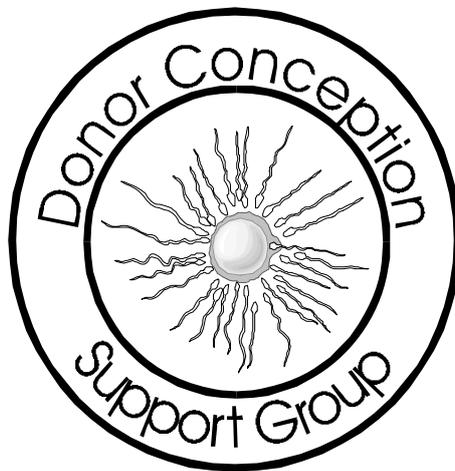




## Victorian Parliament Law Reform Committee

# Inquiry into Access by Donor- Conceived People to Information About Donors



Submission from the  
**Donor Conception Support Group of Australia Inc.**

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## **Information about the Donor Conception Support Group of Australia Inc. (DCSG)**

The DCSG was formed in January 1993 by a group of parents in Sydney. This small group of parents realised that as a result of family creation by donated eggs, sperm or embryo there are many issues facing them even after conceiving and giving birth:

- Telling children about their conception - openness is essential to good family unity.
- Answering children's questions about their conception and most importantly, about the donor?
- What information do clinics store on the donors? What donor information will clinics give us?
- What if my child needs vital medical information from the donor, will the clinic give us that information or contact the donor to get it?
- How will our child cope with knowing that he/she could have half siblings?

These are just some of the questions and challenges that face donor families.

Over the years the DCSG has grown and now comprises members in every state of Australia and members in a number of overseas countries. Our membership comprises recipient parents, donor offspring, donors, medical professionals, counsellors, social workers, etc.



The DCSG provides information and support for people who are considering using donor conception as a parenting option through to families who already have children born by donor conception. One of the most important roles we have is helping parents who are telling their children the truth about their conception. This can range from parents with very young children through to parents of adult children who have carried the burden of secrecy for decades.

We also provide information and support to gamete donors of whom many have contacted our group over the years. Donors also need support in getting information about the results of their donations and in talking to their own children about their role as a donor. The children that a donor has as a result of their own relationships are also part of the donor conception story as they too are half sibling of donor conceived people.

We have many adults in the group who were born by donor conception and we support them by talking to them, putting them in contact with other donor conceived people and helping them in their search for information about their donors. Many donor conceived people have come to us when they have discovered that the clinic or doctor who facilitated their conception has ceased to practice and we have aided them in their search for information.

Many of the fertility clinics in Australia refer parents, donors and donor conceived people to us for support and information.

The important support and information that the DCSG gives is on a voluntary basis, we receive no funding from the fertility industry nor from



government funding or grants. The support we give is not available anywhere else.

### Consumer Advocacy.

Within approximately a year of the creation of the DCSG we sent out a survey to ask members what they wanted the group to achieve. Overwhelmingly they responded that they wanted the group to become more active in advocacy for

all those involved in donor conception. The main focus of our advocacy has been to encourage governments around Australia to legislate to protect donor conception records and to allow donor offspring the right to know who they are related to biologically. Since this time the Victorian government has put in place the Infertility treatment Act, world leading legislation which gives donor offspring conceived after January 1998 the right to know who their donors are. While this legislation was already in motion when the DCSG was in its infancy it was helped along its way by members of the group. The DCSG was also instrumental in the decision of the WA government to enact legislation. The move towards the Assisted Reproductive Technology Act in NSW was initiated by the DCSG.

The DCSG has written a great many submissions to government enquiries in Australia. Some major ones are:

