

Submission to
Legal Affairs and Safety Committee
Births, Deaths and Marriages Registration Bill 2022

By

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Background

In 2017, the Commonwealth Government amended the *Marriage Act*.

Currently, information is entered into birth registers and adoption registers at the time of these events. Individuals may be issued, then or at a later time, with a birth certificate. An individual's gender is specified in the register and on birth certificates.

Jigsaw was established in Australia and New Zealand in 1976 and was incorporated in Queensland in 1988. We have assisted more than 40,000 people affected by adoption in their search for their biological heritage and many more who were not actively engaged in the process of searching or seeking reunion. Jigsaw Queensland services include:

- Emotional support by phone or email
- Monthly Support Group meetings for birth mothers, adoptees, and open events for all those affected by adoption
- Adopt Perspective Podcast (Apple, Spotify, Google & Deezer)
- Providing information to assist individuals with their own search
- Providing search and intermediary services
- A commonwealth-funded Forced Adoption Support Service
- Referral to professionals and other agencies

Jigsaw Queensland is a non-profit, member-based organisation relying on trained volunteer helpers and professionals to provide a range of services to all those affected by adoption. We rely on membership and donations from individuals, business, and government to achieve our objectives and to help us provide ongoing services to our members and the community at large.

We have worked closely with the Queensland government's Adoption & Permanent Care Services and other non-government post-adoption service providers to monitor and review current legislative policies and practices as they impact people affected by adoption. We meet quarterly with other funded providers of post-adoption services in Queensland and annually at a national meeting of funded post-adoption service providers. We participated extensively in community consultations leading up

to the reform of adoption laws in Queensland in 1990, 2009 and 2016 and have been party to discussions at the federal level about post-adoption support and access to information, both directly as an organisation and through representation in the National Intercountry Adoption Advisory Group, which was represented from time to time on the Harmonisation Working Group of the Adoption Central Authorities meetings regularly hosted by the Commonwealth Attorney-General's Department. We were also involved in the public consultation processes attending the Senate Inquiry into past forced adoption practices and the consequent state and federal apologies for those past practices.

Jigsaw Queensland believes that good policy and practice ought to be based on sound evidence, reason, and experience. Our submission takes into account these factors and is based on our daily experience of contact with a wide variety of impacted individuals. It has long been part of our constitution to extend our support to those impacted by donor conception.

As you may know, most adoptees and parents in Australia have had access to identifying information now for decades. In Queensland, for example, both adopted people and parents who lost children to adoption have a right to this information once the adoptee has turned 18 years of age. Both parties are also able to lodge a contact preference, indicating whether they would like to meet.

Access to knowledge about one's origins and to whom one is related is an essential part of a person's identity.

Submission

1. Jigsaw supports the principle that citizens ought to have an identity document of their choosing. Currently, for example, people may change their name and have this reflected on their current birth certificate. This should also be possible with respect to an individual's choice of gender designation.
2. An identity document identifies a person as an individual born on a particular day at a particular location. It can also describe an individual's relatedness to other persons, in particular, parentage. Currently, the parentage indicated may be either biological or social. This can be for various reasons, including adoption, same sex relationships or the assumed parentage of co-habitants.
3. Identity documents are routinely changed to update an individual's change of status; for example, through marriage or parenthood.
4. While the right to choose one's identity is important, an identity document is fundamentally a social document confirming identity and relatedness through time and, therefore, any individual's choices will impact on others.

5. From time to time, errors or omissions will have been made in registering or updating a person's identifying records. It is reasonable that such errors be corrected. However, due consideration should be given to the prudent limits to the modification of past records.
6. From our experience at Jigsaw Queensland in helping people affected by adoption to access their own historical records and those of close family, we believe that it is vitally important that any process of registering and updating changes in status ought not to involve the erasure of documentary evidence of past identity, statuses and relationships. There should remain an effective documentary trail of evidence connecting a person's current and past identities.
7. In our experience at Jigsaw Queensland, we find that the accurate recording of biological parentage is important to our members and clients, as it affects their sense of a secure identity, their relatedness to others, their sense of personal integrity and potentially important knowledge about their medical history. There should remain an effective documentary trail of evidence connecting a person's current and past identities available to all close relatives.
8. The term 'birth parent' can be a triggering word in the adoption and donor conceived communities. However, in the context of providing options to registering applicants who have given birth to the child and have had reassignment of their gender, it may be a logical definition. As outlined above, it remains a priority that the child can access this historical information should they wish. We will leave further discussions about the term's suitability in this context to those directly impacted.
9. In summary, we support the right of individuals to choose their public identity, whether with respect to name or gender, and have this reflected in their current identity records, but we also believe that there is a corresponding responsibility to preserve, without erasure, all evidence of continuity of identity in all historical records pertaining to life events such as births, deaths and marriages.
10. Thank you for providing this opportunity to make a submission. Should you require further comment or clarification we can be contacted as indicated above.

Dr Jo-Ann Sparrow
President