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LAW REFORM COMMITTEE

Inquiry into Access by Donor-Conceived People to Information about Donors

Melbourne— 17 October 2011

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Witnesses

Mr L. Hubbard, Chair,

Mr G. Coles, and

Ms L. Burns, VANISH Inc.

The CHAIR — We are doing this Inquiry into this Term of Reference and we will be reporting back to Parliament with our findings at the end of it. Thanks for coming in today. You should be aware you're protected by Parliamentary privilege in this room but not outside the room so just be aware if you do make any comments to journalists you don't have that protection outside the room.

Perhaps if we could start by stating your full name and address — professional address is okay — and some information about the organisation you're representing.

Mr HUBBARD — Leigh Hubbard, I'm the Chair of VANISH, which is an organisation that provides search and support services for primarily adopted people and birth parents but we also obviously deal with donor-conceived people, it's a growing area for us, so that's who we are and why we're here.

Ms BURNS — Hello again.

The CHAIR — If you can give your name and address again.

Ms BURNS — Lauren Burns. I am appearing today because I'm on the Committee of Management of VANISH in one of their development categories, which is donor-conceived, which essentially adoption has now declined in Australia so this is essentially the future.

Mr COLES — Gary Coles. I am the recently retired former Manager of VANISH and I'm a birth father and the author of three books. This is the one recently published.

The CHAIR — Just before you begin, is VANISH a privately funded organisation?

Mr HUBBARD — The vast bulk of its funding comes from the Department of Human Services here in Victoria. There is a small amount of other funding we get but it's primarily government funded, and it has been so since the late 80s — 89, I think it was first funded because the Department, after the *Adoption Act 1984*, found that it didn't have the resources or the expertise to provide the search and support services so it effectively contracted that out to a self-help organisation, which VANISH is, and it's primarily run on a self-help model so our Committee of Management and most of the workers within the organisation have an adoption experience of one kind or another.

The CHAIR — All right. Do you want to take us through your submission?

Mr HUBBARD — Basically you've got two submissions, one from the first inquiry and now a supplementary submission from us. Our premise is that donor-conceived people are in pretty much the same position that adopted people were 20 years ago, 30 years ago, and that as they grow into adults they have a fundamental right to information about their identity. You have already referred to that in your Interim Report — they have a fundamental right to information — and we would like to be very clear that that right to information is a different thing to a right to a relationship, or a right to contact a birth parent, that you've got to keep those things separated out, and we'll come back to those in question time, but we think that fundamental right is a human right. We were listening to Professor de Kretser before. We think the right to identity and information about your identity really overrides the right to privacy.

The CHAIR — With the right to know who your parents are, does that extend to the actual name?

Mr HUBBARD — I think identifying information, yes. You need to know about where you've come from and all the aspects of that, whatever it might entail, and that's different for different people, I suppose.

The CHAIR — So not necessarily the right to contact but having a name?

Mr HUBBARD — Yes, some history and then having some ability from that to maybe have at least the potential to find out non-identifying information, whether it be a medical history or a social history or just a cultural history.

The CHAIR — How can you separate it, though, if you were to say the child has a right to know all this but you don't necessarily have a right to contact them or have a relationship with them? You've got the name then obviously some people would chase that person to pursue that relationship.

Mr HUBBARD — Well, it's no different in adoption, I think it's the same thing. Some people never know they're adopted and so they never ask the question. Some then know but they never do anything with it, others will follow it a certain way, so it's about giving people the opportunity as opposed to acting on that opportunity so you have to separate those things out. Having a name obviously doesn't do much for you but at least it's a step, it's a step that people can take. That's why we've come along today and say for the pre-1988 donor-conceived people, having a voluntary register or wherever, we think everyone should be put on the same footing, there should be a legislative framework for it where everyone's rights and obligations are well-known and can be regulated by an agency, whether it's VARTA or someone else, so it's not some ad hoc voluntary arrangement where it's up to the physicians or whoever to self-regulate that, there should be a common base on which that can occur.

