

Health Legislation Amendment Bill (No. 3) 2025

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Submission to the Health, Environment and Innovation Committee Inquiry into the Health Legislation Amendment Bill (No. 3) 2025 Focusing on amendments to the Assisted Reproductive Technology Act 2024 (ART Act) Submitted by: Jane Sliwka, Social Worker. Master of Social Work Studies Bachelor of Psychology (First Class Honours) [REDACTED] I make this submission in response to the proposed amendments to the Assisted Reproductive Technology Act 2024 (ART Act) contained within the Health Legislation Amendment Bill (No. 3) 2025. I am a qualified Social Worker (Master of Social Work Studies) and also hold a Bachelor of Psychology (First Class Honours). I have 16 years of professional experience working within the field of post-adoption support, including in counselling, case management, and leadership roles assisting individuals to trace and connect with their biological relatives. Through this work, I have witnessed firsthand the profound impact that knowledge of one's biological origins has on a person's identity, wellbeing, and sense of belonging. I have also seen the enduring harm caused when such information is withheld, obscured, or lost due to policy or procedural gaps. I wish to express serious concern about the proposed amendment that would allow flexibility in relation to contact information obtained from donors. While I recognise that this amendment may be intended to address practical challenges for fertility clinics and commissioning parents, the implications for donor-conceived individuals are potentially far-reaching and adverse. In practice, many donated gametes used in Australia originate from overseas, particularly the United States. In these circumstances, the contact information provided—often an email address—may be the only viable means by which a donor-conceived person can attempt to trace or contact their donor later in life. Such contact may be essential for reasons that extend well beyond curiosity or personal identity, including: The need for updated medical and genetic information, given that many health conditions only emerge or are diagnosed later in adulthood. The importance of understanding one's ethnic and cultural heritage, which is particularly significant for individuals from diverse backgrounds, including first nations individuals and those from other diverse cultural backgrounds. For many individuals, , cultural identity and kinship connections are inseparable from wellbeing. Allowing "flexibility" in recording or retaining donor contact information undermines fundamental needs and rights to identity. It is important to note that Australia is a signatory to the United Nations Convention on the Rights of the Child (UNCRC), which recognises: Article 7: A child's right to know and, as far as possible, be cared for by their parents. Article 8: A child's right to preserve their identity, including family relations, without unlawful interference. These provisions make clear that the rights of donor-conceived people—who are the children created as a result of assisted reproductive technologies—must take precedence. Legislative provisions should therefore not seek to "balance" these rights against the convenience or preferences of adults seeking to create a child through a commercial model, nor against the operational ease of fertility clinics. The paramount consideration should always be the long-term welfare and identity rights of the person who will live with the consequences of these decisions. If clinics find it difficult to maintain current contact information for donors, a more appropriate solution would be for clinics to undertake reasonable efforts to update the donor's contact details—for example, by re-contacting the donor prior to the use of gametes or before finalising treatment cycles. Such an approach would uphold the spirit and intent of the current legislation, which rightly prioritises transparency and accountability in assisted reproductive practices. It would also reflect established principles from the post-adoption field: that the right to know one's biological origins must be actively protected, not gradually diluted for administrative convenience. On these grounds, I oppose the proposed amendment to allow flexibility in relation to

donor contact information under the Assisted Reproductive Technology Act 2024. I respectfully urge the Committee to: Retain the existing legislative requirements that mandate the collection and retention of comprehensive, accurate, and current contact information from donors; and Require fertility clinics to make reasonable efforts to update donor contact information before gametes are used, rather than diminishing the standard of information required. Such measures are necessary to uphold the rights and wellbeing of donor-conceived people and to ensure that Australia's assisted reproductive framework remains ethically sound, transparent, and consistent with our human rights obligations. Thank you for the opportunity to contribute to this important inquiry, Jane Sliwka Social Worker.