked to consider the case of a woman who is capable of bearing a child, but for various reasons of convenience, would prefer a surrogate mother to bear the child for her. The three principal reasons of convenience which were canvassed in the survey were:

- Occupation (for example, where a woman does not want to take time off from her career during her pregnancy);
- Lifestyle (for example, where a woman or couple with an active sport or social life do not want to change their lifestyle during pregnancy);
- Cosmetic (for example, concern about appearance during and after pregnancy).

There was clearly very little support for surrogacy arrangements for these non-medical reasons. Indeed, almost 80% of people did not approve of surrogate motherhood for any of these non-medical reasons.

Nevertheless, some little support was evident for surrogacy arrangements being available in these circumstances. It emerged that 11% of people approved of surrogacy for occupational reasons, while 7% approved of it for lifestyle reasons. Only 5% approved for cosmetic reasons.

Men were rather more inclined than women to approve surrogacy arrangements for each of the three non-medical reasons advanced.

### Further particulars

Detailed results of the national public opinion poll are presented in this Research Report. In order to provide further assistance to readers of the report, the results are analysed according to a number of demographic and other relevant factors. The Research Report provides details of the overall results for Australia. In addition, results for New South Wales are given separately where appropriate, and are compared with the national response.

The research report concludes with a chapter which explores in more detail the influence of the religious affiliation of people on their attitudes to surrogacy arrangements. It also examines the views held by members of three groups whose opinions on surrogacy may be of interest:

- Young married people without children;
- People with fertility problems; and
- Younger single people (under the age of 35).

## Chapter 1 - Surrogate Motherhood: A National Survey

### I. INTRODUCTION

1.1 The New South Wales Law Reform Commission is currently working on a reference covering all aspects of human artificial conception. The work on this reference has been divided into three parts: human artificial insemination, in vitro fertilization and surrogate motherhood arrangements. The Commission issued a Discussion Paper on human artificial insemination in December 1984, and completed work on this topic with the publication of its Report on Human Artificial Insemination in July 1986.<sup>1</sup> A Discussion Paper on in vitro fertilization will be released soon and work is well advanced on a Discussion Paper on surrogacy arrangements.

1.2 The Commission is specifically required by its terms of reference to study "surrogate mothering" arrangements, which are defined as "arrangements under which a woman agrees to bear a child for another person or persons". Under the most common form of surrogate mothering or surrogacy arrangement, a woman (the surrogate mother) agrees to become pregnant, to bear a child and to hand the child over after birth to a married couple (the commissioning couple) to be brought up as their own. The surrogate mother usually becomes pregnant by artificial insemination (AID) with sperm from the husband, although other means of conception (including natural insemination) might be used. Couples typically make use of surrogacy arrangements in order to overcome medical problems the woman may experience in having children.

1.3 The preparation of the Commission's Discussion Paper on surrogacy arrangements has involved extensive research in legal and non-legal fields. The Commission's research staff has prepared a number of original papers for the Commission's internal use on particular aspects of surrogacy arrangements. These papers include a comparative analysis of the official studies conducted in Australia, New Zealand, the United Kingdom, Canada, West Germany and by the Council of Europe, and an analysis of the existing common law and legislation relevant to surrogacy arrangements, as well as proposed and implemented legislation addressing surrogacy arrangements.

1.4 The Commission has done a good deal of work to obtain a clear picture of the use of, and attitudes to, surrogacy arrangements in Australia, but has not been able to gain accurate information about the incidence of surrogacy arrangements in Australia. At the present time no statistics on the incidence of such arrangements are compiled in this country, either at a federal or state level. Nevertheless, press reports indicate that at least seven children were born in Australia during the period 1983-85 as a result of surrogacy arrangements.

1.5 In formulating its tentative proposals, the Commission wished to obtain information on Australian attitudes to the use of surrogacy arrangements. Again, little information was available on attitudes to surrogacy. Public opinion polls have previously been conducted on the subject of artificial conception, including human artificial insemination<sup>2</sup> and in vitro fertilization and embryo transfer.<sup>3</sup> Questions relating specifically to surrogate motherhood were included in a poll undertaken in July 1982.<sup>4</sup>

1.6 The Law Reform Commission decided to undertake a nationwide public opinion poll on surrogate motherhood. The principal aspects of surrogacy arrangements on which public opinion was sought were the following:

- General attitudes to surrogate motherhood itself;
- Payment of the surrogate mother;
- Involvement of intermediaries in surrogacy arrangements;
- The enforcement of such arrangements,
- Disclosure of the identity of the surrogate mother;
- Availability of surrogacy arrangements to persons other than married couples;
- Availability of surrogacy arrangements for reasons other than medical difficulties.

1.7 Members and officers of the Artificial Conception Division of the Commission, together with Concetta Rizzo, a Consultant Statistician to the Commission, drafted the questions to be asked in the survey. These questions, in the form in which they were eventually asked, appear as Appendix A to this report. The Commission retains copyright in the questions.

1.8 The questions were arranged so that interviewees were first asked to give their opinion on various aspects of surrogate motherhood arrangements for married couples who could not have children because of medical problems. Subsequent questions canvassed the availability of such arrangements to people other than married couples, and for reasons unrelated to medical conditions.

1.9 The Commission selected the Roy Morgan Research Centre Pty Ltd to conduct the survey on its behalf. The Roy Morgan Research Centre had conducted earlier public opinion polls on aspects of artificial conception.<sup>5</sup>

1.10 This survey was made possible by the generous assistance of the Law Foundation of New South Wales. The grant made available by the Law Foundation covered the cost of the preparation and conduct of the survey, the analysis of the results, and the preparation of this Research Report. The Commission wishes to acknowledge the financial assistance provided by the Law Foundation.

## II. TIMING

1.11 The national opinion poll was conducted on two consecutive weekends, November 1-2 and November 8-9, 1986. It should be noted that since the survey was undertaken, two developments have occurred which might possibly have a bearing on attitudes to the issues canvassed in the present survey:

### *Vatican Statement.*

In February 1987, the Vatican issued a statement concerning artificial conception.<sup>6</sup> In that statement, issued by the Congregation for the Doctrine of the Faith and approved by Pope John Paul II, the Vatican urged that surrogate motherhood should be prohibited by legislation. Given that the attitudes reported in this survey were not influenced by this statement, the survey results might prove to be a helpful benchmark against which later studies can be assessed. Further discussion on the influence of religious affiliation is contained in Chapter 9.

### *Recent Surrogacy Litigation.*

Recent decisions of courts in the United States and England on surrogacy arrangements have attracted widespread publicity in Australia. In March 1987, an English High Court judge granted an adoption order to a commissioning couple with the surrogate mother's consent. In April 1987, following protracted litigation between a surrogate mother and prospective parents who commissioned a child, Judge Sorkow of the Superior Court in Hackensack, New Jersey, awarded custody of a child (Baby M) born as a result of the surrogacy arrangement to the commissioning couple. This decision is now the subject of an appeal. The media attention given to these decisions, and to prospective surrogate mothers since identified in Australia, might also have a significant effect on attitudes to the issues discussed here.<sup>7</sup>

## III. METHODOLOGY

1.12 Questions on surrogate motherhood were asked of 2476 people aged 14 and over in all States of Australia. The questions for the Commission's survey were included in "Consumer Opinion Trends", an omnibus survey conducted weekly throughout Australia by the Roy Morgan Research Centre. Interviewing for the survey was conducted on two consecutive weekends by trained interviewers sent to randomly selected cluster points spread over the city and country areas of the six States and two Territories of Australia. Ten dwellings were visited at each cluster point. People were selected for interviewing at the pre-selected dwellings by a method which produces accurate cross-sections of each sex by age. The face-to-face interviews were conducted on Saturdays and Sundays between 9.00 am and 4.00 pm. To ensure the authenticity of responses, a sample of respondents was recontacted and asked to confirm their answers.<sup>8</sup>

## IV. PRESENTATION OF THE RESULTS

1.13 The results of that national opinion poll are presented in this report. They are analysed according to a number of demographic and other relevant factors (listed in Appendix B). The survey results presented in this report are the overall results for Australia. Where appropriate, results for New South Wales are given separately,

and are compared with the national response. In each table of this report the actual numbers of respondents interviewed in each category are recorded. The percentages reported in the text and in the tables are weighted percentages, and are estimates relating to the Australian population. In accordance with standard survey procedure, the raw numbers were weighted to ensure that correct proportions of sex, age and locality groups (as measured by the latest estimates available for the Australian population aged 14 and over) were represented in the survey results.

1.14 When using survey results as population estimates in this way, it should be remembered that all sample surveys are subject to sampling variance. That is, results obtained from a sample survey may differ to some extent from results which would be obtained if the whole population had been interviewed. The size of such sampling variance depends largely on the number of interviews.

1.15 In this survey, there were 2476 interviews of respondents across Australia and this number included 847 in New South Wales. Table 1.1 shows the allowances for sampling variance which should be made when reporting a percentage based on these samples as estimates of the population. For example, in Table 2.1 it is reported that 33% of Australians objected to surrogacy arrangements for married couples. Use of the sampling variances in Table 1.1 allows the following statement to be made:

Very probably (95 chances out of 100) the average of repeated samplings would be within the range 33 +2 (that is, between 31% and 35%) with the most likely figure being the 33% obtained.

**Table 1.1**  
**Allowances for Sampling Variance of a Percentage (at 95 in 100 confidence level)**

Percentage near	Sample Size	
	Australia 2476	New South Wales 847
10	1	2
20	2	3
30	2	3
40	2	3
50	2	3
60	2	3
70	2	3
80	2	3
90	1	2

#### Footnotes

1. New South Wales Law Reform Commission *Report on Human Artificial Insemination* July 1986, LRC 49.
2. Graeme Rawson *Australian Attitudes to Human Artificial Insemination* The New South Wales Advisory Committee on Human Artificial Insemination (1984).
3. Gabor T Kovacs, Carl Wood, Gary Morgan and Margaret Brumby "The Attitudes of the Australian Community to Treatment of Infertility by In Vitro Fertilization and Associated Procedures" (1985) 2(4) *Journal of in Vitro Fertilization and Embryo Transfer* 213.
4. Margaret Brumby "Australian community attitudes to in vitro fertilization" (1983) 2 *Medical Journal of Australia* 650.
5. See the surveys referred to by Rawson (note 2) and Kovacs and others (note 3).
6. Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation* (1987).
7. Press reports of recent English cases include: "Couple to adopt baby in key case" *The Times* 12 March 1987 at 1. "Adoption sanctioned in surrogacy agreement" *The Times* 12 March 1987 at 27. "Surrogate mother can keep twins" *The Sydney Morning Herald* 14 March 1987 at 24. The *Baby M* decision was very widely publicised in Australia. Press reports include: "Court gives tug-of-love baby to dad" *The Daily Telegraph* 2 April 1987 at 13. "Surrogate mother loses Baby M" *The Sydney Morning Herald* 2 April 1987 at 1. "The contract that made a baby" *The Australian* 2 April 1987 at 1. "Surrogate mother groups Welcome Baby M verdict" *The Australian* 2 April 1987 at 9. "The dehumanisation of our species" (Editorial) *The Australian* 2 April 1987 at 10. "I'll bear your baby, says

Tracey" *The Sydney Morning Herald* 3 April 1987 at 1. "Surrogate motherhood: for love or money?" *The Sydney Morning Herald* 3 April 1987 at 15. "West Germany bans surrogate motherhood in wake of Baby M case" *The Australian* 3 April 1987 at 6. "Surrogacy is booming after Baby M case" *The Sydney Morning Herald* 4 April 1987 at 20. "The question of surrogacy" *The Sydney Morning Herald* 4 April 1987 at 28. "Willesee's little dividend" *The Sydney Morning Herald* 8 April 1987 at 24. "SA ban proposed on surrogacy for money" *The Sydney Morning Herald* 14 April 1987 at 7.