The fact that you've got three groups of people with three different groups of rights is really not a very good situation at all, so I suppose we have come along saying if you look at adoption as an experience that we've primarily had over the last 20, 30 years there was all the fears that the *Adoption Act 1984* held for various groups, adopted people, birth parents, adoptive parents, and not much of that really came to pass in terms of the fears they had about contact and so on. Yes, there's always emotion and trauma involved with that contact but by and large people are adults, they deal with these things as adults, and we would say there's going to be no difference between donors and donor-conceived people, they will deal with it as adults. Some won't want contact, some will want contact, some will grudgingly give information and that will be the end of it, there will be a whole range of different responses but by and large people will deal with it as adults and get on with their lives. All the State needs to do is provide a framework for that to occur in a sensible way.

The CHAIR — You said that the donor-conceived and adopted children should be on the same footing, which I understand from the child's point of view. When you're doing the balancing as far as the parent's point of view goes, is there a difference in the weight you put on it when it comes to donor-conceived in that people donated obviously years ago. Is there a difference or not?

Ms BURNS — Exactly the same promises were made to both parents, that anonymity would be guaranteed.

Mr COLES — And to adoptive parents, that the birth parents would not contact them as a conduit to their children, so they were made in the social climate of the time in good faith.

Ms BURNS — It's also interesting that it was, once again, a verbal promise similarly to how donor contracts did not contain a written clause of anonymity, it's the same in adoption, there was no written clause of anonymity but it was assumed and promised at the time.

Mr HUBBARD — A convention, if you like.

The CHAIR — How do you handle contacting, for example, birth mothers who may have married or are partnered with another male who may not know about the adoption that occurred years ago, how do you make that approach when you're trying to get a link?

Mr HUBBARD — It's done in various ways, sometimes through intermediaries. People who come to us for search and support usually talk through the process. There are some people who rush ahead like the bull at the gate and will go out on Facebook perhaps and seek anybody with that name, and that's not a very good approach, we don't recommend it. Obviously you try and counsel people about the sensitivities, about the different circumstances that people will have, and we all have a different story about that. You try and provide some awareness to the person, and it's a journey, for each person it's a journey, a psychological journey.

The CHAIR — What would you actually do if you were contacting a woman, would you write a letter?

Mr HUBBARD — You would write a letter and you'd try and put in it that I may have known you at a particular point in time, and you give a few clues about it. If somebody else read the letter they wouldn't immediately pick up that I'm your child, and then you'd put an address or a contact detail, so it is a subtle form of wording that gives that person the clues.

Mr COLES — Keep it neutral because you don't know who is going to open the letter, even though it's addressed to the person you want it to go to.

The CHAIR — So VANISH doesn't actually perform that service, you just guide people?

Mr COLES — We give people guidance, we encourage them to write the letter, because we are a self-help organisation and that's adhering to our core principle. Other states, like New South Wales, they actually offer that service, that's part of the intermediary services, writing a letter on their behalf.

The CHAIR — Would that be a better situation, to have intermediaries, do you think?

Mr COLES — I don't think so. If you're treating people as adults you encourage them to manage the contact process. I think our role at VANISH, and this is what we do, is to provide guidance. Part of that guidance is informing the searcher, let's say it's an adopted person because in Victoria only an adopted person has the right to search, birth parents don't have a right to search for their adoptive persons, the only state in Australia where that right, that reciprocal right, does not exist.

We will guide them through what the scenario might be for the birth mother. She might not have told her husband; it might be a complete secret within the family. The family might know but she may not be prepared; it might awaken all sorts of past trauma that she might relive the birth and the separation experience. It's preparing the search of the adopted person for these possibilities so that when they make contact they're doing it sensitively, bearing in mind what the person at the other end might be feeling right now.

Ms BURNS — When I went through the experience I appreciated having an intermediary because I found it quite nerve-racking to do it myself. I think you met Kate, she was really wonderful, she was very experienced and she knew exactly the right way to handle it, so for me personally I appreciated having that intermediary.

Mr COLES — An intermediary service is a great thing to offer. In the UK it's actually mandatory as part of the contact process, that's not something we would advocate because that's taking personal responsibility away from the two principal parties.

