

Victorian Parliament Law Reform Committee

INQUIRY INTO ACCESS BY DONOR CONCEIVED PEOPLE TO INFORMATION ABOUT DONORS

SUBMISSION BY KIMBERLEY SPRINGFIELD

My Personal Story

Donor conception affects me personally, along with thousands of other Australians. My biological Father (donor 4P) gave his sperm at the Queen Vic in 1978/79, resulting in the life of my older sister, four half siblings (that I know of) and myself. My older brother too was donor conceived, however we learnt in 2005 that his donor Father differs from that of my sister and I. I was born in 1984, therefore have basically no knowledge of my genealogical heritage on my Father's side.

For 21 years I was given a false sense of my biological origins; part of my identity. When finally I did learn the truth, I was then faced with the shattering news that I had no rights to access information about my own family in order to re piece my identity.

I cannot fathom going through life never knowing where I have come from; my ancestry and my identity. Every day I look at the faces of people around me and wonder "Could you be my Father, my half sister, my half brother, my Grandparent?" I search for similarities in their faces, but will I ever know for sure? I know I have more family out there somewhere, and I mourn the loss of them every day.

One may wonder how it is that you can grieve someone who you have never met. I guess it could be described as a similar feeling that an infertile couple may experience over a nonexistent child. The main difference in my case is that there *is* already a tie to this family who I am disconnected from.

Personally, being denied knowledge of my family has negatively impacted on my life; mentally, emotionally and physically. I know too my sister has suffered a great deal as a result of not knowing. These negative effects are far reaching. They also impact the donor conceived persons children, partners, other family members and the wider community. One year ago I started the process of explaining to my own 7 year old son about my Father, but really apart from the 'how', I have little to tell him.

People need to know their genetic history and family in order to find their place of belonging in the world. The importance of this is evident in the UN Convention of the Rights of the Child, 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. My identity, nationality and family relations have not been preserved. They have been locked away from me in an IVF clinic file.

Children do not have a say in how they are conceived, and therefore who they are related to. It is for this reason that children created from donor conception these days have some rights protected by law. Upon adulthood they can access information about their biological Parents and family. They are

eventually able to piece together the genetic puzzle of their lives. This right has not been fully extended to donor conceived people born before 1998 and not at all to those born before 1988, yet it is just as important for us to know.

Donor conceived people need the basic right to information about their genetic identity. Without it we lay subject to emotional, mental and physical suffering.

And without it we continue to search...

Donor Records

Donor records prior to 1988, held by clinics and doctors have no special status and like other medical files and may be destroyed after 7 years. All donor records should have special protective status, and be held in an independent central registrar.

Access to Information

Donor conceived people did not get a say in how they were conceived, and whether they wished to be disconnected from their genetic families. Contracts between clinics and donors to preserve "anonymity" were not governed by any state legislation, and not all parties were consenting to this arrangement. Victoria holds the well being of children very highly, and ART legislation 2008 stipulates that the welfare of the child is 'paramount'. Although an adult now, I am still a 'child' of donor conception and my welfare has never been acknowledged as paramount. Actions speak louder than words.

It should be a priority that all donor conceived people have access to information regarding their genetic families. Donor linking services should be implemented to act as an intermediary in order to connect donor offspring with their donor Parents and half siblings. Donor linking services also have the resources to find contact numbers/addresses for past donors, and should involve counsellors experienced in the area. The use of donor linking services also protects the privacy of all parties involved.

Currently there are no guidelines which IVF clinics must adhere to regarding the facilitating of connecting donors with their offspring and vice versa. Some clinics willingly contact donors and donor conceived people on behalf of the requesting party to try to establish a connection between the two. Other clinics refuse to, and in my personal experience make up excuses and lies as to why they will not. There needs to be regulated policies within all clinics in Australia to ensure equity. Those responsible for dealing with donors, donor conceived people, parents and their families should be made aware of the sensitivities relating to this issue. I have had a very negative experience in dealing with the clinic who facilitated my existence. From them I received no understanding or empathy. I was spoken to as if I was unworthy; as though I had no right to be asking about *my* history.

Rights of Donor Conceived Individuals

Donor conceived people are currently being discriminated against based on; how they were conceived, what year they were conceived, where they were conceived and where they were born. Everyone has the same need to know about their genetic, medical and social identity and history. The current system has created three classes amongst donor conceived people. Those born post 1998; when anonymous sperm donation was abolished and offspring may seek identifying information upon the age of 18 years. Those offspring born between 1988-1997; who may seek identifying information with the consent of the donor. And lastly, those born prior to 1988; who have no rights to any identifying information.

Why do these classes still exist in Australia, our country that prides itself on equality and Justice? All donor conceived people should have the same rights to access identifying information about their genetic families, regardless of the circumstances surrounding their conception. Legislation needs to be changed retrospectively in order to do so.

Counselling services need to be made available for people concerned with donor conception, and need to be independent from IVF clinics. With donor conception arises many complex issues, for which counsellors with specialist knowledge would be most valuable. Prospective parents and donors need to be made aware of the gravity and implications of their decisions prior to going ahead with donor conception. Counselling services also need to be open to the donor conceived people and their families, and to parents and donors (and family of the donor) once they have conceived a child(ren).

I hope my submission has helped with your inquiry. It is a relief to finally have our voices heard, please help us to make it count.

Kimberley Springfield