8. Roy Morgan Research Centre Pty Ltd *Specifications of "Consumer Opinion Trends"* (August 1986).

## Chapter 2 - Approval of Surrogacy Arrangements

### I. OVERALL RESPONSE

2.1 Interviewees were first asked their opinion of surrogate motherhood as a means of providing children for married couples who cannot have children because of medical problems. The question explained that a surrogate mother is a woman who agrees to become pregnant, bear a child, and hand over that child to the married couple to be brought up as their own. It was also explained that the surrogate mother usually becomes pregnant by artificial insemination with sperm from the husband of the commissioning couple.

2.2 At this stage, respondents were shown a card on which there were four possible answers:

- “approve of surrogate motherhood”;
- “do not object to surrogate motherhood”;
- “object to surrogate motherhood”;
- “need to know more”.

It will be seen that the first two options were favourable to surrogate motherhood but differed in degree. The fourth possible answer gave respondents the option of not providing an opinion one way or the other. An analysis of respondents who gave this fourth response, or who actually said that they had no opinion, is contained in Appendix C.

2.3 According to the survey results, 16% of Australians specifically approved of surrogate motherhood as defined in that first question, and more than one-third (35%) did not object to it. Together, these two groups give a total of 51% expressing a view which is not opposed to surrogate motherhood.

2.4 One-third of respondents (33%) did object to surrogate motherhood. A very small proportion (3%) did not have an opinion, while 13% said that they needed to know more. Men and women expressed similar opinions. These results are set out in Table 2.1, and are illustrated in Figure 1.

**Table 2.1**  
**Opinion of Surrogate Motherhood Overall and by Sex**

	Total	Males %	Females
Approve of	15.6	16.1	15.1
Do not object	35.4	35.6	35.2
Object to	33.0	31.9	34.0
Need to know more	13.0	13.3	12.7
No opinion	3.0	3.1	3.0
<b>Number of respondents</b>	<b>2476</b>	<b>1158</b>	<b>1318</b>

2.5 It is instructive to compare this response with the results of a Morgan Gallup Poll conducted in July 1982.<sup>1</sup> In that survey, respondents were first asked if they had previously heard of surrogacy. If they had heard of it, they were asked whether they approved or disapproved or whether they needed to know more. More than one third (34%) had not heard of surrogacy, while 25% approved, 31% disapproved, 6% needed to know more and 4% had no opinion. Although the questions asked in the two surveys differed, it is apparent that the proportion of Australians who disapproved of surrogate motherhood in each remained at one-third.

2.6 In earlier surveys which had canvassed surrogacy, in vitro fertilization, embryo transfer and gamete donation, surrogacy was the only subject for which disapproval (31%) exceeded approval (25%).<sup>2</sup> This ratio has been reversed in this survey with 51% not objecting, and 33%

objecting. However, approval of surrogate motherhood has not reached the levels found for artificial insemination by donor (70%)<sup>3</sup> and in vitro fertilization (between 69 % and 77 % in surveys conducted between 1981 and 1984).<sup>4</sup>

2.7 The pattern of responses in New South Wales was the same as that for Australia overall. While the pattern in Sydney was similar to that outside Sydney, a greater proportion of New South Wales residents living outside Sydney (39%) objected than did people in Sydney (32%).

## II. AGE AND FAMILY STATUS

2.8 Table 2.2 presents the overall opinions on surrogacy arrangements for married couples, classified by the age of the respondent. Approval decreased as age increased. Similar patterns have been reported from other surveys on artificial insemination<sup>5</sup> and in vitro fertilization.<sup>6</sup>

**Table 2.2**  
**Opinion of Surrogate Motherhood by Age**

	14 - 24	25 - 34	35 - 49	50+
	%			
Approve of	17.6	17.6	15.5	12.7
Do not object	43.2	40.6	36.0	25.3
Object to	26.5	28.1	32.9	41.3
Need to know more	10.3	11.4	13.3	15.9
No opinion	2.4	2.3	2.2	4.7
<b>Number of respondents</b>	<b>478</b>	<b>577</b>	<b>659</b>	<b>762</b>

2.9 The results were also analysed according to both age and family status. The results are shown in Table 2.3. Young married men and women without children were, as a group, most favourably disposed towards surrogate motherhood: more than 70% of this group either specifically approved of, or did not object to, surrogate motherhood for married couples, while only 15% objected to it. The favourable attitude of this group to in vitro fertilization has been reported previously.<sup>7</sup>

**Table 2.3**  
**Opinion of Surrogate Motherhood by Age and Family Status**

	Single 14 - 34	Married 14 - 34 No Child	Married 14 - 34 Child	Married 35+ Child	Married 35+ No Child	Single 35+
	%					
Approve of	16.4	21.1	18.1	12.5	14.4	15.1
Do not object	42.9	49.5	37.3	34.3	27.5	29.1
Object to	27.7	15.0	31.5	36.2	39.9	35.2
Need to know more	9.8	12.4	11.9	14.8	14.8	14.7
No opinion	3.1	2.0	1.2	2.2	3.4	5.8
<b>Number of respondents</b>	<b>521</b>	<b>141</b>	<b>393</b>	<b>467</b>	<b>622</b>	<b>332</b>

## III. EDUCATION

2.10 Previous studies have reported that approval of artificial insemination by donor<sup>8</sup> and in vitro fertilization<sup>9</sup> increased with the level of education of the respondent. This is observed to some extent in the present survey regarding attitudes to surrogate motherhood. Favourable opinion increased from 43% for Australians with only primary school education, to 55% for those who had completed high school and 54% for those with a tertiary education. However, outright approval was highest (18%) amongst those with only primary school education, and lowest (12%) for those with tertiary education. The level of approval shown by the other groups



was approximately 16%. These results are presented in Table 2.4. The categories into which education has been coded are defined in Appendix B.

**Table 2.4**  
**Opinion of Surrogate Motherhood by Education Level**

	Primary Only	Some secondary	Inter/ 4th form	5th/6th form	Tertiary
	%				
Approve of	18.0	16.0	16.2	16.5	12.4
Do not object	24.5	32.7	34.2	38.0	41.2
Object to	35.9	34.6	31.7	31.3	33.0
Need to know more	16.3	12.6	15.5	12.7	10.2
No opinion	5.3	4.2	2.4	1.5	3.1
<b>Number of respondents</b>	<b>205</b>	<b>535</b>	<b>494</b>	<b>501</b>	<b>515</b>

#### IV. OCCUPATION

2.11 Respondents in each occupational grouping (as defined in Appendix B) gave similar opinions on surrogate motherhood.

#### V. RELIGION

2.12 The Commission was interested to learn how attitudes to surrogate motherhood varied according to the religion of the respondent. Information given by respondents on their religious affiliation was coded in the following six categories:

- Catholic;
- Anglican;
- "Other Protestant" (that is, Presbyterian, Uniting, Methodist and Baptist);
- "Other Christians" (for example, Christadelphian, Mormon);
- Non Christian;
- No Religion.

2.13 A greater proportion of Australians professing no religion or a non-Christian religion (about two-thirds in each group) gave a favourable opinion than did those who identified themselves as Christians. Amongst the Christian denominations, those identified as "Other Christians" were least in favour of surrogate motherhood. These were followed by the group identifying itself as Catholic. More than half the Anglican expressed a favourable view. Given the recent Vatican statement, it is interesting to note, however, that the proportion of Catholics who expressly approved of surrogate motherhood was not lower than that of other Christian denominations. These results are set out in Table 2. 5, and are also illustrated in Figure 7 in Chapter 9.

**Table 2.5**  
**Opinion of Surrogate Motherhood by Religion**

	Catholic	Anglican	Other Protestant	Other Christian	Non Christian	No religion
	%					
Approve	14.4	13.8	13.6	13.4	33.6	22.8
Do not object	29.5	39.5	35.6	23.6	32.3	45.2
Object to	38.7	29.7	31.5	48.7	19.7	21.4
Need to know more	13.5	14.4	17.7	11.0	4.2	7.5
No opinion	3.9	2.7	1.6	3.3	10.2	3.2
<b>Number of respondents</b>	<b>673</b>	<b>706</b>	<b>408</b>	<b>262</b>	<b>22</b>	<b>386</b>

2.14 In the 1983 opinion poll on artificial insemination by donor (AID) it was reported that, although Catholic approval was lower than that of other groups, the level of approval was still high (62% of Catholics, compared with 79% of Anglicans and 78% of respondents with no religion).<sup>10</sup> A 1984 opinion poll on in vitro fertilization reported that Catholic approval was lower than the national average, with 68% approval and 20% disapproval compared with 72% approval and 17% disapproval overall. The authors of that earlier report commented that it was surprising that religion does not appear to be an important factor in the reason for attitudes. Approximately two thirds of the Catholics in all surveys approved of the procedure despite sustained opposition from the Catholic bishops in Australia.<sup>11</sup>

## VI. FEDERAL VOTING INTENTION

2.15 Respondents in this survey were asked who would receive their first preference in the House of Representatives if an election were held at the time of the survey. The respondents' federal voting intention made little difference to the attitude to surrogate motherhood. Those intending to vote for the Australian Democrats were slightly more in favour, while those intending to vote for the National Party were slightly less in favour, of surrogate motherhood for married couples.

## VII. PERSONAL EXPERIENCE OF FERTILITY PROBLEMS

2.16 The Commission considered it relevant to determine whether or not attitudes to surrogate motherhood were affected by personal experience of infertility. The final question in the survey was intended to obtain this information, and respondents chose from the following options:

- "I have had fertility problems";
- "My wife/husband/partner has had fertility problems";
- "Someone in my family has had fertility problems";
- "A friend, or someone I know, has had fertility problems";
- "I don't know anyone who has had fertility problems".

Given the sensitivity of this issue, the question was not asked directly of respondents. Instead, respondents were given a card and asked to identify which one line best described the respondent and the respondent's family.

2.17 Those who themselves had, or whose partner had, a fertility problem were more favourably disposed towards the use of surrogate motherhood. Over one-fifth (22%) of this group expressly approved of the practice, while another 36% did not object. Those who said that they knew a friend with fertility problems were, as a group, the next most in favour. On the other hand, those with someone else in the family with a fertility problem held noticeably less favourable opinions on surrogate motherhood than these other two groups. These results are set out in Table 2.6.

**Table 2.6**  
**Opinion of Surrogate Motherhood by Fertility Problems**

	Fertility problem experienced by			
	Self/Partner	Someone in the family	A friend	Don't know anyone
Approve of	21.8	14.2	17.1	14.9
Do not object	35.8	39.1	38.9	36.4
Object of	29.4	38.0	31.5	31.9
Need to know more	12.1	8.7	11.2	14.4
No opinion	1.0	-	1.4	2.3
<b>Number of respondents</b>	<b>142</b>	<b>165</b>	<b>528</b>	<b>1276</b>

### Footnotes

1. Margaret Brumby "Australian community attitudes to in vitro fertilization" (1983) 2 *Medical Journal of Australia* 650 at 651.
2. Gabor T Kovacs, Carl Wood, Gary Morgan and Margaret Brumby "The Attitudes of the Australian Community to Treatment of Infertility by In Vitro Fertilization and Associated Procedures" (1985) 2(4) *Journal of in Vitro Fertilization and Embryo Transfer* 213 at 216.
3. Graeme Rawson *Australian Attitudes to Human Artificial Insemination* The New South Wales Advisory Committee on Human Artificial Insemination (1984) at 9.
4. Kovacs and others, note 2 at 214.
5. Graeme Rawson, note 3 at 9.
6. Margaret Brumby, note 1 at 651.
7. *Id* at 652.
8. Graeme Rawson, note 3 at 10.
9. Margaret Brumby, note 1 at 651.
10. Graeme Rawson, note 3 at 11.
11. Kovacs and others, note 2 at 216.

