



**Submission for the Review of the Western Australian
Human Reproductive Technology Act 1991
and the
*Surrogacy Act 2008***

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1. Introduction

VANISH Inc. (Victorian Adoption Network for Information and Self Help) appreciates this opportunity to make a submission to the Western Australian Government's Review of the *Human Reproductive Technology Act 1991* (the 'HRT Act') and the *Surrogacy Act 2008*.

VANISH strongly supports initiatives to reform law and practice relating to support and assistance for people affected by donor conception. Specifically, VANISH supports the implementation of legislation which gives all donor conceived people the right to identifying information about their natural or biological parents/donors and measures to facilitate searching for biological parents/donors. VANISH strongly supports retrospective legislation which allows all donor conceived people to have identifying information about their biological parent/donor.

VANISH deeply appreciates that knowledge about parentage, and genetic and cultural heritage, contributes significantly to a person's sense of identity. VANISH thus strongly supports the right of all donor conceived people to access identifying information about their biological parents/donors regardless of when and where they were conceived.

VANISH acknowledges that the numerous detailed Terms of Reference (TOR) demonstrate the intention for this review to be comprehensive. However, we are disappointed that the TOR do not include consideration of the fundamental moral, ethical and values issues inherent in legislation and policies underpinning the provision of assisted human reproduction and family formation services. Limiting considerations to modernising the "operation and effectiveness" of the HRT and Surrogacy Acts assumes that the continuation of assisted reproductive treatments, gamete and embryo donation, and donor conception and surrogacy practices are widely supported by the community, and that expansion of such treatments and practices is inevitable. Yet, these assumptions are highly contestable because the treatments and practices concerned are controversial.

VANISH is especially concerned with the absence of priority accorded the rights of donor conceived people in the TOR for this review. In fact, the TOR include only four mentions of the words 'right' or 'rights', as follows:

- "Rights to storage of gametes and embryos ..."
- "rights upon separation or divorce ..."
- "rights of third parties such as subsequent spouses ...", and
- "rights of other relatives."

There are no references whatsoever to the rights of the potential or subsequent donor conceived people, who are the primary objects of the legislation being reviewed. Similarly, there are no references to the *United Nations Convention on the Rights of the Child 1989* ('UNCROC'), which Australia ratified in 1990.

VANISH strongly recommends, despite this oversight in the TOR, that this review should consider the rights of the individuals created through HRT as paramount.

Our submission comprises background information in relation to our organisation, followed by our position on donor conception and surrogacy – including the principles we hold and the rationale for these. Our submission also addresses several of the TOR: posthumous collection of gametes; access

to information about donation, genetic parentage and donor conception; management of information; and research. Additionally, our submission addresses retrospectivity of the legislation, education and advocacy.

2. About VANISH

VANISH is a secular community-based organisation funded since 1990 by the Victorian Department of Health & Human Services (DHHS) to provide information, search, and individual and group support services to those with an experience of separation through adoption in Victoria. This includes working with people living in other states and territories of Australia and overseas.

VANISH has 28 years' experience providing family search and support services to people who have been separated from birth relatives through adoption, state wardship and, most recently, donor conception. VANISH works with the complexity of the lived experience for people who seek assistance and support in finding their natural or biological family members. This includes individuals who were raised apart from one or both of their natural parents, mothers separated from their infant child, fathers separated from a child, and the family members of such people. We are well informed as to the impacts of separation from family members on the individual and their family across the life time and subsequent generations.

Over the past two decades VANISH has been involved with, and provided services to, people impacted by donor conception: donor conceived people, their biological parents/donors and the families of both. This has included undertaking advocacy with, and providing support to, individuals affected. VANISH has undertaken searches on behalf of the Infertility Treatment Authority (ITA), IVF clinics and donor conceived adults. In 2016, VANISH was nominated by the Secretary of Health as the search agency to undertake searches (through a Memorandum of Understanding) with the Victorian Assisted Reproductive Treatment Authority (VARTA, formerly the ITA). VANISH also supported a group of donor conceived individuals to run the first National "RUDC" Conference in 2015, and the establishment of a Melbourne-based support group with and for donor conceived adults, which continues to be held at the VANISH premises co-facilitated by a counsellor from VARTA. VANISH recognises and highlights the strong parallels between the experiences of confusion, loss and grief in adoption and in donor conception.

