



TangledWebs Inc.

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Executive Officer
Victorian Parliament Law Reform Committee
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Submission No. DCP21
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Law Reform Committee

Re: INQUIRY INTO ACCESS BY DONOR-CONCEIVED PEOPLE TO INFORMATION ABOUT DONORS

TangledWebs is an action group, challenging Donor Conception (DC) practices in Australia & internationally.

Members have personal &/or professional experience that relates to DC or adoption. TW provides an alternative voice to ART through greater recognition of the complex, lifelong issues that affect the person created through DC. It's our view that there are significant moral, social & legal issues that arise from DC practices that have inter-generational consequences for the wider community.

TW advocates equal rights & protection for all DC people, as defined in the UN Convention on the Rights of the Child. We believe that DC practices throughout the world contravene the rights of the child/adult who is created in these circumstances.

TW is committed to ensuring that future legislation be enacted to provide all DC adults with retrospective access to information concerning their biological/genealogical parentage.

TW seeks to raise public awareness concerning issues of identity/kinship loss for DC people. We're committed to ensuring that all DC people have access to adequate emotional, practical support to assist them with their life experience of kinship loss & possible reconciliation with disconnected kin.

TW seeks to promote the establishment of a national donor register encouraging DC offspring, past donors & recipient parents to register.

TW's focus is on DC issues.

TW believes it's essential to shift the focus of DC from meeting needs of adults, including donors, to defending the rights of people born as a result & protecting them from the intrinsic injustices of the practice.

1 No-one has the right to a child. To claim the right to a child is to treat that child, another human being, as an end to satisfying one's own desires, as an object and not as a person. To claim the right to a child is to claim jurisdiction over another human being's life when they have no say in the matter, when they have not given their consent, informed or otherwise. The fact that DC children cannot give consent because they are not yet alive is not an argument for putting their interests to one side; rather it is a powerful argument for ceasing the practice of DC altogether, or at the very least for being extremely careful about and limited in the ways we practice it.

2 Currently donor conceived people have no means of independently discovering the truth with regards to their conception and genetic parentage. TW believes it is vital to change the process of birth registration and certification in order to provide donor conceived people with an accurate primary document of identity.

3 The interests and welfare of potential and actual children born as a result of the use of DC must be the overriding consideration in all decisions concerning the use of such technologies and in the subsequent lives of

the children so created. The interests of such children must override those of gamete donors and of social and genetic parents.

4 Social and psychological research overwhelmingly supports the proposition that it is in the best interests of every child to know and to be raised by his or her genetic parents. The child should only be removed in extreme circumstances as a last resort for their safety. The desire to provide children for infertile couples does not override the child's need for and right to this vital relationship with his or her genetic parents.

5 All children born as a result of the use of donated gametes have a right to information about their genetic parents; moreover

(i) this right is retrospective and applies to all children irrespective of the date of their conception;

(ii) the compiling and maintenance of complete and on-going records about gamete donors should be mandatory; and

(iii) the destruction of or acquiescence in the destruction of or the encouragement or promotion of the destruction of information about DC children's genetic parents should be considered a crime. Retrospectivity is opposed by those who claim that the people who provided their gametes did so on the understanding that they would remain anonymous and we cannot break this actual or implied contract. However, in this clash between two sets of rights - the rights of the gamete provider and the rights of the child - the rights of the child must prevail over those of the provider. The child cannot have his or her rights limited by an implied contract to which they were not a party.

6 To be eligible for DC procedures, all person's involved must agree to inform any children thus produced about the DC circumstances of their birth at the earliest opportunity and to answer truthfully any questions the child may have about their conception and birth in terms appropriate to that child's age and level of maturity. Furthermore, all donors must be advised that donating their DNA via gametes is tantamount to giving away one of their own children, and, if they demand anonymity, they are effectively abandoning that child. Donors must be informed they have obligations to any children they have thus created.

Yours Sincerely

Pauline Ley (Adopted person, Victoria, Australia)

Romana Rossi (Parent of donor conceived person, Victoria, Australia)

Narelle Grech (Donor conceived, Victoria, Australia)

Myfanwy Cummerford (Donor conceived, Victoria, Australia)

Sue Hurst (Parent of donor conceived person, Western Australia)

Diane Allen (Co-founder & Executive Director, Infertility Network, a registered Canadian charity, Toronto, Canada)

Karen Clark (Donor conceived, USA)

Lindsay Greenawalt (Donor conceived, USA)

Damian Adams (Donor conceived, South Australia)

Ian Robinson (President of the Rationalist Society of Australia, Victoria, Australia)

Lauren Burns (Donor conceived, Victoria, Australia)

Dr Joanna Rose (Donor conceived, UK)

Kim Turner Springfield (Donor conceived, Victoria, Australia)

Christine Whipp (Donor conceived, UK)