## Chapter 3 - Payment of the Surrogate Mother

### I. OVERALL RESPONSE

3.1 Attitudes to surrogacy arrangements may well vary considerably depending upon whether the arrangements contemplate payment of a fee to the surrogate mother (which might be termed “commercial” surrogacy), or whether the surrogate mother is to receive either no fee at all, or, at most, reimbursement for her medical expenses. These latter two types of arrangement might be described as “altruistic” surrogacy.

3.2 The Commission’s survey sought the attitudes of Australians to these issues. Accordingly, interviewees were next asked how, in their opinion, the surrogate mother should be paid. The available choices were:

- No payment at all;
- Payment for her medical expenses only;
- Payment for her medical expenses plus a fee agreed with the couple.

3.3 There is clearly support among Australians for providing some form of payment to the surrogate mother. Forty per cent considered that the surrogate mother should be paid for her medical expenses plus a fee agreed with the couple. A further 34 % considered that she should receive payment for medical expenses only. Only 17 % thought that there should be no payment at all. The overall results are shown in Table 3.1, together with an analysis by the sex of the respondents. Figure 2 illustrates the overall results.

3.4 The pattern in New South Wales was similar to the Australian pattern. There was little difference between attitude expressed by people residing in Sydney and those New South Wales residents living outside Sydney.

3.5 There were some differences between the views of men and women on this issue. More women than men considered that there should be at least some payment. As Table 3.1 shows, more men than women were in favour of “commercial” surrogacy, involving the payment of both medical expenses and a fee to the surrogate mother.

**Table 3.1**  
**Payment of Surrogate Mother Overall and by Sex**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
	<b>%</b>		
No payment	16.9	18.9	14.9
Expenses only	34.1	29.7	38.3
Expenses and fee	39.9	41.7	38.2
Can't say	9.1	9.7	8.5
<b>Number of respondents</b>	<b>2476</b>	<b>1158</b>	<b>1318</b>

### II. AGE AND FAMILY STATUS

3.6 opinions varied quite noticeably according to the age of the respondent. The proportion who considered that the surrogate mother should receive payment for expenses as well as a fee was greatest in the youngest age group (14-24), and decreased with age. On the other hand, the proportion advocating no payment at all increased with age, particularly for men. Further details appear in Table 3.2.

**Table 3.2**  
**Payment of Surrogate Mother by Age**

	14 - 24	25 - 34	35 - 49	50+
	%			
No payment	11.8	13.3	18.4	22.1
Expenses only	34.8	35.0	35.5	31.6
Expenses and fee	47.4	45.8	37.6	32.0
Can't say	5.9	5.9	8.4	14.3
<b>Number of respondents</b>	<b>478</b>	<b>577</b>	<b>659</b>	<b>762</b>

3.7 The survey results were further analysed according to both the age and family status of respondents. A higher proportion of men and women aged 14-34 who were married with no children said that the surrogate mother should receive payment of both expenses and a fee, and a lower proportion of this group said that no payment should be made. In particular, of married women aged 14-34 with no children, 60% favoured commercial surrogacy (expenses and a fee), while only 6% of that group considered that no payment should be made. Older people were more inclined to the view that no payment should be made. Fewer older people favoured "commercial" surrogacy. More than one-quarter of married men aged 35 or over with no children considered that no payment should be made. Further information appears in Table 3.3.

**Table 3.3**  
**Payment of Surrogate Mother by Age and Family Status**

	Single 14-34	Married 14-34 No Child	Married 14-34 Child	Married 35+ Child	Married 35+ No Child	Single 35+
	%					
No payment	12.3	6.4	15.4	18.4	22.7	19.2
Expenses only	33.9	31.6	38.0	36.1	31.2	33.8
Expenses and fee	46.8	56.9	42.2	35.2	33.8	35.0
Can't say	7.0	5.1	4.4	10.4	12.4	12.0
<b>Number of respondents</b>	<b>521</b>	<b>141</b>	<b>393</b>	<b>467</b>	<b>622</b>	<b>332</b>

### III. ATTITUDE TO SURROGATE MOTHERHOOD ITSELF

3.8 The responses to the question regarding payment were analysed according to the overall attitudes to surrogate motherhood for married couples. Not surprisingly, attitudes to the payment of surrogate mothers depended very much on the respondents' opinion of surrogate motherhood itself. About 40% of people who objected to surrogate motherhood considered that there should be no payment at all, compared with 6% of those who approved of surrogate motherhood and 4% of those who did not object to it. However almost one-fifth (19%) of those who objected to surrogate motherhood still considered that the surrogate mother should receive payment of both medical expenses and a fee. More than half of those who were in favour of surrogate motherhood or did not object to it also supported "commercial" surrogacy arrangements. These results appear in Table 3.4.

**Table 3.4**  
**Payment of Surrogate Mother by Opinion of Surrogate Motherhood**

	Approve of	Do not Object	Object to	Need to know more	No opinion
	%				
No payment	5.6	3.7	40.5	8.5	8.7
Expenses only	36.8	38.5	28.4	38.4	10.8
Expenses and fee	54.2	55.2	18.6	39.5	23.2
Can't say	3.4	2.6	12.5	13.6	57.2
<b>Number of respondents</b>	<b>390</b>	<b>870</b>	<b>826</b>	<b>320</b>	<b>70</b>

#### IV. PERSONAL EXPERIENCE OF FERTILITY PROBLEMS

3.9 Attitudes to the payment of a fee varied with experience of fertility problems. A greater proportion (47%) of Australians who had, or whose partner had, fertility problems considered that the surrogate mother should receive payment for medical expenses only, and a correspondingly lower proportion considered that both expenses and a fee should be paid. These results are shown in Table 3.5 and are illustrated in Figure 3.

**Table 3.5**  
**Payment of Surrogate Mother by Fertility Problems**

	Fertility problem experienced by			
	Self/ Partner	Someone in family	A friend	Don't know anyone
	%			
No payment	14.3	13.3	16.6	17.0
Expenses only	46.8	41.7	30.8	35.0
Expenses and fee	33.6	39.9	45.8	41.2
Can't say	5.3	5.1	6.8	6.9
<b>Number of respondents</b>	<b>142</b>	<b>165</b>	<b>528</b>	<b>1276</b>

## Chapter 4 - Making Surrogate Motherhood Arrangements

### I. OVERALL RESPONSE

4.1 Couples wishing to have a child by means of a surrogacy arrangement might not have access to a woman ready to act as a surrogate mother. Accordingly, it might be necessary for other people to assist in making introductions, and in advising on the terms of the agreement. The survey canvassed attitudes to this possibility.

4.2 Respondents were next asked to give their opinions on the involvement of intermediaries in surrogacy arrangements. Respondents were asked whether the persons or agencies identified in each of the following five possibilities should be allowed to arrange a surrogate motherhood agreement:

- The parties themselves;
- The parties with the approval of a government agency;
- Government agencies;
- Non-profit agencies (such as welfare organisations or a branch of a hospital);
- Individuals and agencies who charge commercial fees, and intend to make a profit.

4.3 More than half considered that the parties themselves should be allowed to make an agreement. Similarly, more than half considered that non-profit agencies (such as welfare organisations or a branch of a hospital) should also be allowed to be involved in making such an agreement. About 40% of Australians considered that the parties should be allowed to do so provided that they have the approval of a government agency. On the other hand, there was very little support (17%) for government agencies alone making these arrangements, and very few people indeed (3%) considered that individuals and agencies who charge commercial fees and intend to make a profit should be involved. These results are shown in Table 4.1.

4.4 The pattern of responses from New South Wales was similar to the national pattern. There were some differences, however, between people living in Sydney and those living outside Sydney. While 55% of those New South Wales residents living outside Sydney considered that non-profit agencies should be allowed to make an agreement, only 50% of those in Sydney did so. Almost half (48%) of those outside Sydney considered that the parties should be allowed to make an agreement with the approval of a government agency, whereas only 40% of those in Sydney registered that opinion.

4.5 There were some consistent differences between the views of men and women. A lower proportion of women than men agreed with each of the suggestions, except for the use of non-profit agencies.

**Table 4.1**  
**Entitlement to make Surrogacy Arrangements Overall and by Sex**

	Total	Males	Females
	%		
The parties themselves	52.7	55.7	49.7
The parties with the approval of a government agency	41.1	43.2	39.0
Government agencies	17.4	18.2	16.7
Non-profit agencies such as welfare organisations or the branch of a hospital	52.1	50.2	53.9
Individuals and agencies who charge commercial fees, and intend to make a profit	2.7	3.5	1.9
<b>Number of respondents</b>	<b>2476</b>	<b>1158</b>	<b>1318</b>

## II. AGE AND FAMILY STATUS

4.6 In general, a greater proportion of people under 35 was in favour of each of the suggestions made. Support for the involvement of government agencies in arranging a surrogate Motherhood agreement was the same across all age groups. These results appear in Table 4.2.

**Table 4.2**  
**Entitlement to make Surrogacy Arrangements by Age**

	14 - 24	25 - 34	35 - 49	50+
	%			
The parties themselves	65.3	53.1	44.3	49.3
The parties with the approval of a government agency	45.2	47.5	41.6	33.2
Government agencies	17.1	17.2	17.3	17.9
Non-profit agencies	61.3	56.9	49.6	43.7
Profit making agencies	3.5	4.3	1.8	1.7
<b>Number of respondents</b>	<b>478</b>	<b>577</b>	<b>659</b>	<b>762</b>

4.7 The two groups in the population who were most in favour of each of the possibilities mentioned were those who were under 35 and single, and those who were under 35 and married with no children. Age and family status made little difference to attitudes to arrangements being made by government agencies. These details appear in Table 4.3.

**Table 4.3**  
**Entitlement to make Surrogacy Arrangements by Age and Family Status**

	Single 14 - 34	Married 14 - 34 No Child	Married 14 - 34 Child	Married 35+ Child	Married 35+ No Child	Single 35+
	%					
The parties themselves	64.4	59.8	51.3	41.0	49.7	50.5
The parties with the approval of a government agency	45.3	51.1	45.8	39.0	37.2	33.6
Government agencies	17.5	15.8	17.2	15.0	19.8	17.1
Non-profit agencies	60.6	61.0	56.1	45.0	47.8	45.3
Profit making agencies	3.4	4.5	4.4	1.2	0.8	4.4
<b>Number of respondents</b>	<b>521</b>	<b>141</b>	<b>393</b>	<b>467</b>	<b>622</b>	<b>332</b>

## III. ATTITUDE TO SURROGATE MOTHERHOOD ITSELF

4.8 The attitude of people to the involvement of intermediaries varied with their opinion of surrogate motherhood for married couples. While some of those who objected to surrogate motherhood did support each of the suggestions put forward, the proportions were uniformly much lower than for those who were in favour of surrogate motherhood.

4.9 About two-thirds of those favouring surrogate motherhood considered that the parties themselves should be permitted to arrange the agreements. Similarly, two-thirds of this group believed that non-profit agencies should also be permitted to become involved. The proportion favouring the use of profit making organisations remained very low. Further details appear in Table 4.4.



**Table 4.4**  
**Entitlement to make Surrogacy Arrangements by Opinion of Surrogate Motherhood**

	Approve of	Do not object	Object to	Need to know more	No opinion
	%				
The parties themselves	69.4	65.6	33.7	48.6	39.1
The parties with the approval of a government agency	47.9	54.0	27.3	39.0	13.2
Government agencies	24.2	19.8	13.0	17.0	5.0
Non-profit agencies	67.2	67.6	30.2	56.3	13.7
Profit making agencies	4.7	3.3	1.2	2.6	2.2
<b>Number of respondents</b>	<b>390</b>	<b>870</b>	<b>826</b>	<b>320</b>	<b>70</b>

#### IV. PERSONAL EXPERIENCE OF FERTILITY PROBLEMS

4.10 The opinions of people with some experience of fertility problems did not vary greatly from those who did not have such experience. Table 4.5 provides further details.