- National Health & Medical Council Guidelines on Assisted Reproductive Technology (1996)
- New South Wales Human Tissue Act – Assisted Reproductive Technologies (1997)
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- NHMRC Report on National Data Collection on Assisted Reproductive Technology (1997)
- Joint Standing Committee on Treaties Inquiry into the Status of the United Nations
- Convention on the Rights of the Child in Australia (1997)
- Western Australia Select Committee on the Human Reproductive technology Act (1999)
- NHMRC Ethical Guidelines on Assisted Reproductive Technology (2001)
- South Australian Working Party Conception by Donation - Access to Information (2001)
- NHMRC Exposure Draft Human Cloning & Research Involving Embryos (2002)
- NHMRC Draft Ethical Guidelines on the use of Assisted Reproductive Technology in clinical practices and research (2003)
- NSW Consultation Draft Bill Assisted Reproductive Technology (2003)
- The Australian Capital Territory Oversight of Assisted Reproductive Technology Practice discussion paper (2005)
- Victorian Law Reform Commission Assisted Reproductive Technology position paper (2005)
- ACT ART Discussion paper (2005)
- Queensland Surrogacy Inquiry (2008)
- Federal Human Rights Consultation (2009)

The group has provided consumer representatives for a number of important government committees including.

- NSW Reference Group looking at reproductive technology
- WA Reproductive Technology Council



- Victorian Infertility Treatment Authority

The DCSG does not limit its advocacy on behalf of those involved in donor conception to just Australia. We have made submissions to government enquiries in a number of countries including New Zealand, UK, Canada and Hong Kong.

### Achievements of the DCSG.

Apart from our achievements in the area of consumer advocacy as listed above the DCSG has much to be proud of. In November 1996 we held the world's first consumer run forum looking at donor conception issues. At the Donor Issues Forum we brought together everyone involved in donor conception: recipient parents, donor-conceived adults, egg/sperm/embryo donors, medical professionals, counsellors, and psychologists. The meeting of these parties in one room was also a world first. From this forum which was funded by the NSW Law Foundation we published the book "Let the Offspring Speak" (DCSG ISBN 0 646 32494 2) which has sold 1000 copies worldwide.

Over the years members of the DCSG have been invited to speak at many conferences and seminars. One highlight was in 2002 when one of our members Geraldine Hewitt (an adult born from donor insemination) was invited to present the findings of her research into the feelings and attitudes of donor conceived people at an international conference in Canada. Geraldine's research "Missing Links" is the biggest research project of its type completed anywhere in the world and was done while she was in her final year at high school.



In 2004 the DCSG hosted the largest meeting of donor offspring in the world at the time. Nineteen adults & older teenagers met in Sydney to discuss and share the issues that face them. They all felt a degree of kinship through shared experiences that have continued long after the meeting.

In 2003 Caroline Lorbach, the National Consumer Advocate for the DCSG, published her book "Experiences of Donor Conception – parents, offspring and donors through the years" (Jessica Kingsley Publishers ISBN 1 84310 122 X). In this book she looked at the long term issues surrounding donor conception including

such topics as: telling children about their conception, how donors feel, getting information about a child's donor. The book also includes two chapters about adults born from donor conception.

### What does the DCSG provide for its members?

The DCSG provides a unique service; there is no other group in Australia that supports donor conceived families and donor offspring long term. We provide that support in a number of ways.

- Support for people considering using donor conception, people undergoing treatment, recipient parents, donors and most importantly donor conceived people.
- Bi-monthly newsletter containing personal stories, news items details of meeting and social events.
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- Extensive library which includes, books on general infertility, donor conception, telling children about donor conception, parenting after infertility, life without children etc. We also have videos and published articles from researchers.
- Information meetings; including infertility, male only, telling children about donor conception etc.
- Social events.
- Education and information for clinics and any professionals interested in donor conception.
- Education and information for governments in Australia and overseas.



## Introduction

In its legislation on assisted reproductive technology the state of Victoria is unique not only in Australia but in the world.

It was one of the first places in the world to see the need to formally regulate infertility practices and also one of the first in the world to start legislating to give rights to people born from donated sperm, eggs and embryos. But what Victoria did better than anyone else at the end of the 20<sup>th</sup> century was to set up an authority that worked with families who had children from donated gametes, donor conceived people and donors.

When the new Assisted Reproductive Treatment Act was being debated in parliament in 2008 our group was following with extreme interest and hope. We listened to the various members of parliament talking about the rights of children and a number of wonderful amendments were suggested.

Again the Victorian parliament saw fit to include as its guiding principle:

(a) the welfare and interests of persons born or to be born as a result of treatment procedures are paramount;

The Victorian Parliament now has the chance to revisit its ART Act and change it so that it becomes world leading legislation in the area of donor conception.