3. VANISH Position on Human Reproductive Treatments and Practices

VANISH holds that society must learn from past experiences. In recent years, numerous national, state and agency apologies have been made to the thousands of Australians who have suffered, and continue to live with, the unintended consequences of legislation, policy and practices that were, at the time, considered to be 'in the best interests of the child'. These include Aboriginal and Torres Strait Islander people (the 'Stolen Generations'), those with an experience of state care/wardship (the 'Forgotten Australians'), and those with an experience of 'forced' adoption. Public recognition of the need for such apologies demonstrates the importance of exercising extreme caution in

considering the potential long-term consequences of policy decisions and practices on a continuous basis.

VANISH holds that any third-party method of human reproduction or family formation must meet all aspects of UNCROC. That is, the rights and needs of people born through donor treatment procedures, including any future donor conceived person, must be considered as paramount and must be enshrined in all legislation, policy and practice pertaining to the reproductive or family formation method. UNCROC enshrines the principle that it is a person's birthright to know their heritage, including identifying information about each person who biologically and/or genetically contributed to their creation, irrespective of the circumstances of their conception.

3.1 Donor conception

In donor conception and surrogacy, there is initially no vulnerable or displaced child in need of a safe home because their own family is unable to raise them. Donor conception and surrogacy involve the deliberate conception of a child for a specific commissioning individual or couple, with the child conceived and carried until birth by the commissioning person, a member of the commissioning couple, or a surrogate. As enshrined in UNCROC, children have a universal right to be raised by the mother and father from whom they were biologically/genetically created. This is not the same thing as being raised by the parent(s) who sought the child's creation.

People who use donor conception may consider that they take the donor conceived person's needs into account by keeping relevant records and/or seeking and/or maintaining a social relationship with the child's biological parent(s)/donor(s). However, as is the case even with 'open' adoptions, the socio-legal parents of children born of donor conception have the power to withhold information from their child about their donor origins and to avoid social relationships between the child and his/her biological parent(s) by using anonymous donations. The medical nature of donor conception has traditionally determined that the desires of the parents using donor treatment procedures and of the biological parents/donors take priority over the rights and needs of donor conceived people.

VANISH recognises that donor conception is a complex and emotionally fraught matter, and that the desire to have children involves an intricate mix of biological, psychological and social factors. Whilst VANISH acknowledges these factors, we hold to the principles that ***there is no human right to be a parent and 'the best interests of the child' should always take priority***. The facts that technology and people willing to donate their gametes are available to create children in various ways does not mean it is necessarily ethically right to do so.

Donor conception/surrogacy, as in the case of adoption, legally replaces one parent/set of parents with another, and the donor conceived person is recognised in law as if having been naturally born to the commissioning parent(s). This represents a number of losses for the donor conceived person and violates their inalienable birthrights to preservation of family name, heritage and identity, and potentially also to preservation of their family relationships across their life cycle and subsequent generations. The long-term impacts of genealogical bewilderment are well documented and understood in professional fields, yet rarely discussed with potential commissioning parents in the context of the risks involved.

VANISH recognises that the nature of donor conceived persons' desire to know about and/or have relationships with their biological parent/donor varies, as do the individual journeys and outcomes of donor-linking efforts. The provision of specialist information, education and support are vital to assist people in navigating search processes with a view to achieving the most satisfactory outcomes for all parties concerned. This ideally involves a counseling process that is independent of the clinic that provided the donor conception/assisted reproduction treatment service.

3.2 Surrogacy

VANISH acknowledges that 'altruistic' surrogacy is legal in Australian states and territories. However, we question whether surrogacy is ethical, respects human rights instruments and legislation, or is in the best interests of the child, the carrier mother or the commissioning parent(s).

VANISH is opposed to commercial surrogacy, including 'compensated' surrogacy.