**Table 4.5**  
**Entitlement to make Surrogacy Arrangements by Fertility Problems**

	Fertility problem experienced by			
	Self/ partner	Someone in family	A Friend	Don't know anyone
	%			
The parties themselves	49.7	46.2	50.6	54.4
The parties with the approval of a government agency	45.7	39.1	45.1	42.1
Government agencies	20.8	22.0	16.3	18.2
Non-profit agencies	60.4	56.1	54.5	54.4
Profit making agencies	2.4	4.7	3.5	2.4
<b>Number of respondents</b>	<b>142</b>	<b>165</b>	<b>528</b>	<b>1276</b>

## Chapter 5 - Enforcement of Surrogate Motherhood Arrangements

### I. OVERALL RESPONSE

5.1 Arguably the most controversial aspect of surrogate motherhood arrangements is the question whether the agreement should be enforced if the surrogate mother refuses to surrender the child to the commissioning parents. The extensive public debate in Australia following the *Baby M* decision in the United States in April 1987, and the English High Court decision in March 1987 granting an adoption order to a commissioning couple with the surrogate mother's consent, is evidence of a wide divergence of opinion within the community.

5.2 In the Commission's survey, respondents were asked who should have first claim to the child if a surrogate mother, after agreeing to give up the child at birth, changes her mind. The choices presented in the survey were:

- the surrogate mother;
- the married couple;
- or a court should decide.

Responses were also recorded for persons who believed that the answer would depend on the circumstances, and for those who could not provide an answer. The results are set out in Table 5.1, and in Figure 4.

5.3 Approximately one-third (34%) considered that the married couple should have first claim, over one-quarter (26%) favoured the surrogate mother, and another one-quarter said that a court should decide. More than one-tenth (11%) did not provide an opinion, and 4% considered that it depended on the circumstances. Men and women held similar opinions on who should have first claim to the child.

**Table 5.1**  
**First Claim to the Child Overall and by Sex**

	Total	Males	Females
	%		
Surrogate mother	26.2	27.1	25.3
Married couple	33.9	33.4	34.3
Court to decide	25.1	24.7	25.5
Depends	3.7	3.4	3.9
Can't say	11.2	11.4	11.0
<b>Number of respondents</b>	<b>2476</b>	<b>1158</b>	<b>1318</b>

5.4 In a poll conducted in July 1982 a similar question was asked of the two-thirds of respondents who said they had heard of surrogacy.<sup>1</sup> They were asked to choose between the surrogate mother and the married couple; the option of having a court decide the matter was not included. Forty per cent chose the surrogate mother, 35% the couple, 13% needed to know more and 12% had no opinion.

5.5 Since the earlier survey was undertaken, there has apparently been a shift in public opinion towards favouring the married couple, as against the surrogate mother. However there is evidence of equivocation in the community as there is not a clear majority in favour of either the surrogate mother or the married couple. Further, 25% would prefer that the decision be left to a court.

5.6 The pattern observed in New South Wales in the present survey is similar to that for Australia generally. There is some slight difference between the views of those New South

Wales residents living in Sydney and those living outside Sydney. A slightly higher proportion of those outside Sydney favoured the court (29%:26%) and fewer favoured the married couple (31%:34%). About one-quarter in both areas still considered the surrogate mother should have first claim.

## II. AGE AND FAMILY STATUS

5.7 The proportion who considered that a court should decide declined with age from about one-third of those under 25 to about one-fifth of those aged 50 or over. The proportion who considered that the couple should have first claim increased with age amongst women (from 30% to 39%) but remained steady (at about one-third) amongst men. Further details appear in Table 5.2.

**Table 5.2**  
**First Claim to the Child by Age**

	14 - 24	25 - 34	35 - 49	50+
	%			
Surrogate mother	22.1	29.2	29.1	25.0
Married couple	32.6	31.7	34.7	35.7
Court to decide	32.5	27.8	22.9	19.2
Depends	2.9	2.8	3.1	5.3
Can't say	10.0	8.4	10.3	14.8
<b>Number of respondents</b>	<b>478</b>	<b>577</b>	<b>659</b>	<b>762</b>

5.8 An analysis by age and family status showed some informative patterns. A greater proportion of married people (of whatever age) who already had children considered that the surrogate mother should have the first claim. On the other hand, only 19% of married people under 35 who had no children agreed with this. A greater proportion (42%) of married people under 35 with no children considered that the married couple should have first claim; this was particularly so for men in this category (48%). Some 40% of married women aged 35 or over with no children also agreed that the married couple should have first claim. Further details appear in Table 5.3.

**Table 5.3**  
**First Claim to the Child by Age and Family Status**

	Single 14 - 34	Married 14 - 34 No Child	Married 14 - 34 Child	Married 35+ Child	Married 35+ No Child	Single 35+
	%					
Surrogate mother	23.6	18.8	31.3	29.6	25.5	25.3
Married couple	31.2	41.7	30.0	30.8	36.7	38.6
Court to decide	31.7	27.7	29.1	24.1	19.8	18.4
Depends	2.9	2.9	2.7	2.9	5.5	4.0
Can't say	10.7	8.9	6.9	12.6	12.5	13.7
<b>Number of respondents</b>	<b>521</b>	<b>141</b>	<b>393</b>	<b>467</b>	<b>622</b>	<b>332</b>

## III. ATTITUDE TO SURROGATE MOTHERHOOD ITSELF

5.9 The responses to this question showed an interesting relationship with overall opinion of surrogate motherhood for married couples. A greater proportion of those who approved of surrogate motherhood (47%) and those who did not object to it (41%) considered that the married couple should have first claim to the child. This response should be compared with the overall result of 34% favouring the married couple. Of those who objected to surrogate motherhood, a higher proportion (35%) than overall (26%) considered the surrogate mother should have first claim. More details appear in Table 5.4.

**Table 5.4**  
**First Claim to the Child by Opinion of Surrogate Motherhood**

	Approve of	Do not object	Object to	Need to know more	No opinion
	%				
Surrogate mother	22.9	21.6	35.2	24.2	7.1
Married couple	47.4	41.1	24.3	27.0	13.4
Court to decide	21.4	28.7	22.6	29.3	10.8
Depends	3.4	2.7	3.8	5.6	6.2
Can't say	4.8	5.9	14.2	13.9	62.5
<b>Number of respondents</b>	<b>390</b>	<b>870</b>	<b>826</b>	<b>320</b>	<b>70</b>

#### IV. PERSONAL EXPERIENCE OF FERTILITY PROBLEMS

5.10 A higher proportion of those people who had someone in the family with a fertility problem (41%), or who were one of a couple with a fertility problem (38%), considered that the married couple should have first claim. As previously mentioned, 34% overall favoured the couple in answering this question. Further information appears in Table 5.5.

**Table 5.5**  
**First Claim to the Child by Fertility Problems**

	Fertility problem experienced by			
	Self/ partner	Someone in family	A friend	Don't know anyone
	%			
Surrogate mother	28.1	25.9	29.4	26.0
Married couple	37.8	40.7	33.9	34.2
Court to decide	26.8	23.3	23.3	27.5
Depends	2.3	4.3	4.9	3.2
Can't say	4.9	5.7	8.5	9.2
<b>Number of respondents</b>	<b>142</b>	<b>165</b>	<b>528</b>	<b>1276</b>

#### Footnote

1. Margaret Brumby "Australian Community attitudes to in vitro fertilization" (1983) 2 *Medical Journal of Australia* 650 at 651.

## Chapter 6 - Disclosure of the Identity of the Surrogate Mother

### I. OVERALL RESPONSE

6.1 Another important issue that arises in surrogacy arrangements is whether the identity of the surrogate mother should be revealed to the child. This question is analogous to that arising in the context of adoption procedures, where it may become a matter of great importance for some persons, on learning that they were adopted, to seek out their natural parents.

Accordingly, respondents in the Commission's survey were asked whether, after the child becomes an adult, the child should be allowed to learn the identity of the surrogate mother.

6.2 There was very strong support for the view that the child should be entitled to learn the identity of the surrogate mother. Of all Australians, 71% supported disclosure of her identity, while only 17% would not have revealed the identity, and 11% were undecided (see Figure 5). Almost three-quarters (74%) of women respondents believed that the child should be able to learn the identity of the surrogate mother, while slightly fewer men (69%) were of that view. These results appear in Table 6.1.

**Table 6.1**  
**Disclosure of identifying information Overall and by Sex**

	Total	Males	Females
	%		
Yes	71.4	68.9	73.8
No	17.3	19.2	15.4
Can't say	11.3	11.9	10.7
<b>Number of respondents</b>	<b>2476</b>	<b>1158</b>	<b>1318</b>

6.3 In the Commission's survey, the pattern of responses from New South Wales was the same as for Australia generally. A greater proportion of people living outside Sydney (74%) considered the child should be entitled to the information than did those living in Sydney (69%).

6.4 Support in this survey for the disclosure of the surrogate mother's identity was much higher than rates observed in public opinion polls on other aspects of artificial conception where the polls included questions on the entitlement of the child to information. In a national opinion poll conducted in 1983, 47% believed that children should be told that they were conceived through AID (artificial insemination by donor sperm), while 38% believed children should not be told and 15% did not know.<sup>1</sup>

6.5 In another national opinion poll conducted in 1983, a question was asked about access to information about the name of the gamete donor. Only 30% believed that a child should be entitled to be given the name of the donor (of sperm and of ovum), while 49% believed that the child should not be able to compel the giving of this information.<sup>2</sup> The author of the report on the 1983 survey commented that this response was surprising in the light of the revision of legislation regarding the access of adopted children to information about their natural parents.<sup>3</sup>

### II. AGE AND FAMILY STATUS

6.6 Responses to this question displayed a marked trend with age. Younger people, particularly young women (84%), were most in favour of disclosing the identity of the surrogate mother. The proportion decreased with age to 60% of men and women aged 50 or over. These results are shown in Table 6.2.

**Table 6.2**  
**Disclosure of identifying information by Age and Sex**

	14 - 24	25 - 34	35 - 49	50+
	%			
	<b>Males</b>			
Yes	75.4	75.8	67.1	59.8
No	14.7	17.0	21.5	22.6
Can't say	9.9	7.2	11.4	17.6
<b>Number of respondents</b>	<b>235</b>	<b>262</b>	<b>291</b>	<b>370</b>
	<b>Females</b>			
Yes	83.7	81.2	78.5	58.9
No	6.5	10.7	12.3	26.9
Can't say	9.8	8.1	9.2	14.2
<b>Number of respondents</b>	<b>243</b>	<b>315</b>	<b>368</b>	<b>392</b>

6.7 When age was considered together with family status, a greater proportion (85%) of single women under 35 agreed that the child should be entitled to learn the identity of the surrogate mother. The corresponding proportion for single men under 35 was lower, at 74%. About 80% of men and women under 35 who were married (with or without children) supported disclosure of the surrogate mother's identity, as did married women aged 35 or over with children. Further details appear in Table 6.3.

**Table 6.3**  
**Disclosure of identifying information by Age and Family Status by Sex**

	Single	Married 14 - 34 No Child	Married 14 - 34 Child	Married 35+ Child	Married 35+ No Child	Single 35+
	%					
	<b>Males</b>					
Yes	73.7	79.4	78.1	66.4	59.9	65.2
No	15.4	16.0	16.5	19.8	23.6	22.6
Can't say	11.0	4.6	5.4	13.8	16.5	12.2
<b>Number of respondents</b>	<b>286</b>	<b>68</b>	<b>143</b>	<b>215</b>	<b>315</b>	<b>131</b>
	<b>Females</b>					
Yes	84.7	80.7	80.5	79.1	65.9	56.3
No	6.2	8.0	11.5	11.0	22.0	29.2
Can't say	9.1	11.3	8.0	9.9	12.1	14.5
<b>Number of respondents</b>	<b>235</b>	<b>73</b>	<b>250</b>	<b>252</b>	<b>307</b>	<b>201</b>

### III. ATTITUDE TO SURROGATE MOTHERHOOD ITSELF

6.8 The attitudes of people to disclosure of this information varied according to their opinion of surrogate motherhood. Well over three-quarters of those who approved of or did not object to, surrogate motherhood for married couples considered that the child should be entitled to information that would identify the surrogate mother. While the majority of those who objected to surrogate motherhood nevertheless considered that the child should be entitled to this information (66%), a larger proportion (21%) than overall (17%) considered that they should not. These details appear in Table 6.4.