Our submission will not be addressing each of the terms of reference individually but will be discussing some vital areas of donor conception.

## Consent

If you were conceived using gametes donated before 31 December 1997, you are denied access to identifying information unless the donor has given consent to that disclosure and most donors have never been asked to give their consent.

Anonymity was not something that was guaranteed by statute at the time that these donors made their donations; it was a private arrangement between the donor and the clinic, parents had to agree to it in order to have a child and the vast majority had no idea of the huge implications this might have on their children.

Our group would call into serious question how informed donors and recipient parents were when they signed these forms.

- Many did not have counseling,
- The only information they were getting about any long term consequences of using donated gametes or donating gametes was from the clinics themselves.
- Parents were in a very vulnerable state, many would have been still grieving their loss of fertility and ability to have a child together.

Our group has heard from donors who were donating to help infertile couples who have said that they would have been happy to be identifiable donors but that this was never an option they donated under an anonymous system or not at all.



*In my own case, I was a sperm donor at ..... hospital, while a medical student, during the period between July 1978 and June 1979. From time to time over the years, I'd wondered whether any children were conceived from my donation. I'd felt like asking, but my recollection of being told at the time that contact would not be allowed (or wanted!) between donors and the families they helped had stopped me from making any further enquiries. Then I saw the "Sun Herald" article in late April (?) this year, and really understood for the first time how it must be for some of the children conceived from donated sperm (and ova). Like children adopted out at birth, and later told of their origins, they must surely wonder about their "other" families – the source, after all, of 50% of their genes!<sup>1</sup>*

In practical terms we know that not all donor conception records still exist, many have been destroyed and donor conceived people are well aware of this but they tell us that they should still have the right to have access to identifying information if it still exists. This right is so important that it should be enshrined in legislation.

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<sup>1</sup> See appendix 1 for full letter



## Comparison with Adoption

There are many similarities between adoption and donor conception but also some differences. The main difference is that the two areas have been under the control of very different groups. Adoption has always been under the main control of government or religious welfare services. Donor conception has been under the control of medical professional individuals and organisations. This has caused any legal examinations of donor conception to be conducted by health departments. While there may be medical long term implications of donor conception because of missing medical histories for the most part the long term implications are emotional and social and because of where legislation lies these important issues are often not fully explored.

It is ironic that the culture of secrecy was being promoted in donor conception practices during the same period that the wall of secrecy was being broken down in adoption.

When governments attempt to legislate in certain areas there are often concerns by some people that the state is being paternalistic in its attitude. What we must remember is that the society has already accepted that the state should have a role in adoption. The role of the system in relation to adoption is to protect the needs and interests of the children and the adults they will become.

The adoption model of legislative and social reform provides a unique insight into some of those issues that will impact upon children born as a result of donor conception.



The NSW Legislative Council Standing Committee on Social Issues, in its Report<sup>1</sup>, *Accessing Adoption Information*, Stated:

*"... the Committee considers that the major principle in the adoption information issue is the right of all human beings to have access to origins information. This is a basic entitlement of the whole community and one from which parties to adoptions should not be excluded."*<sup>2</sup>

In their summary of findings they stated:

*"It is a unique form of discrimination against adult adoptees that they are not able to access identifying information about their own origins."*<sup>8</sup>

The denial of such right of access to one group, i.e. donor offspring, within the broader community can have severe adverse effects on their perception of themselves and their position in the world. We are concerned that denial of such rights purely on the basis of their date of birth will produce a minority group afforded less rights than those of their younger counterparts.

Prior to the enactment of the adoption legislation in most states of Australia adult adoptees who were not able to access information have

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<sup>1</sup> The NSW Legislative Council Committee on Social Issues represented all shades of political opinion from the most conservative to the most progressive, and the remarkable aspect of its recommendations was the consensus reached despite very grave initial reservations held by a number of its members.

<sup>2</sup> *Accessing Adoption Information*. Report of the NSW Legislative Council Standing Committee on Social Issues. 1989, pg 34

<sup>8</sup> *Accessing Adoption Information*. Report of the NSW Legislative Council Standing Committee on Social Issues. 1989, pg xii.



spoken of the feelings of forever remaining a child of adoption. At age 18 or 21 years they were granted adult status, and therefore adult rights and responsibilities in all aspects of the law except adoption. Many resented being bound for a lifetime by past decisions made for and about them, and experienced this as a lack of control and self-determination over their own lives and futures. These feelings are being repeated in donor conceived adults.