Our organisation has a history of advocacy in relation to assisted reproduction and surrogacy, including submissions to the:

- House of Representatives Standing Committee on Social Policy and Legal Affairs: Inquiry into Surrogacy, 2016
- Victorian Government's discussion paper: A Right to know your identity, 2015
- Tasmanian Government's Inquiry into Donor Conception Practices, 2016

We take a broad view of the ongoing lifelong effects of assisted reproduction and surrogacy for those most involved, being the surrogate mother and the individual produced. Of particular concern to VANISH is the impact on the infant upon removal from his/her mother at, or shortly after, birth. This premature separation is experienced as a traumatic event by the baby, which can have lifelong repercussions for their sense of safety and their relationships.

Our position is that the provisions of any legislation regarding assisted reproductive treatment and/or practices, including surrogacy, must be in line with all aspects of *UNCROC*. Further, that the needs and rights of the person created through the assisted reproductive treatment and/or practices must come first and be enshrined in all relevant laws and practices.

Currently, the *Surrogacy Act 2008* includes sanctions against commercial surrogacy¹, which appear to be aimed at sending a clear strong message that any form of commercial surrogacy is illegal and carries negative sanctions in the form of financial penalties and custodial sentences. However, VANISH advocates that more should be done to hold to account those who engage in commercial surrogacy; in particular, when the surrogacy practice takes place overseas. Currently, federal legislation allows for a child born overseas, including through surrogacy, to be granted Australian citizenship if at least one parent is an Australian citizen. VANISH is unaware of any case where an Australian citizen involved in overseas commercial surrogacy has been pursued through an Australian court.

¹ See *Surrogacy Act 2008*, Division 2, Offences.

Further, VANISH is concerned that the federal government does not facilitate the enforcement of existing state/territory laws in relation to the prohibition on commercial surrogacy. This means that there is currently a gap or loop hole between federal government practice and state/territory government legislation, such as WA's *Surrogacy Act*. Therefore, those who deliberately circumvent Australian state/territory laws and arrange for a child to be born via surrogacy outside of Australia have few problems bringing their child back to Australia, even to States such as WA which have strong sanctions against commercial surrogacy. This problem was acknowledged in the Recommendations of the Inquiry into the regulatory and legislative aspects of international and domestic surrogacy arrangements²:

- Recommendation 1 – *that the practice of commercial surrogacy remain illegal in Australia.*
- Recommendation 9 – *where the Migration Act 1958 (Cth) be amended to ensure that legal mechanisms are in place for anyone who is seeking citizenship for a child born overseas will be subject to both Australian or International law.*

VANISH maintains that all legislation relevant to surrogacy throughout Australia should be consistent or 'harmonised'. Currently, assisted reproductive treatment and surrogacy legislation is inconsistent between the states and territories. As recommended in the Surrogacy Matters (2016) report³, VANISH advocates a central model of national law on altruistic surrogacy within Australia, to provide a consistent approach to relevant practices.

4. Our Responses to Selected Terms of Reference

4.1 Posthumous collection of gametes

VANISH strongly opposes the posthumous collection of human gametes. Every person has an inalienable right to know their parents, wherever possible. Therefore, to ***intentionally*** create a person who will never know their father or mother because that parent is deceased even before their conception represents a profound and lifelong loss for the person subsequently born. As already stated, VANISH recognises that the desire to have children involves an intricate mix of biological, psychological and social factors. Whilst we acknowledge these factors, we also hold that there is no human right to be a parent and that 'the best interests of the child' should always take priority. Posthumous collection of human gametes for the purpose of creating a person who will never know their already deceased parent is not in the best interests of the person born and is, therefore, unethical.

² Surrogacy Matters: Inquiry into the regulatory and legislative aspects of international and domestic surrogacy arrangements (April 2016). The Parliament of the Commonwealth of Australia, Canberra.

³ *Ibid.*

4.2 Retrospective legislation

VANISH strongly supports the release of identifying information to donor conceived people regarding their biological parent/donor, regardless of where and when they were conceived. In so doing, VANISH again points to the close parallel with the experience of adoption. It is a fundamental human right to have access to accurate information regarding one's conception and birth, including all donors/parents and genetic material. Without such information there is often confusion, loss and grief, which lead to problems with identity (including genealogical bewilderment) and future relationships. This need to know from whence one came is a very deep and universal need and extends to knowing one's siblings and members of one's extended family.

