



13 March 2018

Submission to: Review of the Human Reproductive Technology Act 1991 and the Surrogacy Act 2008.

This submission relates to one part of the terms of reference – *Management of Information, subsection – Access to information about donation, genetic parentage and donor conception.*

I believe there are many parallels with the management of Adoption Information that can contribute to the discussion.

I have worked in the adoption field since 1985 and with post adoption agencies conducting search and intermediary services since 1987, the last 16 years with Adoption Jigsaw and previously with Adoption Research and Counselling Service and Centrecare Adoption Services (now defunct). Jigsaw has conducted over 4,500 search and intermediary services in its 40-year history.

Jigsaw, and my work, is based on the belief that every human being has a moral right to information about their biological family. This is now widely accepted in Adoption work around Australia, but does not yet appear to be fully accepted by the Reproductive Technology Area.

Whilst there are several differences between the two ways of creating families, there are also significant similarities, including issues around identity. People establish their identity through mirroring and understanding their place in family, a psychological task which is impossible in adoption. Children born as a result of donor insemination or donor eggs have the advantage of knowing one biological parent, but nevertheless for many the need to know the other half of their genetics cannot be overstated. And, of course some children are being created with no genetic link to either parent.

If we accept the tenement that every human being should have the right to knowledge then how we manage information becomes essential. The experience of adoption is very clear – secrecy creates problems.

I believe the model used by Adoption Services has generally proved to be a successful one. There are some variations between States.

Parties to the adoption can obtain identifying information when the 'child' reaches 18 years of age. This means that the adoptee, birth mother, and if named, the birth father can access the identifying information available at the time of the adoption. In the early stages of law reform most States have had a 'veto' system so one party to the adoption could stop another party receiving that information; however, with the passage of time, most States have moved to a non-veto system. There is an acceptance that one adult should not have the right to dictate what another adult receives about their own family and life.

Applicants receive the information directly from the State Government Adoption Service through the mail. An interview prior to release of information is only required if there is potentially distressing information. The exception to this is Victoria which has a mandatory interview prior to release of any

identifying information. The UK also has a mandatory interview by licensed counsellors prior to the release of identifying information. In both situations a person is then free to proceed as they wish.

A significant difference between the States is the restriction in WA that only the person themselves or a licensed mediator can approach another party to the adoption. This is to protect parties being approached by a spouse, friend or parent who knows little about adoption issues and can inadvertently cause a great deal of distress and damage.

I believe a combination of the UK and WA system to be the most protective and educative model ie licensed counsellors to conduct a mandatory interview prior to the release of information and only licensed counsellors to make an outreach to another party.

There is no question that contacting a party to an adoption has the potential for distress. I am concerned that some people make an approach without having sufficient knowledge about potential consequences or thinking through their approach. I have conducted many of the UK mandatory interviews and initially many people are resistant to having to attend an interview and some a little hostile. However, once having attended and had the opportunity to talk about **their** life and wishes and in the process of discussing it, learn more about the possible consequences for the other party, people are almost invariably grateful. Frequently I hear the comment 'I hadn't thought of that' or 'this has been really useful, thank you'. Many then ask us to act as the intermediary. I find that most found people are very happy to be contacted by an intermediary as it gives them the opportunity to discuss the situation with a neutral party. Several times a year we will receive a call from someone who is upset at the way in which they have been contacted, or indeed trying to verify if the outreach is even legitimate.

The reality is that most people who are adopted or born through ART do not know others with similar experiences much less the other party to an adoption/pregnancy. Many obtain their understanding of adoption from TV shows or have grown up with myths. It is frightening to contact someone and risk rejection and consequently some people manage this very poorly eg I have known people to phone a birth parent and say – 'you don't know me but I think you are my mother/father'. A recent example comes to mind of a birth uncle (unbeknown to the birth mother and not a WA adoption) going to the adoptees place of work with the plan to surprise his sister – the mother, by organizing a reunion – the adoptee did **not** know he was adopted (which is unusual, but does happen), you can imagine the damage that did. In these days of social media, I am aware that some people who unable to find their birth mother have found a sibling on Facebook and told them that their mother had a child out of wedlock. This is unlikely to happen when an applicant has had an opportunity to discuss the issues and understand that such an approach is both disrespectful and likely to distress the contacted person and thus the opportunity for further contact.

Apart from the inherent right to know our heritage another reason for both telling parties and assisting them, is that they may find out anyway and in less controlled circumstances. We are using Ancestrydna search to locate family – particularly when a father is not named on documents or is unknown. As you will be aware Ancestry advertises very strongly and promotes doing your DNA to find out your ethnicity. There have been huge increases in the number of people doing these tests and it will continue to increase eg they are currently advertising – find out how Irish you are for St Patrick's Day.

Distressingly, some people who may have done the test out of curiosity rather than with an aim to search, are discovering that their known father is not in fact their biological father. This alone is reason to tell people their parentage and to control the way in which the information is released.

If the mandatory interview/licensed model is accepted, it is essential that the agency conducting the interview and outreach is neutral and have a background in either social work or psychology. This is not information/work that should be undertaken by administrative people. The role of an intermediary is to support all parties; thus it is important they not be allied to a health of other stakeholder service.

Such neutrality is a very successful model in adoption, eg Jigsaw in WA provides services to all parties to the adoption and also to anyone separated from birth family through foster care or raised by a single parent. We have always advertised our services as being available to people born as a result of ART and occasionally I will see a client in a counselling capacity. It is essential that workers have a background in understanding the effects of separation from biological family. I believe that generally not-for profit agencies deliver services at lower cost and with much great staff stability. Continuity of service is important as whilst the initial giving of information is a discrete event, the ongoing consequences are life long and we find that many clients return for counselling/support over the years.

On a separate issue I would also like to see 'honesty in birth certificates'. Secrecy is damaging and I believe given its privacy is more prevalent in ART. I would like to see a birth certificate or other document that clearly sets out a child's genetic and social parents. If a child is born from donor egg, sperm or embryo, this should be noted on their birth certificate along with the parents with legal and social responsibility. As this is private information, a separate certificate can be issued for day to day purposes ie to enroll in school, obtain a license or passport. This would enable the child and family's privacy but ensure that adults will have full access to their genetic heritage.

I will be happy to discuss any aspect of this submission.

Yours sincerely



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