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**Submission to the Inquiry Into Access by Donor Conceived People
to Information About Donors**

I am pleased to be able to respond to the call for submissions to this Inquiry – in particular to provide the perspective of a sperm donor from the mid 1980's. I would be happy to appear before the Committee if required.

This issue is about people. While there is legislation and administrative process and procedure involved this is about people: the donors who, by making their sperm or eggs available to help others, have created lives and the people who have been born from the donations of sperm and eggs. The core proposition that I wish to put to the Inquiry is that donor conceived people should, as a matter of fundamental human rights, have access to information about their biological parents and their genetic and familial heritage. I support changes to legislation and practice which will bring that about and I believe that can and should be achieved in such a way as to best respect the rights of all parties concerned.

In reading the submissions to both the earlier Victorian Parliament and the Senate inquiries into these matters I am struck by the paucity of direct evidence of the views of sperm donors. In the absence of such direct evidence there seems often to be an assumption or assertion as to what the views of donors are. Those assumptions/assertions seem very often to be based around an erroneous view that sperm donors:

- do not think or care about the people born as a result of their donations and;
- wish forever to remain anonymous and with no contact from their biological children.

In my experience that does not represent the view of the majority of sperm donors. The submissions to the Victorian and Senate Inquiries do show evidence that some sperm donors are unwilling to be identified and to share information with their offspring. However, the submissions to both Inquiries equally show that there are many sperm donors who do think of, and are willing to share information with, their biological offspring. I am one such.

Because this is an issue about people I would like, before responding to the detail of the Inquiry's terms of reference, to share with members of the Committee my story as a sperm donor. I have made this story publically available through the website of the Victorian Infertility Treatment Authority - doing so in the hope that it will help understanding of the complex matter of donor conception.

This is my personal story:

I am the biological father of nine children. Two of my offspring live with me and seven I have never met. I was a sperm donor in the program at the Prince Henry's hospital in Melbourne in the mid 80's. I was then in my early 30's. I saw no prospect of marriage and children at the time and responded to a call from the then head of that program, Dr. Gab Kovacs, for donors. I was acting from altruistic intentions. I had some awareness of issues of infertility because I had a close friend who was in that circumstance and I wanted to help people who wished to have children but could not do so because of infertility issues. I saw that I could help and I felt good about doing so. It seemed very simple then.

Now I see that it is not simple at all. I'm married, have children and can see before me the whole process of the development of a person who is the sum of so many genetic and familial influences. At times I feel quite anguished that I have seven other children somewhere in the world who carry a part of me and my genetic and family background but over whose lives I have no direct influence at all. I wonder if they are alive, if they are healthy, happy, well cared for and loved. I hope that they are but all I can do is hope. One day I may meet some of them – maybe all. Who knows? Or maybe I will meet none and will forever wonder about them. It seems to me that the process of being a sperm donor is somewhat akin to giving a child up for adoption with all of these wonderings and anxieties left with the relinquishing parent or in my case the donor.

One thing is very clear for me. That is that the interests and well being of the children – all of them – are paramount. Regardless of what the legal framework was at the time of my being a sperm donor, I believe that I do have responsibilities to the children born as a result of my sperm donations. At the least, those people have a right to know what my part of their genetic heritage is – more if they want more. For those reasons I have registered with the Voluntary Register here in Victoria and I am willing to be contacted if and when my offspring seek to do so. I have also written a letter to my unknown offspring and have lodged that with the Registry. In that letter I have told my unknown children about my reasons for joining the IVF program as a donor, about my current family circumstance and about the children who live with me. I've told my unknown and unmet children that I think about them often and wonder who and how they are, and what is happening in their lives.

I acknowledge that some of those whose lives came about in part due to my sperm donations may never be told – or otherwise learn of – the circumstances of their conception. Thus they may never know of me or me of them. All of that is something that I agreed to – although I did not fully understand it at the time – when first I joined up at the Prince Henry's program twenty five years ago. For my part, by registering myself with the Voluntary Donor Register, I have committed myself to being available - for exchange of medical and family history information, contact, meeting each other, or whatever. It is up to the children of my donations to do what they wish - when and if they wish.

I've experienced at least the first steps of the process of contact *via* the Voluntary Register. The youngest of the people conceived as a result of my sperm donations made contact through the Register. We shared our first names with each other, she has been given the open letter that I wrote, and at her request I provided some genetic, medical, and ancestry information about me and my family. I wait now to see if and when she wants to take this contact any further. I hope that may happen and that we can learn something of each other. However, even if that does not happen I take solace in the fact that at least one of my unknown children does have my letter to them – and thus she knows that I do think of her and I wish for her a healthy and happy life.

A key thing apparent to me in the story that I have recounted above is that there is a very complicated human aspect to what I fear many in the medical profession have viewed as simply a clinical process. It is not that, it is a very complex social issue - as well as a medical one.

I will now address those elements of the Terms of Reference where I believe I can usefully comment: b) e) and f)

b) the relevance of a donor's consent or otherwise to the release of identifying information

Consent by donors is of course a relevant issue and should be taken into account. However, so too must the human rights of donor conceived people to have knowledge of their biological parentage. If two competing rights must be weighed then I believe that the right of donor conceived people to have knowledge of their biological parentage should take precedence.

I think it relevant to observe in this context that I and other sperm donors, in the mid 1980's and before that time, were effectively disenfranchised by the lack of proper counselling and lack of properly informed consent for what we were doing. It will be unfortunate if we are gratuitously disenfranchised once again. I support change to legislation and practice to enable access by donor conceived people to information about their biological parents. That should be done in such a way as to be respectful to all who are involved and impacted. If the right of veto by those donors who do not wish to be identified is removed then that should be done with care and sensitivity and with counselling and other supports provided to those impacted by such actions.

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

I believe that the impacts on the donor and the donor-conceived person are the most important elements to be considered. If the effect of changes in legislation is to reduce the number of people who participate as sperm donors in the future then so be it. The fear of adverse impacts on donor programs should not be a factor militating against action to grant donor conceived people access to information about their genetic and familial heritage.

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;

The transfer of the donor registers to the Registrar of Births, Deaths and Marriages has, in my view, been a retrograde step. The Registrar/Registry does not currently have the resources or expertise to provide the donor linking services which were previously provided by VARTA. Effective counselling and other support services when linking donors with their offspring is of paramount importance. My experience of the service provided in this regard by VARTA was that that service was exemplary.

If legislation and practice is changed to override donor objections to the release of information to their offspring then counselling and other support services (for both donor and donor conceived people) will be imperative. Either BDM will need to be resourced to properly provide these services or that responsibility returned to VARTA (with appropriate resource allocation). My view, based on very positive experiences with VARTA, is that the latter is the better option.

Victoria has, in recent times, been a world leader with a progressive approach to the issues which this Inquiry is examining. I hope that will continue to be the case.

Ian Smith. August 10th, 2011.