Currently the rights afforded to a donor conceived person in Australia depend on where and when they were conceived. This is supremely unjust. In Western Australia, anonymous donation is recognised as harmful to children and has been banned since 2004. Donor conceived people born since that time have a right to identifying information about their biological parent/donor. The fact that this recognition and right does not exist for people born before 2004 discriminates between donor conceived people depending on when their gametes were donated. It treats people born before 2004 as second-class citizens. If the 'best interest of the child' is paramount, as enshrined in UNCROC, this discrimination is wrong. Giving retrospectivity through new legislation would help to correct some of the wrongs perpetrated against donor conceived people in the past and give them the same rights that other donor conceived people have been accorded, as well as adopted people.

Australia is a signatory to many international human rights instruments, the most relevant to this review being UNCROC. Notwithstanding the constitutional and jurisdictional issues that prevent direct legal recourse to UNCROC domestically, its ratification by the Australian Government requires that state and territory governments recognise all children as bearers of a broad range of rights, including a right to identity and a right to maintain relations and contact with their parents, unless this would be contrary to their best interests. VANISH holds strongly that putting the rights of donor conceived people who were conceived pre-2004 to know their biological parent(s)/donor(s) in the hands of their legal parent(s) or of the clinic where they were conceived is inappropriate and unfair. As a society we recognise that all people need to know where they came from, and retrospectivity provisions in other relevant legislation acknowledges this.

VANISH holds that, where donor conception occurs, it should be undertaken according to best practice principles and that it is necessary to provide a supportive and protective framework for all donor conception stakeholders. These principles include:

- Donor conception should never be permitted on an anonymous donor basis. This includes that prohibitions should be introduced and enforced in relation to Australian citizens travelling overseas to access anonymous sperm, eggs or embryos, and on obtaining anonymous sperm, eggs or embryos from overseas via the internet or other means.
- Australian law should treat all donor conceived people consistently and equally, regardless of when or where the donations that led to their conception were made.

- It is critical to the welfare and interests of donor conceived people – as it is to all people – that they be afforded the opportunity to know their genetic identity. Donor conceived people who do not know the identities of their biological relatives are subject to the very real risk of consanguineous relationships.
- Donor conceived people should have the right to know their biological parent/donor from birth. As the adoption experience has shown, it is extremely challenging to build a familial relationship in adulthood.
- There should be openness, accuracy and transparency in all aspects of donor conception. The donor conceived person should be provided with full and accurate information regarding the circumstances of, and contributors to, their creation and birth from the time of their birth. This necessarily involves the recording of comprehensive identifying details pertaining to each party involved in the child's parentage and birth on the child's legal birth registration records (for example, an integrated birth certificate). A donor conceived person should not have to wait until they reach the age of 16 to apply for an accurate and comprehensive birth certificate. Commissioning parents should be compelled to inform the relevant organisation/authority that a live birth of a donor conceived person has occurred.
- Consideration should be given to the impact of releasing a biological parents/donors' identifying information on biological parents/donors and their wider families, as well as on commissioning parents. However, such considerations should not be allowed to override the paramountcy of donor conceived people's right to that information.
- The rights conferred by the law on donor conceived people should be meaningful and, as far as practicable, able to be exercised.
- As in pre-adoption counseling, professional pre-donor conception counselling – by an appropriately qualified and experienced professional (e.g. social worker or psychologist) and independent of the service providers of the donor treatment procedure – should be mandatory for all potential participants in donor treatment procedures: commissioning parents, biological parents/donors, and parties involved in embryo adoptions. This should include, for example, exploration of how they will feel and respond if/when their donor conceived child grows up feeling resentful of how they were conceived, and related scenarios.
- Donor conception should be restricted to altruistic arrangements. That is, gamete and embryo exchange for money should be prohibited and these prohibitions should be strongly enforced. VANISH cautions that reimbursement of 'reasonable costs' to donors is a slippery slope that can easily lead to payment for gametes, embryos and/or a baby, if not closely monitored and regulated.
- Donor conception assisted reproduction services should be highly regulated and closely monitored by suitable regulatory authorities that are independent of assisted reproduction service providers.