We understand the controversial nature of retrospective information rights, and empathise with the fears of clinics and of some parents. However we believe that the needs and interests of our children, and all people created through the use of donor conception must be of paramount concern. We believe strongly that the provision of retrospective, and therefore equal rights to information for all donor offspring can only be in their best interests.

Many of the fears expressed in regards to retrospectivity in the donor conception experience were also expressed during the Victorian debate on the right to information in adoption. Opposition to proposed changes was primarily two-fold.

Firstly that privacy (and secrecy) was enshrined in adoption legislation therefore retrospectivity would be a breach of a 'contract' entered into years before. That the perceived loss of privacy would undermine the parental role of adopting parents, risk their relationship with their child(ren), and question their right to have chosen not to tell their child(ren) of their adoptive status. Experience has shown that in the large majority of cases of those adoptees who have sought reunion most have



found their relationship with their adoptive parents unchanged or even strengthened. The majority of adoptees who seek out birth parents do not seek another mother and father or substitute parents, rather they seek answers to questions of identity, and as such the position of their adoptive parents as 'mum' and 'dad' remains unchallenged. In discussing the fear of invasion of privacy, a NSW adoption social worker, Margaret McDonald<sup>2</sup> said,

*"Judging from agency experience in New South Wales of people to whom an approach is made for contact, any initial feeling of their privacy being invaded quite quickly gives way to acceptance, to some degree, of the approach, even where it has been feared. This would seem to reflect the experience from Victoria where, in one study of 422 cases of people approached, 85% agreed to contact, 6% agreed to exchange of information without meeting and only 9% declined to meet or exchange information"<sup>3</sup>*

In the debate held about the Victorian Adoption Act in 1984, it was accepted there was paramountcy in the welfare and interests of the child in relation to accessing information. The members of the Victorian Parliament at the time accepted the principle that the right to know about your genetic origins and heritage overrode any concerns about the right of relinquishing parents to privacy and that it should apply to ALL adopted children regardless of when they were adopted.

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<sup>2</sup> Margaret McDonald worked in adoption in NSW for 30 years as a case worker, a manager and an advisor to the state government.

<sup>3</sup> McDonald, M., *Developments in Adoption Information Legislation in Australia*. Unpublished paper. Circa 1992.



The enactment of adoption legislation enabled the revealing of the adoptive status to an adoptee. Adoptees firmly voice their right to know of this information about themselves, and the belief that parents do not have a right to withhold such a fundamental piece of information about themselves. Adoptees who have discovered their adoption later in life have spoken of the sense of betrayal, the difficulty in redefining themselves, and in many cases the fact they always knew there was something different. The fact that some parents will choose not to tell their children the facts of their conception should not be used as a reason for opposing information rights and retrospectivity. In the adoption experience it is often voiced that it was the secrecy that past practices enshrined that has caused the most heart-ache.

Years ago many people voiced concerns about unwanted contact between adoptees and their birth parents and because of this various systems were put in place around the country.

In the review of the NSW *Adoption Information Act 1990* in 1992 it was stated:

*The vast majority of adopted persons and birth parents welcome the rights to information, and exercise them responsibly.*

*Compliance with the contact veto system is very high. Although there were rumours or suggestions of breaches, a careful examination of the evidence revealed only one incident that appeared to be a breach of a veto.*



*Post-adoption contact and reunions are seen as beneficial by almost*

*all who initiate them, and positive or acceptable by the majority of those who are contacted<sup>4</sup>.*

Margaret McDonald discussed why this might be the case in 1992 as:

*"It seems less the penalty than fear of rejection and respect for the expressed wishes of the other person that acts as the deterrent. The impression of those who have interviewed people signing the undertaking is that despite their distress and disappointment they accept the decision of the person lodging the veto and appear unlikely to attempt illegal contact."<sup>6</sup>*

Victoria chose not to implement a contact veto system but instead put in place a system of mediation between parties with an authorized agency acting as mediator.

