



Submission No. DCP 48  
Received 10/08/2011  
Law Reform Committee

Law Reform Committee  
Inquiry into access by donor-conceived people to information about donors  
Parliament of Victoria  
Spring Street  
East Melbourne VIC 3002

Dear Committee Members,

**Re: Inquiry into access by donor-conceived people to information about donors**

Thank you for the opportunity to review and provide comment on the Interim report of September 2010 of the *Victorian Parliament Law Reform Committee Inquiry into access by donor-conceived people to information about donors* (the interim report).

The National Health and Medical Research Council (NHMRC) *Ethical guidelines on the use of assisted reproductive technology in clinical practice and research* (June 2007) (the ART guidelines) provide ethical advice on the use of assisted reproductive technology (ART). The interim report acknowledges that the ART guidelines recognise that

1. the welfare of people who may be born as a result of the use of ART is paramount,
2. the privacy of all persons involved in ART procedures should be respected and
3. ART clinics must not release identifying information to another person without the consent of the person to be identified.

The tension between the rights of the donor-conceived individual to have access to identifiable information about their donor, and the right to privacy of the donor in accordance with agreements entered into before 1988, is at the core of the key ethical dilemma outlined in the interim report.

It is noted that the interim report confirms that some gametes donated prior to 1988 are still being used in donor-conception procedures (see page xv). Given the time-scales involved and the legal limits which apply to the duration for the storage of gametes and embryos, this practice may be inconsistent with paragraph 6.1 of the ART guidelines. The ART guidelines hold that persons conceived using ART procedures are entitled to know their genetic parents (6.1). This entitlement has come to be recognised as an

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ethical principle that governs ART practice in Australia and, accordingly, it would be unethical to continue to use gametes that were donated on the assumption of anonymity given that the exemptions to such use in paragraph 6.1.5 of the ART guidelines are unlikely to apply.

The Office of NHMRC strongly supports the interim report recommendation that, pending a further inquiry and report, the Victorian Government considers as a matter of urgency whether measures should be taken to ensure that existing and unprotected donor records are preserved.

Should the Committee wish to confer with a representative of NHMRC in relation to the ongoing inquiry, this office would be happy to assist.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'W. Anderson', with a long horizontal flourish extending to the right.

Professor Warwick Anderson, AM  
Chief Executive Officer  
National Health and Medical Research Council  
8 August 2011