Ms GARRETT — Through you, Chair. I suppose one of the two differences between the two issues may well be the amount of children that a donor could have created, and I think we heard there's an average of seven to nine — don't quote me on that. What's your organisation's view of managing that additional issue if a child finds out they're donor-conceived and going through the process of identifying, or hopefully having whatever contact or information that they need, how do you propose that issue of siblings that they may have is managed? Is it managed?

Mr HUBBARD — That's a very good point.

Ms BURNS — The issue of siblings is really often being overlooked by legislatives, by clinics; they almost pretend that there's no connection, that people won't want to know about their siblings, but for me personally I've got three missing half-siblings, two boys and a girl, I know they were born between 1981 and 1984 but that's all I know, and for me it's a real loss not knowing who they are. I'm waiting for them essentially to come forward and join the voluntary register but to date there has been nothing. I think in terms of contacting siblings the parents should be given the opportunity to tell the child they're donor-conceived because I think it's best coming from the parents, I don't think you would want to inform children via a letter from a government organisation.

I know this has come up because between 1988 and 1997 that second tier of the system there's actually a reciprocal right to consensual release of information so I know it has come up where donors have requested information about their child and the child hasn't been aware they're donor-conceived. So what they've done is in a sensitive way they've approached the parents and asked them to talk to the child first.

Mr COLES — The matter of siblings is not alien in adoption either in our experience at VANISH. Our average age of searcher is 51, the average age of a person sought is 72. Now at 72 mortality is becoming an issue and many birth mothers and fathers are found to be deceased so the next step is the search for siblings and we engage in that process.

Ms BURNS — Just picking up on that. As Gary said, the average age of people searching at VANISH is in their 50s, so just picking up on what Professor de Kretser said where he believes the best person to be the physician because of their preexisting relationship, I think you've got to really set this up for the future, not just for now, but running decades into the future and the doctors are going to pass away, and I think one of them has already got dementia and some of them have died, so I think it's not a good solution to leave it up to the doctor, I think it should be able to be done into the future as well.

Mr HUBBARD — Also if you leave it to the physicians there's an inconsistency between how different people approach it.

Ms BURNS — It was lovely listening to him, I think David is great, he's a kind man with a lot of integrity and he's helped me obviously a lot, but I think he was a little bit naive when he said that he believes all the physicians would be as helpful as he is. For instance, after last week's public hearing when I went and commiserated with Narelle about the failure of the Freedom of Information search, that was the first she heard of it, she found out through me; Professor Kovacs, unfortunately, hadn't spoken to her before he spoke to you so I think that shows a lack of sensitivity.

Mr HUBBARD — The other thing, picking up from a question from Ms Garrett was the issue of a veto in the adoption systems that occur in other states. Gary can comment more on this but the adoption systems have moved away from veto systems over the last number of years, and in fact there are very few. There was an article, it was in a journal, which said that in 2004/05 it had dropped from about 426 vetoes in 1995/96 down to about 56 vetoes lodged around the country in 2004/05.

Ms GARRETT — When you say moved away, you mean legislative changes?

Mr HUBBARD — Yes. In Queensland in particular and other states.

Mr COLES — South Australia and Western Australia have phased them out. New South Wales also. Queensland has replaced the veto with what they call a contact statement.

Ms GARRETT — How does that work?

Mr COLES — If you don't want to have contact, you lodge that with the Department and that's expected to be honoured. It's treating the two parties in the adoption as adults.

Mr HUBBARD — As you would be aware, there's been a debate about these vetoes and how often do you renew them? Is it every year, is it every three years? People change; the person who donated at age 20 or 22 is not the same person they were at 32 and 42, they change their views, they have their own children so the idea of contact with children, the donation, may well become more appealing to them over time. If you put this in stone, this veto, our concern with it is it takes away or interferes with this notion that people are adults and they will deal with contact as adults.

Mr COLES — Victoria is the only state in Australia when it comes to adoption that does not have a veto, and I think that's progressive. Victoria was the first state to modify its

Adoption Act in 1984, and it chose not to incorporate a veto. That was a landmark decision and good on Victoria for doing that.