- Donor conception assisted reproduction service providers should be required to retain and securely maintain all relevant records, including those containing identifying information about the donor, for an indefinite period. It should be a grave offence to destroy, redact or withhold such records from donor conceived people.
- Genetic relatives should be entitled to seek information about donor conceived relatives. Genetic relatives should be entitled to apply to the relevant authorities which, in turn, should be required to proactively facilitate connection between the applicant and the person(s) sought.
- Legislation pertaining to donor conception should be nationally uniform (i.e. 'harmonised'). Legislation in Australian states and territories should treat all donor conceived people equally and consistently, regardless of when or where the donations that led to their conception were made.

4.3 Access to information about donation, genetic parentage and donor conception

VANISH supports the broad guiding principles of openness, honesty and disclosure in relation to access to information about donation, genetic parentage and donor conception. Reform guided by these principles is required to ensure that a person's date and place of conception do not arbitrarily determine their right to identifying information.

Conceiving a person using donated sperm, eggs or embryos cannot be equated with conceiving a person conventionally. Governments have a responsibility because of their facilitation of the practice of donor conception to enquire into and ensure the best interests of any person conceived. VANISH advocates that this be done according to the following principles:

- A person should be able to take for granted the ability to access identifying information regarding their family members. Therefore, any right to privacy on the part of the biological parent/donor is not absolute. The need to establish parentage should trump privacy concerns for the parent/donor, permitting a court to order DNA testing and, where a party refuses to undergo testing, to infer parentage, even when such an inference might be contrary to that party's interests. The alleged anonymity agreement between commissioning parents and biological parents/donors asserted as an obstacle to allowing retrospective access to information can only exist between the biological parent/donor and commissioning parent(s). As the donor conceived person did not exist at the time of the anonymity agreement, they cannot be and are not a party to it.
- Giving identifying information to donor conceived people about their genetic parents is not about forcing people into relationships that are unwanted; it is about dismantling an antiquated and inhumane system that denies people knowledge of their biological identity. Biological parents/donors who do not want contact should be free to assert this right. However, the donor conceived person's right to know who they are should not be compromised by the wishes of their biological parent/donor, even if the latter does not want to be contacted. All those involved are adults and should be treated as such. Those not

wanting contact can simply make their wishes known, as do adults in other spheres of life. Not wanting contact is insufficient reason for either party to be denied information about the other.

- Specialised search and support services, as offered by organisations such as VANISH, should be provided at no cost to those affected to assist them in connecting with their biological/genetic family members. Such services should be provided by organisations that are independent of assisted reproduction service providers.
- Donor conceived people should have the right to apply for information about their half-siblings. In cases where information contained in the records is insufficient to locate a half-sibling, the parents of the half-sibling should be contacted.

Many donor conceived people are currently suffering. Some donor conceived people may be satisfied knowing medical information, or having some questions answered. Others wish to exchange photographs with family members. Some may wish to meet their biological family members or pursue ongoing relationships. It depends on the individual. Many biological parents/donors wonder about their children that were conceived with their gametes and wonder if they are healthy, happy and loved, and would like the opportunity to answer any questions their donor conceived children may have. Other biological parents/donors may feel nervous about changes. It depends on the individual. It also depends on their stage of life, as their feelings and choices may change over time. Importantly, counselling would allow them to explore what a reunion might mean for themselves and their family before making a decision.

Reforms to the secrecy provisions regarding donor conception would redress the balance of rights and allow donor conceived people access to vital information regarding their identity. The main impact would be empowerment and choice.

4.4 Management of information

Unlike other records, records pertaining to donor conception concern the creation of a person and their genetic parentage. It is vital that any such records be treated as pertinent not only to the person they concern but also to their descendants. Consideration needs to be given to allowing access to a person's records that contains critical information required by another person. The regime adopted by the Victorian Government provides a model for the preservation of records and access to information.