**Table 6.4**  
**Disclosure of identifying information by Opinion of Surrogate Motherhood**

	Approve of	Do not object	Object to	Need to know more	No opinion
	%				
Yes	78.1	76.9	65.9	70.1	37.5
No	15.1	16.8	21.0	14.0	9.0
Can't say	6.8	6.3	13.1	16.0	53.5
<b>Number of respondents</b>	<b>390</b>	<b>870</b>	<b>826</b>	<b>320</b>	<b>70</b>

#### IV. PERSONAL EXPERIENCE OF FERTILITY PROBLEMS

6.9 There were some differences among people who knew someone with a fertility problem. Almost 80% of those who themselves had, or whose partner had, a fertility problem considered that the child should be entitled to this identifying information. Amongst those who had someone in the family with a fertility problem, slightly fewer (69%) than overall (71%) took the same view, while a greater proportion (22%) than overall considered the child should not be so entitled. Further details appear in Table 6.5.

**Table 6.5**  
**Disclosure of identifying information by Fertility Problems**

	Fertility problem experienced by			
	Self/ Partner	Someone in family	A friend	Don't know anyone
	%			
Yes	79.4	69.0	75.4	73.5
No	15.6	21.6	17.0	16.9
Can't say	5.0	9.4	7.6	9.6
<b>Number of respondents</b>	<b>142</b>	<b>165</b>	<b>528</b>	<b>1276</b>

#### Footnotes

1. Graeme Rawson *Australian Attitudes to Human Artificial Insemination* The New South Wales Advisory Committee on Human Artificial Insemination (1984) at 33.
2. Margaret Brumby "Australian community attitudes to in vitro fertilization" (1983) 2 *Medical Journal of Australia* 650 at 651-2.
3. *Id* at 652.

## Chapter 7 - Eligibility for Surrogate Motherhood Arrangements

### I. OVERALL RESPONSE

7.1 The Commission's survey was so designed that surrogate motherhood was defined in a non-controversial sense. Accordingly, interviewees were first asked to give their opinion about the availability of surrogate motherhood for married couples who could not have children because of medical problems. This initial definition, once given, was implicit in the questions which followed concerning payment of the surrogate mother, the involvement of intermediaries in making surrogacy arrangements, enforcement of the surrogacy arrangement, and disclosure of identifying information about the surrogate mother. The purpose of the initial definition was to seek opinions that would, as far as possible, be uninfluenced by considerations of what might prove to be more controversial aspects of surrogacy arrangements.

7.2 Once views on these other matters had been recorded, the survey went on to seek opinions concerning the availability of surrogacy arrangements to people other than married couples. Respondents were asked which, if any, of the following people should be forbidden to make surrogate motherhood arrangements:

- A single woman;
- A single man;
- People who already have children;
- A female homosexual couple in a stable domestic relationship;
- A male homosexual couple in a stable domestic relationship;
- An unmarried couple living in a stable domestic relationship;
- An elderly couple;
- People under 18;
- People who could not financially support a child;
- Other persons suggested by the respondents.

7.3 At least one-third of Australians considered that persons in each of the nine categories should be forbidden to make a surrogate motherhood arrangement. By contrast, some 4% believed that no such arrangement should be forbidden. Very few respondents suggested any other categories of persons to whom surrogate motherhood arrangements should be forbidden. At least two-thirds considered that people in the four following categories should be forbidden to make a surrogate motherhood arrangement:

- A male homosexual couple living in a stable domestic relationship;
- A female homosexual couple living in a stable domestic relationship;
- People under 18; and
- People who could not financially support a child.

7.4 About half the population considered that people in the following three groups should be so forbidden:

- An elderly couple;
- A single man; and
- A single woman.

7.5 A somewhat lower proportion (38%) would have forbidden an unmarried couple living in a stable domestic relationship to make a surrogacy arrangement. It was the view of 35% of Australians that people who already had children should likewise be forbidden to make such arrangements. While a consistently greater proportion of women than men exhibited disapproval of surrogacy arrangements in all the given categories, the margin was not substantial. Further information appears in Table 7.1 and Figure 6.



**Table 7.1**  
**Prohibition of Surrogate Motherhood Arrangements Overall and by Sex**

	Total	Males	Females
A male homosexual couple living in a stable domestic relationship	72.6	72.3	72.8
People under 18	71.2	68.8	73.6
A female homosexual couple living in a stable domestic relationship	70.2	69.7	70.6
People who could not financially support a child	66.7	65.0	68.3
An elderly couple	51.0	45.7	56.2
A single man	49.9	47.9	51.9
A single women	45.0	44.3	45.7
An unmarried couple living in a stable domestic relationship	37.5	35.6	39.3
People who already have children	34.7	33.2	36.1
Other	0.4	0.7	0.2
None	4.3	4.7	4.0
Total gave answer	93.6	93.3	93.8
Can't say	6.4	6.7	6.2
<b>Number of respondents</b>	<b>2476</b>	<b>1158</b>	<b>1318</b>

7.6 The pattern observed in New South Wales is similar to that for Australia. Higher proportions of people living outside Sydney considered that each of the groups should be forbidden to make surrogate motherhood arrangements. Some 31% of people living in Sydney would have forbidden people who already had children to enter surrogacy arrangements, a view shared by 35% of people living outside Sydney. While some 69% of people living in Sydney would have forbidden male homosexual couples to make surrogacy arrangements, 81% of those living elsewhere in New South Wales took that view. A similar difference emerged concerning female homosexual couples. Some 66% of Sydney residents, as against 79% of other New South Wales residents, would have forbidden female homosexual couples to make such arrangements.

7.7 In a 1984 national opinion poll<sup>1</sup> on human artificial insemination, it was found that 62% of people felt that artificial insemination should not be made available at all to unmarried women, 16% considered it should be made available only if the unmarried woman was living with a man in a long-term relationship and 15% considered it should be available to any unmarried woman on request, while 7% did not know. Compared with the overall 70% approval rate for the use of artificial insemination by married couples found in that survey, there was little support for artificial insemination for unmarried women.

7.8 In the present poll, 38% of Australians considered that people in a stable de facto relationship should be forbidden to make a surrogate motherhood arrangement, and 45% considered that single women should be so forbidden. Compared with the proportion overall objecting to surrogate motherhood found in this survey (33%), these rates of disapproval are not considered to be high. In summary, the rates of disapproval for the availability of surrogate motherhood to de facto couples and single women are not much higher than the rates of disapproval for surrogate motherhood generally.

## II. AGE AND FAMILY STATUS

7.9 In general, the proportion of people who considered that surrogate motherhood arrangements for persons other than married couples should be forbidden increased with age. By contrast, the proportion who considered that surrogacy arrangements for people who could not financially support a child should be forbidden decreased with age. Although never large,

the proportion of Australians who considered that none of the groups should be forbidden from making surrogate motherhood arrangements increased with age from 2% to 6%. Further details appear in Table 7.2.

**Table 7.2**  
**Prohibition of Surrogate Motherhood Arrangements by Age**

	14 - 24	25 - 34	35 - 49	50+
	%			
A male homosexual couple living in a stable domestic relationship	67.7	72.6	76.3	73.3
People under 18	70.1	75.3	75.4	66.0
A female homosexual couple living in a stable domestic relationship	66.2	68.3	74.0	71.3
People who could not financially support a child	70.4	67.5	68.6	61.7
An elderly couple	35.3	47.5	57.4	60.5
A single man	37.8	47.8	56.2	55.7
A single women	35.0	44.6	49.9	49.2
An unmarried couple living in a stable domestic relationship	27.1	31.0	40.1	47.9
People who already have children	29.2	32.0	37.2	38.7
Other	0.3	1.1	0.6	-
None	2.3	3.8	4.8	5.9
Total gave answer	94.3	96.5	95.1	89.7
Can't say	5.7	3.5	4.9	10.3
<b>Number of respondents</b>	<b>478</b>	<b>577</b>	<b>659</b>	<b>762</b>

7.10 When the results were analysed by both age and family status, it emerged that people under 35 who were either single, or married with no children, were less inclined than other groups to prohibit persons in most of the categories listed to make surrogacy arrangements. On the other hand, married people aged 35 or over (with or without children) tended to be more in favour of prohibition. Married people aged 14-34 with children expressed views which were closer to those expressed by older married people, rather than to the views of married people in the same age group who did not have children. Some variation from this pattern was noticed in the opinions recorded concerning two categories:

- people under 18; and
- people who could not financially support a child.

Further details appear in Table 7.3.

**Table 7.3**  
**Prohibition of Surrogate Motherhood Arrangements by Age and Family Status**

	Single 14 - 34	Married 14 - 34 No Child	Married 14 - 34 Child	Married 35+ Child	Married 35+ No Child	Single 35+
	%					
A male homosexual couple living in a stable domestic relationship	65.8	66.9	78.4	77.4	77.0	66.7
People under 18	70.1	72.4	76.7	74.3	69.9	65.2
A female homosexual couple living in a stable domestic relationship	63.4	63.1	75.3	75.7	74.3	65.0
People who could not financially support a child	68.0	70.9	70.0	66.3	64.4	63.2
An elderly couple	35.6	32.6	53.6	56.4	63.3	55.2
A single man	38.0	39.8	51.0	56.9	58.8	49.2
A single women	36.1	36.8	46.2	51.7	52.1	41.9
An unmarried couple living in a stable domestic relationship	26.4	19.9	37.0	41.9	47.7	41.7
People who already have children	26.7	28.1	38.0	37.7	39.1	36.4
Other	0.4	0.7	1.1	0.6	-	0.4
None	3.2	3.8	2.3	5.0	5.2	6.3
Total gave answer	93.8	96.9	97.2	93.1	92.8	89.7
Can't say	6.2	3.1	2.8	6.9	7.2	10.3
<b>Number of respondents</b>	<b>521</b>	<b>141</b>	<b>393</b>	<b>467</b>	<b>622</b>	<b>332</b>

### III. EDUCATION

7.11 The survey results did not reveal a consistent pattern of responses on this question when analysed according to the level of education of respondents. It emerged that people with tertiary education were more favourably disposed to surrogate motherhood arrangements for homosexual couples and de facto couples. Those with secondary education viewed surrogate motherhood arrangements for single people and elderly couples more favourably.

### IV. OCCUPATION

7.12 Analysis of the results according to the occupational category of the respondents also revealed considerable variety of opinions. Those classified as "Professionals, Managers, Owners of a business or Farm Owners" were more favourably disposed to surrogacy arrangements for homosexual couples. "Skilled tradesmen", on the other hand, were less inclined to bar single people, elderly couples, and people who already had children from making surrogacy arrangements. Details of the occupational categories used in the survey appear in Appendix B.

### V. RELIGION

7.13 Some patterns emerged in relation to the religion of respondents and their attitude to the availability of surrogacy arrangements. Those people who were classified as having no religion were generally less disposed to forbid persons in most of the categories to enter surrogacy arrangements. There were, however, two notable exceptions. More than 70% of Australians with no religion considered that people under the age of 18, and people who could not financially support a child, should be forbidden to enter surrogacy arrangements. People described as "Non Christian" recorded the lowest of all rates of disapproval, but, since only 22 persons in this group were interviewed, the sample is too small to justify further comment.