Mr CARBINES — What's VANISH's view as to why the other states have driven their changes around how they manage the veto aspects?

Mr HUBBARD — This article certainly claims — and I can leave a copy with the Committee — lack of use. In New South Wales they had a perpetual veto, they had various Parliamentary committees that reviewed it, and they found that a perpetual veto was a bit nonsensical, that people should renew it more regularly. Then over time they just weren't used, people weren't lodging these vetoes, so why have it, why have something that's not used? I think that's where it's come from. The fears that people had which, I suppose, initially when these pieces of legislation came in relation to adoption were not borne out in terms of the consequences, and that's why the veto was put in in the first place, I think. Victoria's experience has been a good one that we haven't had awful circumstances where people have been harassed.

Mr COLES — It was set up in the other states, I believe, when the stigma of illegitimacy was still hanging around so that was a concern, and with adopted persons there was a perception that many adopted parents, and this applies in donor-conceived as well, had not told their children that they were adopted so the veto was seen as a protected mechanism to maintain that. As time has passed and the social attitude to adoption and illegitimacy and the many stigmas associated with that have evaporated, and with that the need for the veto had also diminished.

Ms BURNS — In adoption the change of legislation was perhaps potentially far more controversial because you exposed circumstances of incest and rape and some horrible circumstances, whereas in donor-conception it's fairly benign, it's just been a clinical process. There's a big analogy between the fear factor of opening the adoption records in now you're worried about what's going to happen if you open these donor-conception records. Some people did claim the sky would fall in with adoption but it didn't and by and large it's a very positive experience just to be able to have truth and transparency replace deceit and lies and it was by and large very positive for the people involved. We have this odd situation where it's not the donors arguing against the removal of the information rights, it's essentially the doctors against the donor-conceived people. I think it's strange that we have the two sides, the doctors are presuming to speak on behalf of the donors, whereas if we heard from the donors in some sense they are also trapped behind this wall that information cannot pass through, in some sense the donors themselves are trapped behind that as well. We heard, I think quite eloquently, how they felt they were treated like spare parts, as essentially they were. I think you should really, really listen to the donor-conceived people and the donors as the primary people involved.

Mrs PETROVICH — Lauren, on that point, a question I've actually asked of a number of presenters is: do you think that time has moved on and perhaps something that was so secret and the will to preserve that was so strong, as people get older perhaps that view might change and diminish and perhaps the donors themselves may be more open to perhaps coming forward if a campaign was put out there?

Ms BURNS — Definitely. I think you're absolutely right; society has moved on as well. At the time there was absolute secrecy and it was something that people didn't talk about whereas I think society has moved on. With the voluntary registers it's of paramount importance that there can be actually individual requests. Even if we advertised the voluntary register a lot there's still men that will need that individual personal request in order to come forward, so I think that's an important point that we shouldn't just say provide a voluntary register and we will just advertise it more, I think that's a poor solution because it doesn't provide much closure for the donor-conceived person.

Mrs PETROVICH — The only point we may come to is that many of those donor-conceived people don't know they're donor-conceived and we may end with donors actually on the register perhaps with a willingness to meet those people.

Ms BURNS — Yeah, that's a sad situation. I know it affects Ian quite deeply, that he's unable to contact his donor-conceived children, I think that causes him a lot of personal grief.

Mr COLES — That's Ian Smith you're talking about?

Ms BURNS — Yeah. I just think you're right, society has moved on. We live in a society which values the rights of the child and we live in a society which values some responsibility that parents, even biological parents, have towards their children. We don't say that not having the intention to become a parent absolves you entirely of that responsibility, and so I believe that donors have the responsibility towards a child they created. It's not the responsibility to be the parent — I want to be really clear about that; I think that's a misconception — these donor-conceived people already have parents, but I think they have a responsibility at a minimum to reveal their own identity so that the child can, in a sense, know fully their own genetic identity. And this might just be a name, and anything more than that I think is entirely up to the individuals and that the State shouldn't interfere in that, and that people will come to arrangements that they're comfortable with. Essentially, anything less than providing full information rights — I'm talking about information rights, not contact rights — is not going to help people like Narelle. If it's a mutual consent model and we send a letter and the donor doesn't respond then Narelle is in exactly the same situation that she faces now and I think after hearing the horrific situation she is in, she's facing illness and death without ever knowing her biological father and her siblings, I think it's ethical to help her and it's the right thing to do to provide information to donor-conceived people.