As stated previously in this submission, VANISH holds that specialised search and support services (such as those offered by our organisation) should be provided at no cost to those affected to assist them in connecting with their biological/genetic family members. These services should be provided by organisations that are independent of assisted reproduction service providers.

VANISH endorses the establishment of an entity to manage the disclosure of personal and health information. This entity should be an experienced non-partisan body that operates within a strong framework of public accountability. VANISH was established because there was demand for an

independent organisation to provide search and support for people separated through adoption – an organisation which had not been involved in arranging adoptions. It is important that there is no conflict of interest; for example, organisations involved in the IVF industry provide services to parents seeking assisted reproductive, including donor conception, treatments and so there is an inherent conflict where such organisations also provide information and search services to donor conceived people.

VANISH recommends that the following principles be applied to amending the policies and legislation pertaining to the management of identifying information for people affected by donor conception and surrogacy:

- A Birth Certificate should be a truthful document. The treatment of a donor conceived person as the child of the commissioning mother/father and her/his intended partner under the various parentage presumption provisions creates a legal fiction of parentage and severs any connection between the donor conceived person and their biological parent/donor. This method of relinquishing and reassigning legal parentage is the root cause of the complex legal situation that entangles a donor conceived person currently. It fosters deceit by producing a birth certificate that is not indicative of true parentage and permits commissioning parents to refrain from disclosing the use of donor gametes to any person conceived. The lack of any true formal record documenting the familial link between the biological parent/donor and any children born means that, should commissioning parents not disclose their child's donor origins, the donor conceived person has no way of ascertaining the truth. Furthermore, any descendent researching their family history would also be deceived. It is at the point of birth and registration of the child that the practice of donor conception diverges most markedly from 'best interests' principles. The practice of pretense is parent-centric. In fact, the entire practice of donor conception is parent-centric.
- A record of Donor Treatment procedures should be stored and protected by the respective Registrar of Births, Deaths and Marriages.
- The preservation of all records linking donor conceived people to their biological identity and kin, including important information such as medical history, should be given paramount priority. All records pertaining to donor conception should be compulsorily acquired by the respective Registrar for Births, Deaths and Marriages and protected in perpetuity in a National Donor Register. A National Donor Register would be able to keep track of biological parents/donors who move interstate and may have donor conceived children across several states and/or overseas.
- Where records have been destroyed, biological parents/donors should be encouraged to add their details to a Voluntary Register via a public education campaign. They should have the option to undergo free DNA testing to assist in matching them to their biological relatives. Legal children of biological parents/donors should also be encouraged to add their details to the Voluntary Register.
- Without donor registers, donor conceived people must rely on the clinic where they were

conceived to preserve records pertaining to their conception and to permit them access to the information contained within those records. Currently, donor conceived people are often thwarted in their efforts to ascertain information because the clinic where they were conceived no longer operates, their records have been lost or destroyed, or the clinic chooses to be purposefully obstructive.

- The need for a central register to hold information about donors and donor conceived persons is critical. The registers in the State of Victoria provides a model for the establishment of central and voluntary registers. It may also be necessary to explore cross referencing information from the registers in other states with any data that is collected for any future registers, as it is known that donor gametes were imported and exported between states.
- Regarding cases where it is not possible to access the information sought, for example, because the relevant medical records have been destroyed or lost, a government funded and supported DNA testing service and database should be established and made readily accessible to donor conceived people and their biological parents/donors. This position is supported by Recommendation 12, s7.76 of The Senate Legal and Constitutional Affairs References Committee Donor Conception Practices in Australia (2011) report, which recommended that any voluntary registers incorporate a DNA databank to enable donors and donor conceived persons to have their details placed on the register for possible matching in circumstances where records relating to their identities have been destroyed.
- VANISH strongly recommends that donor conceived people be offered counselling and support in cases where records cannot be located. This counselling must be provided by a body or organisation independent of the industry that created them. We recognise that biological parents/donors who donated during a period of anonymity may require and/or value similar support.
- VANISH proposes that active consideration be given to measures which may alleviate the difficulty created by lost/destroyed records, with clear information on all possible sources of information available to all those who search in order that they may be assured all efforts to locate their records have been undertaken.
- VANISH believes there is a specific need for ongoing support and counselling for people undertaking searches. It is our experience that, where the search is unsuccessful, there is often ongoing confusion, loss and grief. Access to a support group for people affected such as those provided by VANISH, can also be of great benefit.