7.14 Of the members of the various Christian denominations, those classified as "Other Protestants" (Presbyterian, Uniting, Methodist and Baptist) were more disposed than their

fellow Christians to prohibit surrogacy arrangements in eight of the nine categories listed. Catholics exhibited the lowest rates of disapproval (among Christian respondents) of surrogacy arrangements in five of the nine categories listed, while “Other Christians” showed the least disapproval in the remaining four categories. These results appear in Table 7.4.

**Table 7.4**  
**Prohibited of Surrogate Motherhood Arrangements by religion**

	Catholic	Anglican	Other Protestant	Other Christian	Non Christian	No religion
	%					
A male homosexual couple living in a stable domestic relationship	73.6	74.3	78.2	72.3	57.5	64.1
People under 18	68.9	73.1	73.9	67.5	53.0	72.8
A female homosexual couple living in a stable relationship	71.5	71.1	77.6	69.4	53.6	61.4
People who could not financially support a child	65.2	66.2	69.3	63.1	47.1	71.3
An elderly couple	46.2	53.3	59.3	50.5	41.9	48.0
A single man	48.2	52.0	57.0	54.0	23.3	42.2
A single women	42.7	46.5	53.4	47.5	31.1	38.3
An unmarried couple living in a stable domestic relationship	36.7	41.5	41.5	46.1	32.4	23.4
People who already have children	34.9	36.0	37.6	35.9	23.2	29.2
Other	0.2	0.5	0.7	0.9	-	0.4
None	3.5	4.5	4.3	5.8	6.0	4.2
Total gave answer	91.7	94.7	94.7	93.8	91.1	93.8
Can't say	8.3	5.3	5.3	6.2	8.9	6.2
<b>Number of respondents</b>	<b>673</b>	<b>706</b>	<b>408</b>	<b>262</b>	<b>22</b>	<b>386</b>

## VI. FEDERAL VOTING INTENTION

7.15 Responses were analysed according to federal voting intention. In general, a lower proportion of people who intended to vote for the Australian Democrats considered that surrogate motherhood arrangements should be forbidden to persons other than married couples. indeed, 7% of people intending to vote for the Australian Democrats replied that none of the groups mentioned should be prohibited from making these arrangements. However, those intending to vote for the Australian Democrats gave the highest disapproval rates for two categories: people under 18, and people who could not financially support a child.

7.16 For five of the nine categories, a higher proportion of people intending to vote for the National Party considered that surrogate motherhood should be forbidden. In the other categories, responses were similar among people intending to vote for the National Party, the Australian Labour Party and the Liberal Party.

7.17 Those intending to vote for the Australian Labour Party exhibited disapproval at rates generally lower than people intending to vote for the Liberal and National Parties. An exception to this general pattern was observed in the attitudes recorded to surrogacy arrangements for people who could not financially support a child. There were only minimal differences of views in this category among people intending to vote for the Australian Labour Party, the Liberal Party and the National Party. These results appear in Table 7.5.

**Table 7.5**  
**Prohibition of Surrogate Motherhood Arrangements by Federal Voting Intentions**

	ALP	Liberal	National	Liberal* National	Aust Democrat
	%				
A male homosexual couple living in a stable domestic relationship	72.2	74.9	78.3	75.6	66.1
People under 18	70.9	72.7	69.0	71.9	73.5
A female homosexual couple living in a stable domestic relationship	70.2	73.0	72.6	72.9	61.0
People who could not financially support a child	67.0	65.4	66.7	65.7	69.1
An elderly couple	48.8	54.6	52.9	54.2	50.9
A single man	48.8	51.6	57.4	52.9	45.3
A single women	44.4	45.2	55.9	47.5	40.7
An unmarried couple living in a stable domestic relationship	35.2	41.2	45.5	42.1	26.6
People who already have children	33.5	35.0	41.9	36.5	30.4
Other	0.6	0.4	-	0.3	0.6
None	3.2	5.0	4.0	4.8	7.3
Total gave answer	94.0	93.1	93.1	93.1	95.7
Can't say	6.0	6.9	6.9	6.9	4.3
<b>Number of respondents</b>	<b>1033</b>	<b>840</b>	<b>231</b>	<b>1071</b>	<b>206</b>

\* It should be noted that the column headed "Liberal/National" in Table 7.5 groups the separate responses of those intending to vote for the Liberal and National Parties.

## VII. ATTITUDE TO SURROGATE MOTHERHOOD ITSELF

7.18 Opinions of respondents on the availability of surrogacy arrangements to particular social groups were related to their attitude to surrogate motherhood for married couples. Not surprisingly, those who objected to surrogate motherhood for married couples showed, generally, the highest rates of objection in respect of the other categories. These results are shown in Table 7.6. The general pattern which emerged from these results is that those who approved of surrogate motherhood for married couples were, generally, less likely to object to its availability to the other specified groups.

7.19 It is appropriate to call attention to the views of Australians on the availability of surrogacy arrangements to unmarried couples living in a stable domestic relationship. Only 26% of people who approved of surrogate motherhood for married couples considered that de facto couples should be forbidden to make such an arrangement. By contrast, 56% of those who objected to surrogate motherhood for married couples similarly objected to its availability for de facto couples.

7.20 On the other hand, two possible applications of surrogacy arrangements evoked quite different responses. Those who said that they did not object to surrogate motherhood for married couples nevertheless registered the strongest rates of disapproval to the propositions that surrogacy be extended to people under 18, or to people who could not financially support a child.

**Table 7.6**  
**Prohibition of Surrogate Motherhood Arrangements by Opinion of Surrogate**  
**Motherhood for Married Couples**

	<b>Attitude to Surrogate Motherhood for Married Couples</b>				
	<b>Approve of</b>	<b>Do not object</b>	<b>Object to</b>	<b>Need to know more</b>	<b>No opinion</b>
	%				
	<b>Attitude to surrogate motherhood for:</b>				
A male homosexual couple living in a stable domestic relationship	70.0	74.7	76.0	70.7	31.2
People under 18	69.0	76.5	70.9	71.6	23.2
A female homosexual couple living in a stable domestic relationship	66.5	70.6	75.0	70.5	30.1
People who could not financially support a child	66.1	72.5	64.9	65.6	25.1
An elderly couple	46.1	49.1	58.0	50.3	22.4
A single man	43.9	47.2	58.0	50.5	22.4
A single women	34.6	41.6	55.0	47.7	17.9
An unmarried couple living in a stable domestic relationship	25.6	28.2	55.8	35.8	14.9
People who already have children	26.0	30.4	45.6	34.0	13.1
Other	0.6	0.5	0.3	0.7	-
None	2.5	3.0	7.4	1.7	7.7
Total gave answer	95.9	98.4	92.3	91.2	48.8
Can't say	4.1	1.6	7.7	8.8	51.2
<b>Number of respondents</b>	<b>390</b>	<b>870</b>	<b>826</b>	<b>320</b>	<b>70</b>

## VIII. PERSONAL EXPERIENCE OF FERTILITY PROBLEMS

7.21 Attitudes to the availability of surrogacy arrangements for groups other than married couples were not greatly influenced by the respondents' experience of fertility problems. Those who knew nobody with a fertility problem were slightly less inclined to forbid people in most of the categories mentioned to enter surrogacy arrangements.

### Footnotes

1. Graeme Rawson *Australian Attitudes to Human Artificial Insemination* The New South Wales Advisory Committee on Human Artificial Insemination (1984) at 21.

## Chapter 8 - Surrogacy for Non-Medical Reasons

### I. OVERALL RESPONSE

8.1 In the earlier part of the survey, respondents were asked for their views on the availability of surrogacy arrangements to married couples who could not have children because of medical reasons. It remained to ask respondents for their opinion as to the availability of surrogacy arrangements for non-medical reasons. These might also be regarded as reasons of convenience. Accordingly, respondents were asked to consider the case of a woman who is capable of bearing a child but, for reasons of convenience, would prefer a surrogate mother to bear the child for her. Respondents were asked to indicate whether they approved of a surrogate mother being used for any of the following three reasons:

- occupation (for example, where a woman does not want to take time off from her career during her pregnancy);
- lifestyle (for example, where a woman or couple with an active sport or social life do not want to change their lifestyle during pregnancy);
- cosmetic (for example, concern about appearance during and after the pregnancy).

8.2 While 79% did not approve of surrogate motherhood for any of these non-medical reasons, 11% approved of it for occupational reasons, 7% for lifestyle reasons and 5% for cosmetic reasons. No other reasons were nominated by respondents. Men were rather more inclined than women to approve surrogacy arrangements for each of the three non-medical reasons advanced. Consistently with that result, 84% of women (as against 75% of men) did not approve of the use of surrogacy arrangements for any of the reasons of convenience suggested. These results appear in Table 8.1.

**Table 8.1**  
**Approval for Reasons of Convenience Overall and by Sex**

	Total	Males	Females
	%		
Occupation	10.5	12.7	8.2
Lifestyle	7.1	8.5	5.6
Cosmetics	4.9	5.8	4.0
None	79.1	74.7	83.5
Total gave answer	94.0	93.2	94.7
Can't say	6.0	6.8	5.3
<b>Number of respondents</b>	<b>2476</b>	<b>1158</b>	<b>1318</b>

8.3 The pattern of responses from New South Wales was similar to that for Australia generally. People living in New South Wales areas outside Sydney showed a slightly higher approval rate for each reason than did people in Sydney.

### II. AGE AND FAMILY STATUS

8.4 Of particular interest is the high proportion (24%) of young men compared to young women who approved of surrogate motherhood for occupational reasons. Only 16% of young women shared this view. These results appear in Table 8.2.

**Table 8.2**  
**Approval for Reasons of Convenience by Age and Sex**

	Males				Females			
	14 - 24	25 - 34	35 - 49	50+	14 - 24	25 - 34	35 - 59	50+
	%							
Occupation	24.0	11.9	7.1	8.7	15.5	5.9	4.7	7.2
Lifestyle	13.2	6.0	6.5	8.3	6.6	4.8	5.1	5.9
Cosmetics	6.2	5.6	5.7	5.5	5.1	3.8	2.6	4.4
None	63.5	77.6	82.0	75.5	73.9	86.1	88.6	84.9
Total gave answer	95.0	94.5	94.5	89.6	93.4	95.2	96.2	94.3
Can't say	5.0	5.5	5.5	10.4	6.6	4.8	3.8	5.7
<b>Number of respondents</b>	<b>235</b>	<b>262</b>	<b>291</b>	<b>370</b>	<b>243</b>	<b>315</b>	<b>368</b>	<b>392</b>

8.5 In general, higher proportions of young single men (aged 14-34) supported the use of surrogate motherhood for reasons of convenience. Rates of approval among older single men (aged 35 or over) remained relatively high. In each age and family status category, more men than women supported the use of surrogate motherhood for reasons of convenience, although the differences of opinion were not great.

### III. EDUCATION

8.6 More than 80% of people who were educated at least to intermediate or 4th form level did not approve of surrogate motherhood for reasons of convenience, compared with about 75% of those with a lower level of education. The level of education did not appear to be a determining influence on Australian opinion concerning extending the availability of surrogacy arrangements.

### IV. RELIGION

8.7 Members of the Presbyterian, Uniting, Methodist and Baptist Churches (that is, "Other Protestants") objected more than members of any other religious group (and more than people with no religion) to the use of surrogacy arrangements for reasons of convenience. In fact, 86% of these "Other Protestants" did not approve of surrogacy arrangements for any of the reasons given. By comparison, 82% of Anglicans, 77% of "Other Christians" and people with no religion, and 76% of Catholics did not approve of surrogacy arrangements for any of these reasons of convenience. Those identifying themselves as having no religion were more inclined to approve of surrogacy arrangements for occupational, lifestyle and cosmetic reasons. Further details appear in Table 8.3.

