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Executive Officer
Victorian Parliament Law Reform Committee

I have a five-year old daughter conceived by donor sperm in Victoria and I recommend the following changes:

- The positive aspect of donor issues in Australia is that it is for altruistic reasons. I would hate to see Australia adopt the American pattern where young males and females are paying for their college tuition by donating sperm and eggs. However, eliminating or reducing the travel fees given to donors could still improve this system. Some clinics are providing up to \$100 in travel assistance; indeed donors have mentioned this is enough to entice them to donate. It could be hurtful for a donor-conceived child to find out this was the reason their donor donated. A blood donor does not get paid for travel expenses so why should a sperm or egg donor? If it is deemed necessary to pay donors travel expenses then I recommend it is organised through a scheme such as Victoria's DHS' VPTAS scheme. The first \$100 is reimbursed only to health care cardholders who had to travel over 100km for medical treatment, and then there is a choice of submitting your bus/train ticket for reimbursement or receiving 40c per km driven. This would mean there is a uniform approach to claiming travel expenses and would stop poor students donating for the sake of a bit of cash.
- At the beginning of 2010 changes were made to the letterbox arrangements between donors and donor conceived families. This change has been detrimental and was completely unnecessary. Furthermore, letterbox arrangements are provided for adopted persons, so to not provide them for donor-conceived persons is **discrimination**. Please read my attached article on this subject which was recently printed in the Donor Conception Support Group's newsletter.
- In N.S.W. the maximum number of families able to use the same donor is five (this includes the donor's family). This is far better than the legislation in Victoria, which allows up to 10 families to use the same donor. Considering the large number of twins conceived through ART it is very possible that each donor may have over 20 donor conceived children, and in the same state. I don't think many adults would feel comfortable knowing they have that many biologically related siblings. It also increases their worry about dating someone who is in fact their sibling. If a maximum of five families were a national standard it would still be a good idea to try and restrict the number of children conceived through one donor. For example, if the family A has 4 children, and Family B has three, then you could allow only one more family to use this donor to keep the numbers down.
- There is an absolute need to have a national register in Australia. At the moment there is nothing to stop a donor making donations in multiple states, each with a different set of laws. A child conceived in N.S.W. may be born with a genetic abnormality but this information cannot be reliably provided to clinics in other states without a national register. Furthermore, donor conceived children have a right to know how many biological half-siblings they have

which is impossible without a national register. It would also limit the number of offspring from one donor. In this computer age it is hardly a difficult task to set up a national register and it is complete negligence on the part of the government that it hasn't occurred already.

- Donors in all states should be subject to police checks. Imagine the affect on a donor-conceived child if they find their donor spent time in prison for a serious crime.
- A uniform approach to the amount of information clinics provide on donors. The clinic I initially went to for treatment in Albury provided a pathetic half a page. Monash IVF provided 3 pages. These profiles should be updated every five years. Parents need up to date medical information.
- The final and most important recommendation I make is that all Australian donor conceived children should have the right to identifying information on their donor when they turn 18. This is a basic human right. For over 20 years adopted people have had this right; indeed, the law was retrospective and should be retrospective for donor-conceived children as well. As the law stands now adopted persons have greater rights than donor-conceived persons. This is **discrimination**.

I hope you consider my recommendations carefully and I look forward to seeing some positive changes in the near future. Please omit my name for privacy reasons.

Letterbox arrangements associated with donor registers

When my daughter was two I decided I wanted to write to her donor to thank him and ask some questions. I was not after identifying information as I felt that was my daughter's decision to make when she is mature enough. I was able to make contact through the Infertility Treatment Authority and the process took about a year. I sent my letter by registered post to ITA to forward to the donor, and received a lovely handwritten letter back answering all my questions.

Last November I received a letter from ITA stating that from the 1st of January 2010, (when the *Assisted Reproductive Act 2008* was implemented); they would no longer be able to provide this service. I had a choice of creating an e-mail account that wasn't attached to my Facebook account, or opening a P.O. box. Neither of these options is as good as the letterbox arrangements that ITA used to offer. I live in a small country town so I didn't want to open a P.O. box for privacy reasons. I have never found e-mail to be particularly reliable and it is certainly not as nice as being able to hand my daughter a collection of handwritten letters when she is older.

When I decided to contact my daughter's donor the entire process was organised through ITA – a one-stop shop. If I had decided for the first time this year that I wanted to contact my daughter's donor, I would have been required to have counselling through the Adoption and Family Record Services, Department of Human Resources, which has no information about me, my daughter or her donor for privacy reasons. Then I would need to contact the Registry of Births, Deaths and Marriages as they now have control of the Central and Voluntary Registers. I would not have the option of having my letter forwarded onto the donor, as there is no legislation to provide for this. Just like there is no legislation to provide for any letters, information or photos to be forwarded from the voluntary registers. If I was now trying to initiate correspondence with my daughter's donor the only option would be to apply for identifying information and then write directly to the donor. Luckily for my family I made contact before the *Assisted Reproductive Act 2008* was implemented and I can continue to send messages to him without direct contact. But I feel very sad and angry that others will not have this option. At this stage I do not think I would feel comfortable corresponding with my daughter's donor if he had to be identified first, but that means I wouldn't have all this wonderful information to share with her.

Approximately 40 families used the letterbox arrangements provided by ITA and it took the ITA about five minutes per week to forward them. However, the Victorian Law Reform Commission never discovered this as they did not review all the services offered by ITA. If the Commission had done a thorough review and contacted the 40 families involved, they would have found out what a great service it was. Then they could have recommended that The Registry of Births, Deaths and Marriages be allowed to continue this service. I think ITA was providing an excellent service and it was completely unnecessary to fragment these roles.

When my daughter was born I promptly received a letter from ITA stating that her birth details, and those of the donor were now recorded on the Central Register. Despite the legislation being implemented on the 1st January 2010 I still have not received a letter from the Registry of Births, Deaths and Marriages stating that they now have control of the Central and Voluntary Registers. How can I feel confident that they can manage my daughter's wishes regarding her personal information, when six months later they still have not informed me of this important change!

Note: The Infertility Treatment Authority is now called The Victorian Assisted Reproductive Treatment Authority