

To the Assisted Reproductive Treatment Policy Manager
Department of Health and Human Services
50 Lonsdale Street
Melbourne VIC 3000

Dear Sir/Madam

I write to express my personal support for the Andrews Labor Government's commitment to giving all donor-conceived people the right to access identifying information about their donors, in accordance with its belief that all Victorians should have the right to know their genetic heritage, no matter when they were born. I strongly hold that this should also be the right of all Victorians, no matter how they were born.

As a member of the Committee of Management of VANISH, the Victorian Adoption Network for Information and Self Help, I fully support the submission prepared by VANISH in relation to the Discussion Paper, *A right to know your identity: Giving donor-conceived people the right to access*.

As an experienced social worker and adopted person affected by past poor practices of adoption in Victoria, I make the following additional comments regarding the principles of equality and human rights that should apply when considering legislation pertaining to donor-conceived Victorians:

- Access to accurate information about one's conception and birth should be the right of all Victorians – whether naturally conceived, adopted, donor conceived, IVF conceived or born via surrogacy, and whether in Victoria, interstate or overseas.
- A birth certificate should enshrine all the information relevant to a person's conception and birth (including the names and details of each and every party involved), and this information should be considered of such importance that it should not be able to be modified (unless incorrect or incomplete when first registered): for example, in the event that the child is placed via legal order into the care of a different parent(s), the birth certificate should not be able to be falsified and reissued as if the child was born to the new parents.
- A fully *integrated birth certificate* should be available to any person born in Victoria (or born to Victorian socio-legal parents) when that person turns 18, along the lines recommended by the (Commonwealth) Forced Adoption Apology Reference Group and currently being considered by the Victorian Attorney-General's department.
- The experience of contact statements and penalties for breaching them in relation to parties to adoption in Victoria demonstrates that they are heavy handed, excessive and, most importantly, unnecessary; hence, their recent repeal from the *Adoption Act* by your Government. Unfortunately, the imposition of contact statements in relation to parties to donor conception appears to reflect greater consideration given to the fears of a few donors and the vested interests of the ART industry than to equality of rights for people born of donor conception in Victoria. I trust that the Government is, therefore, open to considering repeal of these contact statements and the associated penalties within a two-year period, as it has done in relation to the *Adoption Act*.

- While the current Discussion Paper is rightly focused on the rights of people born of donor conception weighed against the rights of those who donated their gametes to conceive those people and those who were medically involved in these processes, there is a significant omission in relation to consideration of the responsibilities of the socio-legal parents of people born via donor-conception. VARTA currently has an important role in educating prospective parents (who choose to use donor sperm or eggs to have children) to tell their children about their origins early and in an age-appropriate way. Yet, recent research reported that more than 60% of parents do not tell their donor-conceived children about the circumstances of their conceptions. It is thus clear that VARTA's education role is insufficient to ensure that parents follow through on their commitments made prior to undertaking donor IVF treatment to uphold the rights of their children, and thus do not treat their children's welfare and best interests as paramount. This is akin to adoptive parents in open adoption arrangements with very young children not telling their children that they are adopted. While there are legal penalties in place for people who breach contact statements, I respectfully recommend consideration of legal penalties for socio-legal parents who breach their responsibility to tell their children of their history of donor conception. Such legislative provision would encourage avoidance of the known negative consequences of late disclosure for those who it most adversely affects – the children and adults that the children become.
- I also strongly support the development and maintenance of DNA testing services and registers free of charge to donor-conceived people, for the reasons that the majority of socio-legal parents do not tell their donor-conceived children about their genetic origins and that many doctors and ART providers did not preserve relevant identifying records that would enable donor-conceived people to discover this information.
- Finally, as someone who has benefited from VANISH's expert search and support service in my personal search for my (birth) mother and her family in 1997-98, I strongly recommend that VANISH be contracted as the primary search and support provider for people affected by donor conception. I worked for almost 12 years in the Victorian Government's Intercountry Adoption program (ICAS) alongside the Family Information Network and Discovery (FIND) service, and thus can also testify to the benefits of separating services for the provision of information to parties to adoption from those for the provision of search and support. I believe this model of service separation effectively deals with the perceived conflicts of interests associated with VARTA (the statutory and regulatory body in ART, which is closely allied with the interests of prospective parents) also providing services to donor-conceived people. VANISH has an impressive history of more than 25 years delivering quality search and support services to people affected by adoption.

Thank you for the opportunity to make a submission in response to the Discussion Paper, *A right to know: Giving donor-conceived people the right to access information identifying their donor.*

Yours sincerely

Penny Mackieson