**Table 8.3**  
**Approval for Reasons of Convenience by Religion**

	Catholic	Anglican	Other Protestant	Other Christian	Non Christian	No religion
		%				
Occupation	11.1	9.6	6.2	11.9	17.7	13.6
Lifestyle	6.4	6.9	6.1	6.8	14.4	9.4
Cosmetics	5.7	3.6	4.3	4.3	16.1	6.5
None	76.0	81.6	85.6	76.7	66.2	76.8
Total gave answer	92.2	95.7	96.1	92.1	90.5	94.3
Can't say	7.8	4.3	3.9	7.9	9.5	5.7
<b>Number of respondents</b>	<b>673</b>	<b>706</b>	<b>408</b>	<b>262</b>	<b>22</b>	<b>386</b>



## V. FEDERAL VOTING INTENTION

8.8 There was very little difference on this issue according to federal voting intention. Between 78% and 81% of people intending to vote for each political party did not approve of tile use of surrogate motherhood for any reasons of convenience.

## VI. ATTITUDE TO SURROGATE MOTHERHOOD ITSELF

8.9 People with a favourable opinion of surrogate motherhood for married Couples were not the only ones who approved of its use for reasons of convenience. Surprisingly, perhaps, some people approved of its use for reasons of convenience, even though they had recorded their objection to surrogate motherhood for married couples.

8.10 Some patterns were evident in the responses. A higher proportion (84%) of those who objected to surrogate motherhood for married couples also did not approve of its use for any of the reasons of convenience. In the case of those who did not object to surrogate motherhood, and of those who specifically approved of it for married couples, the proportions decreased to 82% and 72% respectively.

8.11 A similar pattern was observed for each of the reasons of convenience. For example, of those who approved of surrogate motherhood for married couples, 16% also approved of its use for reasons related to occupation. Approval declined to 12% of those who did not object to surrogate motherhood for such persons, and 7% of those who did object. Further details appear in Table 8.4.

**Table 8.4**

### Approval for Reasons of Convenience by Opinion of Surrogate Motherhood

	Attitude to Surrogate Motherhood for Married Couples.				
	Approve of	Do not Object	Object	Need to know more	No opinion
	%				
	Attitude to Surrogate Motherhood for these Reasons:				
Occupation	16.1	12.1	7.1	9.2	5.6
Lifestyle	9.4	7.8	5.8	6.4	4.0
Cosmetics	8.8	4.7	3.2	5.5	2.4
None	71.9	81.6	84.0	77.2	43.4
Total gave answer	94.9	97.5	94.3	92.7	50.7
Can't say	5.1	2.5	5.7	7.3	49.3
<b>Number of respondents</b>	<b>390</b>	<b>870</b>	<b>826</b>	<b>320</b>	<b>70</b>

## VII. PERSONAL EXPERIENCE OF FERTILITY PROBLEMS

8.12 Experience of fertility problems did have a bearing on the attitudes to surrogacy for non-medical reasons. Some 79% of people who did not know anyone with a fertility problem did not approve of surrogacy in such circumstances. By contrast, 82% of people who knew somebody with a fertility problem, and 88% of those who themselves had a fertility problem, did not approve of surrogacy for reason of convenience.

## Chapter 9 - Attitudes of Particular Groups

### I. INTRODUCTION

9.1 In previous opinion polls on issues related to artificial conception, some groups have been identified as expressing attitudes different from those of the rest of the community. This Chapter explores in more detail the influence of the religious affiliation of people on their views on surrogacy. It also examines the views expressed in the Commission survey by members of three groups whose attitudes to surrogacy may be of interest:

- Young married people without children;
- People with fertility problems; and
- Younger single people (under the age 35).

### II. THE INFLUENCE OF RELIGION

9.2 The interviews for the Commission survey were undertaken in November 1986, well before the release by the Vatican of its statement concerning aspects of artificial conception. That document, *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation*, prepared by the Congregation for the Doctrine of the Faith and approved by Pope John Paul II, strongly advised against resort to surrogacy arrangements. The views of Catholics interviewed for the purposes of this survey were, then, uninfluenced by the Vatican statement of February 1987.

9.3 The proportion of Catholics who specifically approved of surrogate motherhood was not lower than that of their fellow Christians. On the other hand, grouping those who specifically approved with those who did not object to surrogacy arrangements, fewer Catholics (44%) expressed a favourable attitude towards surrogate motherhood than did Anglicans (53%), members of the Presbyterian, Uniting, Methodist and Baptist congregations ("Other Protestants": 49%) and those with no religion (68%). However, those persons identified as "Other Christians" exhibited a generally less favourable attitude (37%). These results are illustrated in Figure 7. Since only 22 people described as "Non Christian" were interviewed in the survey, the sample is too small to warrant detailed comment. Accordingly, this group has been omitted from Figure 7 and from further comment in this Chapter.

9.4 The proportion of Catholics who either had no opinion, or who needed to know more, was not significantly different from members of the other Christian groups, suggesting some degree of uncertainty on the subject generally.

9.5 When asked whether the surrogate mother should receive payment, a higher proportion of Catholics (20%) took the view that the surrogate mother should receive no payment, than did Anglicans (16%), "Other Protestants" (those belonging to the Presbyterian, Uniting, Methodist and Baptist congregations (15%)) and those with no religion (12%). Members of the "Other Christian" churches, on the other hand, were less favourably disposed to payment of the surrogate mother: 23% were not in favour of any payment to her. Proportionately more Catholics considered that surrogate mothers should only be paid for their medical expenses (38%) than did members of other Christian groups (29% to 36%). Some 34% of Catholics considered that the surrogate mother should receive both her medical expenses and a fee. Members of the other Christian denominations were rather more favourably disposed to such commercial surrogacy arrangements (37% to 42%).

9.6 There were no significant differences according to religion on the question of which persons or organisations should be allowed to arrange surrogate motherhood agreements.

9.7 When asked the more difficult question as to who should have first claim to the child if the surrogate mother wished to keep the child after his or her birth, 30% of Catholics favoured the surrogate mother, while another 30% thought that the commissioning couple should have first claim to the baby. Members of the "Other Christian" denominations were also equally divided. On the other hand, members of the Anglican, Presbyterian, Uniting, Methodist and Baptist denominations, together with people of no religion, were more inclined to favour the commissioning couple. Approximately one-quarter of Catholics considered that the decision should be made by a court. This response was similar to that given by members of each of the other Christian congregations, and by people with no religion.

9.8 On the issue as to whether the identity of the surrogate mother should be revealed to the child after the child becomes an adult, responses differed slightly according to religion. While 72% of Catholics considered that the child should be entitled to this identifying information, members of other Christian groups were slightly less in favour (66% to 70%). By contrast, 78% of those with no religious affiliation supported disclosure of the identity of the surrogate mother.

9.9 Opinions concerning the availability of surrogacy arrangements to people other than married couples revealed some interesting patterns. A lower proportion of Catholics and people with no religion considered that surrogacy arrangements should be forbidden to de facto couples, single men and single women. A higher proportion of Catholics, Anglicans and "Other Protestants", however, considered that surrogate motherhood arrangements should be forbidden in the case of homosexual couples, whether male or female.

9.10 While fewer Catholics were favourably disposed to the use of surrogate motherhood by married couples, their attitude to other aspects of surrogate motherhood was not significantly different from the views of members of other religious denominations.

### III. YOUNG MARRIED PEOPLE WITHOUT CHILDREN

9.11 It has been reported elsewhere that men and women under 35 who are married with no children, have generally expressed the most favourable attitudes to issues related to artificial conception.<sup>1</sup> The views of this group recorded in the Commission's survey will now be examined.

9.12 The highest rate of specific approval of surrogate motherhood for married couples was shown by married women under 35 who did not have children (24%). This group exhibited the greatest overall positive attitude to surrogate motherhood (73% said that they approved or did not object), closely followed by married men under 35 who did not have children (69%). These groups had by far the lowest rates of "not objecting" to surrogacy for married couples (15%, compared with an overall national response of 33%).

9.13 These responses were reflected in the attitude of the same groups to payment of surrogate mothers. Only 6% of the women and 7% of the men considered there should be no payment, while well over half (54% of men and 60% of women) considered that there should be payment covering both the medical expenses and a fee. This response might be compared with the rather lower level of overall support (40%) recorded by survey respondents to this proposal.

9.14 On the question of entitlement or licence to make surrogacy arrangements, about 60% of married men and women under 35 who did not have children considered that the parties themselves should be so entitled, compared with a national overall response of 53%. Single people under 35 constituted the only group in this survey to register a greater level of support for the proposition.

9.15 The proportions of married men and women under 35 without children who considered that non-profit agencies may be involved were higher than the national average. Approximately half of these men and women considered that the parties should be allowed to make surrogacy arrangements with the approval of a government agency. This proportion was greater than for any other group surveyed according to age and family status.

9.16 The responses of these younger men and women to the difficult question which would arise if the surrogate mother refused to give up the child after birth, revealed that these younger married men and women were less inclined to recognise the surrogate mother as having the first claim. Almost half the married men under 35 who did not have children considered that the married couple should have the first claim to the child, a result that might be compared with the overall national response of 34%. Of that same group, a lower proportion than overall considered that the surrogate mother should have the first claim.

9.17 Of the married women under 35 who did not have children, only 17% would have recognised the surrogate mother as having the first claim, compared with the overall national response of 26%. A greater proportion (32%) of married women under 35 without children than the overall national response (25%) considered that a court should decide the matter, while the proportion of such women (36%) who considered that the couple should have the first claim was close to the national response (34%).

9.18 Approximately 80% of married people under 35 who did not have children considered that the child should be entitled to learn the identity of the surrogate mother. While this proportion is high, it is similar to that found with single people in the same age group, and with other married people in the same age group who did have children.

9.19 Generally, married men and women under 35 without children were more favourably disposed to surrogacy arrangements being available to persons other than married couples. Single people in that same age group expressed very similar attitudes.

9.20 Again, those married men and women under 35 who did not have children were more in favour of the use of surrogate motherhood for reasons of convenience than were the other married people who were surveyed, but not to the same extent as were single people under the age of 35.

9.21 In summary, married men and women under 35 who did not have children generally expressed more favourable attitudes to the various questions concerning surrogate motherhood posed in the Commission's survey than any other group defined by age and family status.

#### IV. PERSONAL EXPERIENCE OF FERTILITY PROBLEMS

9.22 In order to determine whether or not attitudes to surrogate motherhood were affected by personal experience of infertility, respondents were asked whether they themselves, or their spouse or partner, or someone in their family or a friend or someone else known to the respondent had had fertility problems. The proportion who did not answer this question was high (15%). It is, therefore, possible that some respondents who did have fertility problems chose not to identify themselves in answering the survey.

9.23 Although more than half (53%) reported that they did not know anyone with a fertility problem, 20% replied that they knew a friend with a fertility problem, while 7% knew someone in the family and 5% said either they or their partner had a fertility problem. That is, almost one-third stated that they, their spouse, a member of their family or a friend had a fertility problem. In a previous opinion poll where this question was asked, 19% admitted that they, a member of their family or a friend had been exposed to a fertility problem.<sup>2</sup> The following paragraphs examine in more detail the responses given by those persons surveyed who indicated that either they themselves or their partners had fertility problems.

9.24 Those people who themselves had, or whose partner had, a fertility problem were more in favour of the use of surrogate motherhood. Over one-fifth (22%) specifically approved of surrogate motherhood for married couples, while a further 36% did not object to it. A still substantial proportion (12%), similar to the overall national response, considered that they needed to know more.

9.25 A higher proportion (47%) of those who themselves had, or whose partner had, a fertility problem considered that the surrogate mother should be paid only expenses, compared to 34% overall. The proportion advocating no payment was not different from people who did not have fertility problems, but the proportion favouring payment of expenses plus a fee was lower (34% compared with 40% overall).