The fears many had at the time that Adoption Legislation was being discussed in Victoria was that there would be serious problems with giving rights to access identifying information on birth parents to adoptees. But these fears were unfounded. What happened in Victoria and around Australia was that adoptees handled things responsibly and carefully and

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<sup>4</sup> <http://www.lawlink.nsw.gov.au/lrc.nsf/pages/R69EXEC>

<sup>6</sup> McDonald, M., *Developments in Adoption Information Legislation in Australia*. Unpublished paper. Circa 1992.



usually with the help of mediators. WHY WOULD DONOR CONCEIVED ADULTS BE ANY DIFFERENT? Unfortunately it will be a sad fact that even if

given this right there have been so many records destroyed in the past that a great many donor offspring will still not be able to access information but please do not let this stop you giving them the right to try and get their information.

If the Victorian Parliament does not give the right of access to identifying information to ALL donor conceived people then you are saying to those people "YOU HAVE NO RIGHT TO KNOW WHO YOU ARE RELATED TO!"

IT IS TIME TO GIVE DONOR-CONCEIVED CHILDREN THE SAME RIGHT TO INFORMATION THAT ADOPTED CHILDREN HAVE HAD FOR NEARLY 25 YEARS!

While there are a great many comparisons between adoption and donor conception there is one fundamental difference. While children are adopted because of tragedy or unintended mistakes donor conceived people feel that their loss has been brought about by a deliberate arrangement that robs them of the right to have a connection with people to whom they are biologically related.

Some donor conceived people will be interested in accessing their genetic information while others will have no interest. It is a basic human right to know of one's own heritage, a right which most children are born into and most adults take for granted. People may argue that some individuals in today's society do not know a part of their heritage for a



variety of reasons, however their right to seek information is not denied to them through any legislative or regulatory framework.

### **Birth Certificates**

We commend the Victorian Parliament for accepting the amendment to the ART Act (2008) that allows for attachments to be allowed to birth certificates which will give some donor conceived people knowledge of their conception that they would otherwise be denied. Unfortunately this will not help the thousands of donor conceived people born before this legislation.

### **The Dismantling of ITA**

We understand the desire to try to normalise donor conception as it is something that our group has been working towards for over 15 years. We also understand the desire to try and prevent parent's infertility from prevailing on the donor conceived child/adult; this is something of which the members of our group who are parents of donor conceived children are acutely aware. The DCSG has spoken to donor conceived people who have had contact with ITA and none of them have expressed any concern that the issues of infertility have clouded their discussions with ITA. The main reason why donor conceived people have felt different to other people is that they have been treated differently by society and this different treatment has been encouraged by legislation. The alienation felt by donor conceived people could be diminished by giving them the



right to have access to identifying information about their genetic parentage.

We feel that the moving of the registers from the management of ITA has done nothing to normalise donor conception but has in fact put further hurdles in front of families and donor conceived persons.

As things stood before the ART Act a donor conceived person who felt the need to find out information about his or her genetic origins could go to the Infertility Treatment Authority and be guided through the process by people who had a depth of experience and understanding of donor conception. The ITA also had counsellors who had a great many years experience in dealing with the issues surrounding donor conception from the points of view of all parties: donor offspring, donors and recipient parents. As we understand it donor offspring now have to go to the Register of Births, Deaths and Marriages for information about their donors but go to the Department of Human Services to access counselling. We have been informed by Leonie Sheedy of the organisation CLAN which has had a great many dealings with this department that they are months behind in dealing with queries about state ward files so how will they be able to cope with another issue with which they are totally unfamiliar.

There are numbers of families who conceived their children before and after the establishments of Registers in Victoria and previously when these people wanted to find out information about donors and half siblings they went to one place; the Infertility Treatment Authority. Now that the



Registers have been taken away from the ITA the children of those families have to each go to different places to obtain information and counselling, certainly not a normalising process for them

ITA was doing an excellent job and what has been replacing it is definitely not of the same standard.

One of the really important activities that ITA performed only took them a very short amount of time. ITA acted as a middle man in the exchange of correspondence between parties in donor conception. This could be between half siblings; between donors and donor conceived people or between parents and donors.