The CHAIR — Do you put the rights of children to know what their inheritance is on the same footing as donors who may similarly feel that they want to know who their children are?

Ms BURNS — I think that ideally transparency and truth is the way forward and there should be as much truthful information as possible. Just on that point of the right of the child, you just have to open the Assisted Reproductive Treatment Act, and that's the first guiding principle, which is the most important guiding principle.

The CHAIR — But is that more important? The rights of the child to information, is that more important than the rights of a donor who may now be thinking: gee, I really want to know what children — —

Ms GARRETT — Even if the child doesn't know.

The CHAIR — Yes.

Mr COLES — I don't think it's a case of more or less, I think they both have the right.

The CHAIR — So equal rights?

Mr COLES — Yes.

Mr HUBBARD — But certainly in the Adoption Act, as Gary said before, the fact is that natural parents have not got the right to identifying information.

Mr COLES — In Victoria.

Mr HUBBARD — In Victoria only; the only state where you don't have the right to identifying information, so that's a real weakness of our Adoption Act.

The CHAIR — How do you deal then with the children who may not know that they're donor-conceived? You're saying there's a right for the donor to know who their kids are, how do you deal with that when they're under 18 and when they're over 18?

Ms BURNS — All of the children would be over 18 now, we're talking pre-88.

The CHAIR — Good point.

Ms BURNS — I think that the approach should be made to the child's parents. Obviously any change to the legislation that you recommend there will be a lead time, perhaps a year or whatever in which to publicise the changes, and I really think the parents should be given the opportunity to break the news to the child.

Mr COLES — Is that as a child or as an adult?

Ms BURNS — It would now be an adult. You know what I mean.

Mr COLES — I disagree with that. I think you treat both parties as adults. We're talking about a 30 year old donor-conceived person, I don't think you need to go through their social parents to get permission to approach the donor-conceived person. There are parallels in adoption with that as well, you don't go through the adoptive parents to seek an adopted person as a birth parent if that person is over 18.

Ms BURNS — I just think in a pragmatic way the records might not necessarily contain the name of the donor-conceived person, it might not even contain their date of birth, there might just be an estimated date of birth. A lot of the parents didn't actually go back to the clinics and inform them of the outcome so purely what we have in the records we might only have the record of the recipient woman so it might be just a practical thing.

Mr COLES — I certainly think an intermediary or a counsellor can play a role there as a conduit.

Mr HUBBARD — It cuts both ways, doesn't it, it's about the parents who haven't told the child and in the adoption sense the birth mother who hasn't told her husband or partner about the birth or whatever, so there's a whole range of circumstances you're going to have to face. The question you asked before about how do you approach someone, whether it's a birth parent seeking the child or it's a donor-conceived person approaching — —

Ms BURNS — I think it would be good if you could hear from some of the social parents because that's a really big group that you haven't heard much from, and they're involved as well. I personally know a woman who is waiting for the law to change before she tells her adult donor-conceived child because she's scared that she won't have any answers for the inevitable questions that will follow, and she really wants to tell. She's been collecting every article in the paper that she's found about this, she bought books on how to do it but the whole time something has been holding her back and it's just been torturing her. She really wants to do it but she needs the support to do it.

Mr COLES — Can I refute something from one of the earlier submissions, and that was Professor Gab Kovacs? I believe he made a statement along the lines that in adoption, adoptees care only about their natural mothers, the fathers are peripheral or even totally neglected. That's certainly not the case in adoption, in my experience and, as you can see — —

The CHAIR — What is your experience?

