

7 August 2011

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The Victorian Parliament's Law Reform Committee
Inquiry into access by donor-conceived people to information about donors.

The terms of reference and my comments are:

- a. the legal, practical and other issues that would arise if all donor-conceived people were given access to identifying information about their donors and their donor-conceived siblings, regardless of the date that the donation was made;**

As a donor, I fear contact. While the Inquiry is about "access by donor-conceived people to information about donors", the real outcome is contact. "access to identifying information" means "contact".

I do not want to have any contact with any persons conceived with the assistance of my donations. Giving donor-conceived people access to identifying information about their donors, regardless of the date that the donation was made, would mean that my details would become available to donor-conceived people to access without my consent. This would mean that I could be contacted, without any warning, by persons claiming to be conceived from my donations. I do not want this to occur. Such contact would be extremely distressing to myself and to my spouse and children, and I do not want the wonderful relationships with them upset by the sudden onset of donor-conceived people.

There is occasionally publicity in the media and other forms of information about the donor-conception issue. There seems to be a donor-conceived community. The existence of a donor support group is unknown to me, I'd expect that one does not exist as I'd understand that the anonymous donors do not want any attention and keep their history to themselves. This means that donors may generally be silent, in contrast to the donor-conceived community. The latter have a vested interest in knowledge availability in furthering their desires for contact. In this inquiry, I can see that the rights of the donor to anonymity are likely to be over-run by the desire of donor-conceived people for contact.

Moving from a system of anonymity to a system of open access of identifying information in one step is a very big change that I fear and dread, and do not want to occur.

- b. the relevance of a donor's consent or otherwise to the release of identifying information and the National Health and Medical Research Council's ethical guidelines on the use of assisted reproductive technology in clinical practice and research;**

I regard the donor consent to the release of identifying information as extremely and critically important. I have not given this consent for several decades and do not wish to give it now. Further I do not want the State to over-ride this consent by legislation or by regulation and cause distress to my family and our relationships.

- c. any practical difficulties in releasing information about donors who provided their gametes before 1 July 1988, because in many cases records are not available either because the procedure was carried out privately or records were not stored centrally;**

I know my records were still available in 2005 as I made an initial enquiry. In discussion with my spouse, there was clearly no support for progressing any contact.

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d. the options for implementing any changes to the current arrangements, including non-legislative options;

If the worst happens and a decision by Government, by whatever means (legislation, regulation) to make identifying information about their donors available to donor-conceived people, then I would hope that protection provided to donors includes:

- a process of consultation with the donors by the organization holding the records occurs so that some warning is available to donors like me who want to remain anonymous and not have contact.
- means of providing veracity to the claims of genetic heritage on donors by donor-conceived people. For example, consultation with and access to records by the donor, provision of and funding by government for genetic testing such as DNA testing.
- provision of pre- and post- contact counselling to donors. This is important as I am sure most of the difficulties with any contact will be in the mind, the head and how to manage the issues arising.

e. the impact that any such changes may have on the donor, the donor-conceived person and future donor programs;

Making the identifying information about their donors available to donor-conceived people is clearly designed to enable the donor-conceived people achieve contact with their donors, whether or not the donors want such contact. Such contact would be extremely distressing to myself and to my spouse and my children, and I do not want the wonderful relationships with them upset by the sudden onset of donor-conceived people.

At time of making donations, the medical staff told me that there were two conceptions, there may be more, so I could expect at least two attempts at contact. Further, I do not want to be subjected to "fishing expeditions" by donor-conceived people, for whom my donations have **not** been used in their conception, trawling for their donor, as once one contact is made, word is likely to spread through the donor-conceived community. The knowledge of my identity information is then out of my control and out of the control of the holder of the records.

f. the impacts of the transfer of the donor registers currently held by the Infertility Treatment Authority to the registrar of births, deaths and marriages;

To date, my records have been securely held in their current location and I am confident in this being maintained. I have no confidence that this would continue if the records were transferred. I'd be distressed and upset if a breach of consent to protect, or a deliberate or unknowing leak of, identifying information were to occur.

g. the possible implications under the Charter of Human Rights and Responsibilities Act 2006.

I'm unable to comment here.

(end of submission)