*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.*

*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!<sup>5</sup>*

### **Limit on Number of Families from each donor**

The ART Act (2008) legislated to say that up to 10 families could be created from one donor. We know that this area of donor conception is not in the terms of reference for this inquiry but we feel it is important that you hear from us on this subject.

Everything that the Law reform Committee discusses in reference to this inquiry will of course be examined with the principle in mind that the best interests of the people born from ART will be considered as paramount. It is from this position that our group says that 10 families is way too much.

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<sup>5</sup> For full article see appendix 2



To allow up to maybe 30 children to be born from one donor is not acceptable on a number of grounds.

- It is difficult for donor conceived people growing up having to worry about meeting and perhaps forming a relationship with a half

sibling. To increase the number of possible half siblings increases their anxiety.

- For a donor to consider having some form of contact with his donor conceived offspring when there are maybe 5 or 10 will probably be quite OK but how will they feel when there are 20 or thirty. It may not worry them when they make the decision to donate but when the time comes that the first of their donor offspring initiates contact it may suddenly hit then how many there are and they may decide that it is all too much.

Our group consensus on this point was that one donor should be allowed to donate to no more than 5 families including the donors own family.



### Summary of Recommendations.

- That the Victorian parliament should amend legislation to allow all donor conceived people, no matter when they were born, to have access to all non-identifying and identifying information on their donors that exists. Matching may need to be done by DNA testing if necessary.
- Donor conceived people (and the children of the donors) should be able to access information about each other via the register.
- While donor conceived people should have the right to access identifying information about their donor a veto system akin to that used in adoption (in some states) should be available to prevent unwanted contact between parties.
- To change the limit of families that a donor may donate to from 10 families to 5 families including the donors own family
- To make changes to the set up of donor registers in Victoria to allow them to run more like they did under the Infertility Treatment Authority – ie. To allow counseling and information accessing to be done under the one roof.
- That VARTA be fully funded to allow it to continue the good work it has done in the past with supporting all parties especially with such things as the “Time to Tell Campaign.” They also need to run campaigns to encourage past donors to come forward. This may help alleviate the problem of destroyed records).



## Appendix 1



15 August 1997

Ms Leonie Hewitt  
PO Box 53  
GEORGES HALL NSW 2198

Dear Ms Hewitt

Thank you very much for giving your time to make me aware of the many significant issues involved in Donor Gamete Conception programmes. Particularly when you consider the fairly unrestricted nature of the earlier semen donation services of the 1970's and early 1980's, and the number of offspring *one donor* could potentially be responsible for, surely it is reasonable that governments and Medical Ethics bodies would agree that new measures are needed!

In my own case, I was a sperm donor at [REDACTED] hospital, while a Medical student, during the period between July 1978 and June 1979. From time to time over the years, I'd wondered whether any children were conceived from my donation. I'd felt like asking, but my recollection of being told at the time that contact would not be allowed (or wanted!) between donors and the families they helped had stopped me from making any further enquiries.

Then I saw the "Sun Herald" article in late April (?) this year, and really understood for the first time how it must be for some of the children conceived from donated sperm (and ova). Like children adopted out at birth, and later told of their origins, they must surely wonder about their "other" families - the source, after all, of 50% of their genes!

After pondering the question, I decided that I would have been more than happy for any children (now young adults!), conceived as a result of my donations, to know something about me, their biological father, and even to make contact, should they desire. As you suggested, I wrote to Ms [REDACTED] at [REDACTED] and asked her to investigate. Her conclusion, after searching the records, was that my donations had in fact resulted in no pregnancies.

This was a disappointment, given that I had prepared myself mentally for the possibility of being contacted and having to explain to my children that they have at least one half-sibling! And I guess the point is that if there had been openness originally - at the time of donation - I would have expected that some details of my background might be given to the prospective mother and any child(ren); that contact might be requested; and that I would get early feedback of the results of my donation. I'm sure many donors, in retrospect, would have preferred these "ground rules."

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I must say, there's also still the nagging doubt that the record-keeping "back then" was less than perfect and it may not be possible to trace some of the fathers! This would really be a worry.

Good luck with your plans and your attempts to persuade governments and fertility programmes that your ideas are perfectly reasonable and that most potential gamete donors would concur with them. Please feel free to use my letter (anonymously, of course) if it helps.

Regards,

[REDACTED]

Appendix 2

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!