9.26 The opinions of this group on the involvement of intermediaries in making surrogacy arrangements did not vary much at all from those who did not have such experience of fertility problems, although a greater proportion (60% compared with 52% overall) supported the involvement of non-profit organisations.

9.27 People with personal experience of fertility problems appeared to have formed definite views on the enforcement of the surrogacy arrangement in the event of a dispute. While 38% of this group favoured the commissioning couple in such circumstances, support for allowing the surrogate mother to keep the child was also higher than the overall national response. There was a low level of indeterminate responses ("can't say" and "depends").

9.28 Members of this group gave very strong support (79%) for the proposition that the child should be entitled to information on the identity of the surrogate mother. Attitudes to the availability of surrogacy arrangements for groups other than married couples did not appear to be affected by personal experience of fertility problems.

However, such experience did have a bearing on attitudes to surrogacy for non-medical reasons. Persons in this group gave even less support than the general population for the use of surrogacy for non-medical reasons.

## V. SINGLE PEOPLE UNDER 35

9.29 The proportion of single people under 35 who did not object to the use of surrogate motherhood by married couples (43%) was higher than the national overall response (35%). Consistently with this response, a lower proportion of such single people (28%) than overall (33%) objected to its use. The proportion of single people under the age of 35 who specifically supported surrogacy for married couples was slightly above the overall response, while a lower proportion of such single people than the national response said that they needed to know more about the subject. Overall, the opinions expressed by single people under 35 to the questions about surrogate motherhood were not as favourable as those of married people under 35 with no children.

9.30 A higher proportion of single people under 35 than the national response considered that the surrogate mother should receive payment for both expenses and a fee, while fewer considered that she should receive no payment. Young married people with no children expressed similar attitudes, but more strongly.

9.31 In general, a greater proportion of people under 35 either single, or married with no children, agreed with each of the possibilities for the involvement of various parties in making arrangements for surrogate motherhood. Almost two-thirds of single people under 35 considered that the parties themselves should be allowed to make such arrangements.

9.32 Almost one-third of this group (greater than any other group examined by age and family status) considered that the court should determine disputes concerning custody of the child. Single people under the age of 35 tended to show less support than overall for the commissioning couple and for the surrogate mother in the event of a dispute over custody.

9.33 The proportion of those under the age of 35 (whether single or married, and whether with or without children) who favoured disclosure of the identity of the surrogate mother to the child was well above the overall national response. In particular, 85% of young single women supported such disclosure.

9.34 Single people under the age of 35 were rather less inclined than people generally to forbid persons other than married couples to make surrogate motherhood arrangements. In fact, the views of young single people were similar to those recorded by young married people who did not have children. Young men were rather more inclined than young women to allow surrogacy arrangements for persons other than married couples.

Young women, on the other hand, were more supportive of surrogacy arrangements for homosexual couples (whether male or female) and for people who already had children.

9.35 Single people under the age of 35 were most in favour of the use of surrogate motherhood for reasons of convenience. Young single men were more in favour of surrogacy for convenience reasons than were young single women. This was the case for each of the specific reasons of convenience (occupation, lifestyle and cosmetic), as well as for the overall response.

## Footnotes

1. Graeme Rawson *Australian Attitudes to Human Artificial Insemination* The New South Wales Advisory Committee on Human Artificial Insemination (1984) at 9; Gabor T Kovacs, Carl Wood, Gary Morgan and Margaret Brumby "The Attitudes of the Australian Community to Treatment of Infertility by In Vitro Fertilization and Associated Procedures" (1985) 2(4) *Journal of in Vitro Fertilization and Embryo Transfer* 213, at 214; Margaret Brumby "Australian community attitudes to in vitro fertilization" (1983) 2 *Medical Journal of Australia* 650 at 652.
2. Graeme Rawson, note 1 at 12.

## Appendix A - National Sample Survey

### QUESTIONS

The following questions were asked in the Commission's sample survey on surrogate motherhood. The questions as reproduced here contain the notes to the personnel conducting the interviews. The Commission retains copyright in the questions.

Ask *Everyone*:

29a. Next about *surrogate motherhood* for couples who, because of medical problems, can't have children. A surrogate mother is a woman who agrees to become pregnant, bear a child, and hand that child over to a married couple to be brought up as-their own. The surrogate mother usually becomes pregnant by artificial insemination with sperm from the husband. (PAUSE) Looking at the top half of the next *green* card, which one line best describes your opinion of *surrogate motherhood*? Just say the number after the line.

<i>Approve</i> of surrogate motherhood	1
<i>Do not object</i> to surrogate motherhood	2
<i>Object</i> to surrogate motherhood	3
Need to know more	4
No opinion/can't say	5

Comment:

29b. Thinking now about *payment* to the surrogate mother (PAUSE). In your opinion, which *one* line on the bottom half of the *green* card best describes how the surrogate mother should be paid. Just say the number after the line.

No payment at all	6
Payment for her <i>medical expenses only</i>	7
Payment for her <i>medical expenses plus a fee</i> agreed with the couple	8
Can't say	9

29c. Next about who should be allowed to *arrange* a surrogate motherhood agreement. I'm going to read out some different *people* and *organisations*. Please tell me for each whether they *should* or *should not* be allowed to arrange a surrogate motherhood agreement. First, *the parties themselves*, that is the surrogate mother and the couple - should they be allowed to make the arrangement, or not?

Circle for "Yes" or "No" in the first line below.

	Yes	No	Can't Say
The parties themselves	1	2	3
The parties with the approval of a government agency	1	2	3
Government agencies	1	2	3
Non-profit agencies such as welfare organisations or the branch of a hospital	1	2	3
Individuals and agencies who charge commercial fees, and intend to make a profit	1	2	3

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29d. And (SAY NEXT LINE) should they be allowed to arrange a surrogate motherhood arrangement, or not?

Circle for "Yes" or "No" in next line above.

Repeat 29d for each of her line above.

29e. Next about a surrogate mother, who after agreeing to give up the child at birth, *changes her mind* and wants to *keep the child*. In your opinion, who should have first claim for the child - the *surrogate mother*, the *married couple* or should a *court* decide?

Surrogate mother	1
Couple	2
Court	3
Depends	4
Can't say	5

*Comment:*

29f. After the child becomes an adult, should the child be allowed to find out who the surrogate mother was?

Yes	1
No	2
Can't say	3

29g. Looking at the next *yellow* card which lists different types of people. (PAUSE In your opinion which, if any, of those people should be forbidden from making a surrogate motherhood arrangement? Just say the number after each.

*Who else? Anyone else?*

*Forbidden from making a surrogate motherhood arrangement:*

A single woman	9
A single man	8
People who <i>already</i> have children	7
A <i>female homosexual</i> couple in a stable domestic relationship	6
A <i>male homosexual</i> couple in a stable domestic relationship	5
An <i>unmarried</i> couple living in a stable domestic relationship	4
An <i>elderly</i> couple	3
People under 18	2
People who couldn't financially support a child	1
Some other (Please describe)	
None	X
Can't say	V

29h. Next about a woman who is capable of bearing a child but, for reasons of convenience, would *prefer* a *surrogate mother* to bear the child for her. Looking at the next *blue* card. For which, if any, of those reasons would you *approve* of a surrogate mother being used. Just say the number after the reason.

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*Any others?*

<i>Occupation</i> eg Where a woman does not want to take time off from her career during the pregnancy	1
<i>Lifestyle</i> eg Where a woman or couple with an active sport or social life don't want to change their lifestyle during pregnancy	2
<i>Cosmetic reasons</i> eg concern about appearance during and after the pregnancy	3
None	X
Can't say	V

29i. Looking at the next *pink* card, which one line best *describes* you and your family. Just say the number after the line.

<i>I have had</i> fertility problems	1
<i>My wife/husband/partner</i> has had fertility problems	2
<i>Someone in my family</i> has had fertility problems	3
<i>A friend, or someone I know,</i> has had fertility problems	4
<i>I don't know anyone</i> who has had fertility problems	5
Can't say	V

*Comment:*



## Appendix B - Personal and Demographic Factors

This appendix provides details of the coding of personal and demographic factors by Roy Morgan Research Centre Pty Ltd in the conduct of the survey.

### Age

Age was presented in four categories:

- 14-24 years
- 25-34 years
- 35-49 years
- 50 and over.

### Age and Family Status

Information on the age and family status of respondents (referred to as stage of life cycle by the Roy Morgan Research Centre) was categorised as follows:

- single aged 14-34
- married aged 14-34 no children
- married aged 14-34 with children
- married aged 35+ no children
- married aged 35+ with children
- single aged 35+

People living with a de facto spouse were included in the married category.

### Education

The respondent's education was coded into five categories as follows:

- Primary only - some primary school, completed primary school.
- Some secondary - some secondary school, some technical or commercial training.
- Intermediate/4th form - passed school certificate/4th form/intermediate/junior or equivalent.
- 5th/6th form - passed 5th form/leaving certificate, finished a technical/commercial/TAFE course including trade certificate, other certificate, or apprenticeship, finished or studying matriculation/higher school certificate.
- Tertiary - some University/CAE, Diploma CAE, now at Uni/CAE, finished UNI/CAE.

### Occupation

The *occupation* of respondents who worked full-time was coded into one of four categories:

- Professional, managerial, owners of business, farm owners.
- Clerical and sales workers, including teachers, nurses, company representatives, salesmen and typists.
- Skilled tradesmen eg linesmen, foremen, turners, builders and electricians.
- Semi-skilled or unskilled workers, and the few who said serviceman or gave no occupation.

## **Religion**

Religion was coded into six categories:

- Catholic
- Anglican
- Other Protestant (that is, Presbyterian, Uniting, Methodist and Baptist)
- Other Christian (for example, Christadelphian, Mormon)
- Non Christian
- No religion.

## **Federal voting intention**

Federal voting intention was coded in five categories:

- Australian Labour Party
- Liberal Party
- National Party
- Australian Democrat
- Other.

## Appendix C - Analysis of Indeterminate Answers

C.1 The first question in the Commission survey asked interviewees for their opinion of surrogate motherhood for couples who cannot have children because of medical problems. In response to that question, 320 (13%) respondents said that they needed to know more, while 70 (3%) did not have an opinion. In subsequent questions on other aspects of surrogate motherhood, between 4% and 11% of respondents indicated that they could not provide an answer. These indeterminate answers to the various questions raise two interesting issues:

- Whether the same respondents consistently did not have an opinion, or felt the need for further information; and
- Whether there were identifiable groups in the community who were more likely than others to have formed an opinion on the topic.

C.2 Approximately 50%-60% of those who had no opinion on the first question in the survey fell into the "can't say" category of following questions. Of those respondents to the first question who indicated that they needed to know more, a greater than average proportion were included in the "can't say" category of subsequent questions. This suggests that there was a group of people in the community who did not have an opinion or perhaps an interest in the topic, and that more information is necessary before these people make up their minds about issues relating to surrogacy.

C.3 Among certain groups there was a higher proportion of people who said they needed to know more. These groups were men and women over 49, single women over 34 and those respondents whose religion was coded as "Other Protestant" (that is, members of the Presbyterian, Uniting, Methodist and Baptist congregations). There was a lower proportion of respondents who needed to know more among

- those with no religion;
- those who intended to vote for the Australian Democrats in the next Federal election; and
- single women aged between 14 and 34.

C.4 Among single men and women over 34 there was a higher than average proportion with no opinion on surrogate motherhood. Groups within the community who were most likely to have an opinion on particular questions were:

- those who intended to vote for the Australian Democrats;
- women aged 14 to 24;
- married women aged 14 to 34 without children; and
- married men over 34 with children.

C.5 In summary, the survey results suggest that older men and women more often appeared not to have made up their minds about surrogate motherhood, or had no opinion on the topic. On the other hand, it appears reasonable to infer from the survey results that young women, and people who intended to vote for the Australian Democrats, were perhaps more aware of the issues raised by surrogate motherhood, and were more likely to have an opinion on these issues.

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