Mr COLES — I'm a birth father, okay, and an author of three books, including this one: ‘The Invisible Men of Adoption’.

The CHAIR — What does birth father mean?

Mr COLES — I fathered a child who was raised by other parents. Can I just read you out something that's in the book but I think might be helpful? Historically birth fathers' names often did not appear on the birth certificate. In Victoria, typically the birth father's name was not recorded unless he was married to the birth mother. This is not proof that the majority of birth fathers were neglectful; rather the absence of the father's name on the record does support the notion that many birth fathers may have been completely unaware of the pregnancy and of the birth of their child. This explains in part the low numbers of birth fathers of that era who come forward. They cannot acknowledge a paternity they never knew was theirs to claim.

In some jurisdictions the appearance of the birth father's name on the original birth certificate has depended upon a decision made by the birth mother whether or not to name him. Placing this decision in the hands of the birth mother reinforces the notion that the birth father has devolved responsibility. Not only does this procedure dishonour the role birth fathers played in conceiving their child, but it also leaves the lingering impression that the father did not care enough about his child to insist that his name be recorded on the original birth certificate. This perception may be picked up later by the searching adopted person, when they discover a birth certificate with but one birth parent’s name, that of the mother. It is no wonder then that so many adopted persons are apprehensive about finding their birth father; he is unknown in all senses. In many circumstances where the birth father's name is not recorded on the original birth certificate, it is the birth mother who controls both the revelation of his identity and the possibility of a reunion between father and child. There is anecdotal data which suggests that social workers and lawyers deliberately avoided the birth father because by not including his consent — —

The CHAIR — Can I just ask how much longer have you got there?

Mr COLES — About another three sentences. As a consequence of this practice, only the birth mother is recorded on the birth certificate which implies, through a not recorded for the birth father, that she chose not to give his name. There are instances of not known being entered as a convenience, not a fact. Seen from the perspective of the searching adult adopted person, not only was the birth father too uncaring to register his name but also by extension he does not want to meet and to know his son or daughter.

Mrs PETROVICH — Just on that point, Gary, I think we are getting a little outside our parameters because I think donors who made those donations obviously knew they were going to father a child, or potentially father a child. The circumstances you've just gone through are quite different because in your case you didn't know, that right has been taken away from you by lack of knowledge.

Mr COLES — I was trying to address the point that adoptees care only about their birth mother. What I'm saying is there are reasons a birth father is hard to find.

Mrs PETROVICH — Okay, but slightly to where we're at. I actually do have some concerns, to be honest, and I would like to put this to you. The rights of the child, the case has been prosecuted that they have the right to that information. The point about intermediaries that have been used in the UK, I do have some concerns, to be very honest with you, that people, they may well be adults but I think these are very sensitive circumstances. In your experience of those direct approaches, has there been cases where through people not being committed to meeting, or has one party been disenfranchised by those direct approaches and, in your view, would you think it would be better for an intermediary to work with donors?

Mr HUBBARD — When you say disenfranchised, do you mean hurt or disadvantaged?

Mrs PETROVICH — Yes, I do.

Mr HUBBARD — There's so many different stories. A lot of people make contact, they have ongoing relationships. A lot of people meet once and never meet again. A lot of people make contact and the person doesn't want to meet, so they're often very hurt by that but they have to respect that and so there's a whole spectrum in that. I suppose what we would be saying to you is out of the hundreds of people that VANISH has dealt with, and because we're adopted, part of the adoption triangle, we meet people who have these experiences, we come across very few people who haven't dealt with it and coped with it and dealt with the circumstances they're handed out and those circumstances are very different. I suppose all we're saying is in the different circumstances you'll find with donor-conceived people and donors the same spectrum will be there but by and large no one ever needs to go and get a restraining order or whatever, or the numbers of those would be so minimal as to not register.

Mrs PETROVICH — Are we talking about the case of actually being provided with the information or actually having a meeting?

