

"Narelle Grace" <narellegrace@gmail.com>  
24/10/2008 11:12 PM

To <andrew.homer@parliament.vic.gov.au>  
Subject ART Bill (2008) Submission

To The Members of Scrutiny of Acts and Regulations Committee,

I am a 26 year old donor conceived person (conceived via anonymous donor sperm) and I have some serious concerns with regard to the ART Bill (2008) currently before Parliament. Below are 2 areas that I believe need greater consideration, especially when thinking about human rights and freedoms.

## 1. The Birth Certificate

*"Its primary function is to provide evidence of a person's identity, age, place of birth and parentage"* - (VLRC Final Report, pg 145)

The birth certificate *should* contain information about a person's genetic heritage, as it is the primary document related to identity. It is a document which *should* reflect the true circumstances by which a person is conceived and not be used as an instrument by which adults may display only the social structure of a child's family.

The UN Convention on the Rights of a Child declares that children have a right to their identity (Articles 7 & 8):

### *Article 8*

*1. States Parties undertake to **respect the right of the child to preserve his or her identity**, including nationality, name and **family relations** as recognized by law without unlawful interference.*

*2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.*

(source: <http://www.unhchr.ch/html/menu3/b/k2crc.htm>)

Donor conceived people have a right to know their biological origin and background. Accurate recording & availability of access to genealogical history is every person's right.

Donor conceived people should have the same rights as adopted people, whose rights were recognised & made retrospective in Victoria in 1984.

I understand that being named as a legal parent assists those in the day to day care of children who are conceived via ART. However if the interests of the person conceived via donor conception are paramount then the recommendations to allow non-genetic parents instead of genetic parents on birth certificates does not equate with the Best

Interests notion. The best interests of donor conceived people are not being considered first and foremost. The recording of both genetic and legal parents is the best option for all involved and in the *Best Interests of the Child*.

## **2. Retrospective Access to Information**

All donor conceived people ought to be recognised equally & have the same rights entitled to them. The ability to access information about identity & heritage should not be determined by when a person was born, however this is currently the case. For those donor conceived people born prior to legislation (such as myself), their donors and identifying information are protected by a contract of anonymity, which has since been recognised as not being in the best interests of the person thus conceived.

The effects of past practices have meant an array of implications for those conceived in different eras and they should not be forgotten. Retrospective access to identifying information for all donor conceived people would allow no discrimination. The Infertility Treatment Authority could assist in the sensitive release of information to donor conceived people. They have the skill & experience to deal with the release of information & also have the ability to support those concerned via counselling.

Personally speaking, I never imagined being in a position whereby I had to fight to know my history, my family or myself. Since finding out about my donor conception status at 15 years of age, I have struggled to come to terms with the fact that the name of my father exists, but only to a privileged few, and not to me. I have no legal right to access information that I believe is mine.

I grew up with a man who I call dad, and he will always be my dad. I love him and my parents love me and gave me everything that I needed growing up. They did their best in raising me, and I respect them so much for telling me the truth about my conception. They did not realise that one day I may want to know more about my "donor", my biological father. They are now 100% supportive of me knowing the identity of my "donor". It is as hard for them and my sister, my friends and extended family, as it is for me, to have this hidden part of my history hanging over us all. It will be an issue for my own children, and their children too. The impact of not knowing, of keeping such information secret has intergenerational effects; medically, emotionally and psychologically.

I am active in this not only for myself. I have grave concerns for donor conceived people being born today and in the future who may be in the same position as myself, if their parents choose not to tell them. Their birth certificates will allow the lie to continue, and this is not good enough. This is not just. This is not in line with human rights notions. It is not in line with humanity at all. We all want to know where we come from, whether we think much of those origins or not, it is human nature, an unspeakable urge to know oneself.

ART (donor conception especially speaking) is a Government assisted treatment, and therefore I believe that the Government have a responsibility to protect the Best Interests of the Child and PERSON conceived in donor arrangements.

I am available to be contacted on the below mobile number and at this email address if you would like further information.

Yours Sincerely,

Narelle Grech  
Donor Conceived Person  
[t5sdaughter.blogspot.com/](http://t5sdaughter.blogspot.com/)  
0403 683 998