

Inquiry Into Access by Donor-conceived People to Information About Donors.

The United Nations Convention on the Rights of the Child (UNCROC) states that every child has a right to know their family. **The Assisted Reproductive Treatment Act 2008** (Victorian Act) also protects this right. This legislation enshrines the right of donor-conceived people to know identifying information about their family. No one conceived after this time is denied the right to know his or her origins. Yet people conceived before this time are discriminated against. By not awarding all donor-conceived people the right to identifying information the government implicitly sanctions the inequality of rights between donor-conceived people.

This is what life looks like for donor-conceived people born before **The Victorian Assisted Reproductive Treatment Act 2008** was enacted.

Narelle Grech (Rel) is a 28-year-old donor-conceived person currently fighting two grave battles; she is fighting a battle against a ferocious cancer of the bowel and she is fighting the machine of the infertility industry to have identifying information about her biological father. She has been patiently requesting identifying information since she was 15 years of age. Kim (Springfield) Turner is also a donor-conceived person fighting to know her biological father. Kim tried to take legal action against the Registrar of Birth Deaths and Marriages to get information. Damian Adams and Jo Rose also want their information; they have become detectives in that they search medical school yearbooks to see if any man in the photos looks like them. Needless to say, none of these donor-conceived people have yet been successful.

Myf Cummerford (nee Walker) was one of the lucky ones. She also encountered great resistance from the clinic where she was conceived, but she met her biological father when he recognised her in a photo on the front page of The Australian newspaper. Lauren Burns recently met her biological father. She met her biological father because of the intervention of the then- Governor of Victoria; he recognised her need to know her father. And then there is my 18-year-old son, who met his biological father when he was six years old. Our son met his biological father and extended family because one brave social worker at the Royal Women's Hospital where he was conceived, facilitated our (re)union in spite of there not being a precedent for this in Victoria.

These are only some of the donor-conceived people wanting to know their identity; to know who they are. The list is a lot longer and what they have in common is the

need to know their biological origins. Many donor-conceived people have approached the clinics where they were conceived, and except for my son, all have been turned down. Instead of being naturally granted the right to the knowledge of the details of their birth, donor-conceived people have to beg, plead, write letters, access courts, expose their pain to the public in the media in the hope that they will be recognised. Myf Cumberford once said that it adds insult to injury that she has to prove that donor conception has hurt her.

In today's society, the importance of biological origins is well recognised. There are many television programs based on this premise. There are programs where people search the history for their ancestors by exploring historical records. There are programs that look at people's racial backgrounds by studying their DNA. There is a broad base community curiosity in people's biological background and this is easily understood, and quite natural. But for the donor-conceived people this is not a mere curiosity. The issue here is not just their grand-parents, or earlier ancestors - it is their immediate parents. It is no wonder that for many donor-conceived people, this issue attains a great importance in their lives. For some donor-conceived people, it is a critical piece of missing information that leaves their own identity incomplete, and in extreme cases, it can have a very disabling effect on their lives.

It is very frustrating for people to know that the identifying information that they seek is available – it resides somewhere, in someone's office, it is accessible by various people, but it not accessible by the people who were born from this process. By some cruel twist of legal history, *freedom of information* is denied to these donor-conceived people.

How did this happen? It is true that medical practitioners work sincerely in society's interest and moreover, this fact is very important to them in the conduct of their profession. And there is no doubt at all that they do an enormous service to society. Nevertheless, the truth is that there is money involved. Livelihoods are made, individuals are employed. Reproductive technology is an industry. The issue of business lies in the background, silently informing the debate. The medical establishment's arguments are always in favour of maintaining the current system, and propagating the status quo that enables them to conduct their business. They oppose every move to release information, because they do not want to dissuade potential future donors, since this might obstruct their ability to continue to provide their services to eager would-be parents. But the parents who are the recipients of this procedure are not the only people with rights. The people whose births occur in this way also have rights. Sadly, the medical profession is closely related to the happy and thankful parents, but they are far removed from the resulting children

and their concerns.

It is striking to compare the reality of donor conception with that of adoption. There are no closed adoptions in Australia because we recognise as a community that to do otherwise would be unfair and unreasonable for adopted children, and this could have very negative effects on their lives. However, the journey to legislative change that recognized the rights of adoptive people was not easy. Many people from the adoption triangle were upset; birth parents did not want to be found, some parents felt threatened. The protests and the pain expressed were very real. It was obvious that divulging the information to give adoptive people the right to their identity was going to cause hardship to some people. For example there were women who had never told their family about the relinquishing of a child. There were adoptive parents who had never told their children that they had been adopted and there were adopted people for whom the issue of adoption was something that they did not want to think about or deal with. In spite of the problems that giving identifying information could cause, brave legislators nevertheless passed legislation that gave adopted people their rights to know their identity. The reason is that as a community we recognised that people needed to know where they had come from, to know who they were.

Donor Conception today is in the same awful state as adoption was thirty years ago. But there is already in place in the Victorian Adoption Legislation a model for the legal and practical issues of giving retrospective rights to donor-conceived people to have identifying information. Legislators do not have to reinvent the wheel to give retrospective rights to donor-conceived people.

There will be donors who may suffer because of this. They may argue that they did not know, they were young, they did it for money, they were promised anonymity. Indeed, at the time it was the practice to encourage secrecy and protection of privacy. But the children conceived through donated gametes were not party to this contract of secrecy, and their consent was never sought. It is time now to recognize that these contracts between the donor and clinic are no longer valid. The rights of donor-conceived people cannot be ignored simply because they had no representation at the table when their very conception was negotiated.

I have expressed views which have been formed by firstly being a parent of a donor-conceived person, a founding member of Tangled Webs: an organisation which challenges donor conception, a past Coordinator of the Donor Conception Support Group-Victorian Branch for many years and a member of Vanish. This experience has brought me into contact with hundreds of people from the donor conception community. I have listened and heard the stories of many of these people and this has helped me to form these opinions. **Mostly though I have listened to courageous donor-conceived people who tell us that being denied knowledge of their identity, hurts them.**

Ms. Romana Rossi

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I AM HAPPY FOR THE SUBMISSION TO BE PUBLICLY AVAILABLE.

I would like to be part of any public hearings that occur.