Legislative change is important because other options, including non-legislative options, do not protect records and do not resolve the murky legal status regarding what action may be taken to contact biological parents/donors, leading to discrimination against donor conceived people and other poor outcomes, such as future destruction of records.

Good counselling, linking services and extensive publicity about the changes which acknowledge the

needs of all parties in the donor conception community are more likely to have successful outcomes.

As in adoption, where most people who were adopted want to know about their natural parents, most donor conceived persons will want to know about, and many will seek to have contact with, their biological parent/s and extended families. A donor conceived person could potentially be faced with the complexity of having socio-legal parents (the recipients of a donor treatment procedure), a sperm donor (genetic father), an egg donor (genetic mother), an embryo (full sibling created by another set of parents or created using independent donor egg or independent donor sperm) and – in the case of a surrogacy arrangement – a gestational carrier (biological mother) to integrate into their identity and life. In addition, many donor conceived people have numerous half siblings as a result of the union of their gamete donor(s) with a partner(s), and from the gamete donations by their genetic parent(s) in other donor conception arrangements.

4.5 Research

It is evident that many donor conceived people desire to seek to establish an ongoing social connection with their genetic parent. To date there has been little research on how donor conceived people feel about their creation using donor conception.

VANISH recognises the need for independent research to be undertaken in the field of donor conception, and we have previously raised concerns that current and existing research carries a pro-donor conception slant, with prominent researchers being connected to the ART industry.

VANISH recommends that funding be provided to facilitate other independent interested research groups, as well as independent researchers, to expand the knowledge base and ease apprehensions of bias which currently exist.

Independent research is necessary to address the substantial knowledge gap in long-term outcomes for people affected by donor conception. This work must be funded and conducted independently of the assisted reproductive technology industry; those seeking to utilise assisted reproductive treatments; those advocating for increased access to assisted reproductive treatments; and the authorities responsible for monitoring and regulating assisted reproductive service providers.

4.6 Education

VANISH believes it and all other stakeholders should actively work to increase public understanding of the necessity for honest, transparent information about donor conception and the opportunity for children and adults to have appropriate connections with their biological parents/donors.

VANISH strongly supports the ongoing provision of information and public education about donor conception and donor linking to the community. Broad based and better understanding of the issues surrounding donor conception is of critical importance to the welfare of those affected by these practices.

Information and education about the long-term outcomes on the social, psychological and physical health and welfare of people in the donor conception community should also be provided to the wider community by an agency that is independent of assisted reproduction service providers. Such education is important to address the likely future and long-term needs of the innumerable people who do not yet know they are donor conceived and the implications for their health, well-being and family relationships.

4.7 Advocacy

Advocacy on behalf of people affected by donor conception practices should be government funded and provided by an organisation(s) that is independent of assisted reproduction service providers.

VANISH recommends that legislation relating to assisted reproduction, donor conception and surrogacy practices should be:

- regularly reviewed and updated, given the continuous and rapid evolution of assisted reproduction technologies and treatments; and
- reviewed for consistency with other related areas of legislation – including adoption. There should be a holistic and harmonious approach to legal provisions pertaining to access to information, contact statements, birth certificates, etc., across all forms of third party human reproduction and family formation.

5. Concluding Comments

VANISH strongly advocates for best practice legislation, policy, procedures and services in relation to adoption, donor conception and surrogacy on behalf of our current and future service users in the context of our 28 years of experience in assisting and supporting people searching for biological relatives who have been separated by adoption, donor conception and/or state wardship.

VANISH commends the Western Australian Government for its actions in initiating reform of policy, practice and legislation regarding assisted reproduction treatment and services.

Signed



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