Mr HUBBARD — The information for an adopted person they get the identifying information, then it's their choice about how they deal with that information; whether they leave it for five years or they wait five minutes. I don't think you can regulate that, you can't regulate how people will deal with the information. All you can do is put the supports in place, as you said, offering intermediaries, which we would like to do in Victoria for those who feel comfortable with that, some counselling which really needs to be there, so that people are prepared for both the highs and the lows which inevitably come from that process so counselling, intermediaries, that that's all there. That's why we say an organisation like VARTA or someone who builds up a body of expertise and experience, in our case someone like VANISH who has built up 25 years of experience, it's really important to have that mechanism.

Mrs PETROVICH — I suppose from listening to all of these submissions my concern is when we're at this point now, that provision of information is one thing but creating an expectation of a family is another.

Ms BURNS — No one has that expectation.

Mrs PETROVICH — I think that's something that I would actually like to get on the record, that provision of information is one thing.

Mr HUBBARD — Absolutely.

Mr COLES — Some people stop. They may get the information, they're not prepared to go further. You're getting into the emotional side of things. Some people are not willing to go further, the information is enough for them. Others, as Leigh said, might wait five or many, many years before they go onto the next stage.

Ms BURNS — If I could respond to that. I think the rights of the child being paramount is a great place for the Committee to start, I think that's well entrenched in legislation in State, Federal and international laws such as the Assisted Reproductive Treatment Act, the Guiding Principles, the Family Law Act has that provision and things like the United Nations Convention on the Rights of the Child, so I think that's a great place to start. Sorry, I'm just a little bit nervous. What was the rest of your question?

Mrs PETROVICH — It was just around provision of information as to expectations of where we are going to end up, whether there was an ongoing contact.

Ms BURNS — I guess specifically what I would like to see is I would like to see the donor registers move from Births, Deaths and Marriages back to VARTA with counselling provided, and it was actually quite a cost-effective setup before, it was run on I think 1.4 equivalent full-time hours. I think that the system that I worked under was very good in having the intermediary available. I understand pragmatically that although I wish the information to be available, I know that you have to look on all sides and also protect that small minority of donors so perhaps a contact veto which, if the contact veto was removed, I think it's important that that information be passed onto the donor-conceived person because I think New South Wales perhaps forgot to put that in the legislation so you have to let people know if it's removed. I think that would be a good system.

I think the doctors made a promise and they genuinely think that they have a responsibility to honour that promise so they're not bad people or anything, but I think it was a very anachronistic promise that you can create a child without responsibilities, you can't just do that and it shouldn't have been promised in the first place, and that essentially is the root of this mess that you are charged with, I guess, cleaning up as best you can. So it has led to this very anachronistic system where donor-conceived people pre-88 are the only Victorians denied information compared to adoptive people or post-88 or whatever so I think that that should be cleaned up. It should just be a simple system, one central donor register administered by VARTA, that you have an intermediary who essentially does a very sensitive approach but at the end of that process if the person still wants the identifying information and the donor doesn't voluntarily provide that he can provide that with a contact veto or something like that.

The CHAIR — We've gone a bit overtime. Are there any concluding questions or comments?

Mr HUBBARD — I'll leave this article, it's a couple of years old now but it does trace the history of particularly vetoes and contact vetoes up until about 2006, 2007, if I could leave that with the Committee. You may already have it but I found it useful just tracing the Australian history and some of the UK history. When we consider this and we look at our adoption experience, we certainly think that there's not a huge difference between donor-conception. There are some points about how many children a donor might have fathered, that's certainly a difference, but by and large the rights of the child are not any different, in our view, and we think that you've got to provide the platform, you've got to provide the infrastructure and the supports and then let people manage that process for themselves. I suppose we're just here to reassure you that from our experience now, since 1989, the advantage is that people do manage that in a responsible way and that the fear factor that is there doesn't eventuate. Various groups will have these fears but they're not borne out ultimately.

Mr COLES — And the key part of the support, the intermediary and counselling, taking your point, Ms Petrovich, is to manage expectations.

Ms BURNS — Yes.

Mr HUBBARD — Absolutely.

Mrs PETROVICH — Thank you.

The CHAIR — Thank you very much.

Witnesses withdrew.