

Submission from Barbara Burns a parent of two donor conceived children.  
Victoria.

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This submission is to tell my story as a parent of two donor conceived children. I believe my story provides compelling evidence as to why the law on donor conceived children having access to information about their donor must be updated. I live in Victoria, which has the most progressive laws on donor conception, but even in this state donor children born before the arbitrary cut-off date of 1988 are officially not permitted to know anything about their donor. Although the ART legislation was welcome its changes were not made retrospective, meaning older children have missed out on having access to information about their origins.

After nearly a quarter of a century of keeping the secret, in 2005, I told my 2 girls that they were donor conceived. Jane was 24 and Lauren 21. This means they were conceived prior to the Victorian cut-off date of 1988.

I thought about it for a long time before actually getting the courage to speak. A major influence in telling was the fear that they would find out accidentally. I had a horror of them, many years down the track, being involved with their social father's medical treatment and suddenly realising that his blood type or DNA was incompatible with their own and they had been lied to all their life. I believe with the discoveries in genetics and medicine this will become a regular scenario and many donor children will be placed in this shocking situation. This in itself is a compelling reason why out of date laws about who can or cannot have information, must be changed. By not addressing the issue now we are heaping up trouble for the future

Many parents, like me, as they and their donor conceived children get older, are finding the burden of the secret of their children's conception a heavy weight. They want to speak as they believe that it is very wrong to keep such fundamental information from their child. However they are rightly afraid of making a bad situation even worse. When I was thinking about telling I was aware that Jane and Lauren were not legally entitled to any information about their donor. It seemed almost a sick joke to have to admit to my children that they were conceived by a stranger whom they would never know anything about. Neither I nor anyone else should be placed in this position. Looking back now I do not know how I had the courage to speak given that I truly believed at the time that Jane and Lauren would never find out anything about their donor. I took a huge risk.

For three years I actually thought that I may have had done the wrong thing in telling. While outwardly my children took it well, under the surface I knew that Lauren in particular was frustrated and angry. She knew her birth father's name was in government held records and could not understand why she was officially not allowed to have this information. My heart bled for her.

Lauren took matters into her own hands and did eventually find her donor against very long odds, by essentially battling against the system in a David and Goliath struggle that a lesser person would not have been able to undertake, let alone win. Her donor has been wonderful and for all involved things have worked out well. However, she should not have had to undertake this battle which involved going on a national TV program, speaking to the Governor of Victoria, who was my treating doctor, approaching politicians, working with journalists and spending many hours writing and researching. This persistence does however illustrate an important point; the truth will come out. All the laws in the world are not going to stop someone searching for their biological links, and many will be successful. This shows how fundamental this link is. Also, the fact that some children are able to discover their donor's only makes it harder for other who are not so lucky. If some people have this information and there are no dire repercussions they find it hard to understand why they should be denied the same information. It is equally puzzling to everyone involved that the laws in the different states vary so much.

I have seen the pain of young people who have been deprived of information about their birth fathers and I am so thankful that my children are not in that position. By not knowing the young person is essentially 'stuck' and cannot move on. They are bewildered as to why a supposedly compassionate society is treating them like this.

Moving away from my personal story there are other strong reasons why the laws on disclosing donor information must be updated. In Victoria there is an official, government funded, public education campaign, 'Time to Tell', where parents are actively encouraged to tell their children about their donor origins. However this is in direct conflict with the secrecy provisions pre-1988. The government itself is confused. On the one hand it is saying, *be open*, on the other it is saying *it is against the law* to have this information. This discord must be sorted out.

I also want to briefly mention what I think is the main impediment in most people's minds about removing the secrecy. That is "the fear factor". Will parents and donor's be upset and feel let down by the removal of a law that promised them secrecy? I am a parent, I would not be upset but would be very happy to see the law changed. I have come in contact with a number of donor's stories on this journey and, without exception, they want and, in some cases are eager, to find out about any children they have created. There are many donor's names on the Victorian register. Society has moved on from the secrecy of the past. In my family, now that the silence has gone, things are so much better; Jane and Lauren have information about their genetic heritage, I no longer fear accidental disclosure, I have had the heavy weight on my heart removed, our friends and family have been amazingly supportive and Ben and his family have been very welcoming. Surely this experience is likely to be typical.

My final point is that providing information on donors is not breaking new ground. It is merely the last in a continuum. The sky did not fall on adoptees and their parents when the legal situation changed. Society has accepted openness as evidenced by the popularity of programs like 'Find My Family'. What surprises me is, not that donor conceived children are denied information, but that the same battles have to be fought again and again.

To sum up, I believe that a person has an absolute right to know their biological origins and genetic heritage, and that I and the government are cheating them if we do not have the courage to do all in our power to give them this information.

I would like to conclude by thanking my donor for his great gift which has allowed me to experience the joy and privilege of having a family. I owe him so much.

This is a summary of why these issues need addressing.

- In the future, as social parents age and are subject to blood and DNA tests, their offspring will be shocked to find out they are donor conceived.
- It is a callous system that asks parents to tell children they were donor conceived but by a stranger they will never know.
- Donor children are very enterprising. The truth has a habit of coming out.
- The Victorian government is confused. On the one hand it is promoting telling, on the other it says it is illegal to have this information.
- There is nothing to fear by telling. The sky will not fall in. Our family is typical.
- The battle has been fought and won with adoptees why are we fighting it again?
- Every person has an absolute right to know their genetic heritage.

Below are some **recommendations** that seem to me to be fair and reasonable to all parties and give a picture of what I would like to see in the future regarding access to donor conception information.

- 1) A Donor Register must be created that protects and centralises all existing donor conception records.
- 2) All donor conceived people, their immediate family and their descendents should be able to apply for information on the register about their donor and half siblings, regardless of when they were born.
- 3) The Authority handling the Donor Register must also include counsellors who can act as an intermediary service to approach other parties, and provide counselling and advice to donor conceived people, donors, and their respective families.
- 4) In the continuum of the adoption precedent, not wanting contact is insufficient reason for either party to be denied information about the other, giving consideration to the testimony that denial of this information can cause grief and great psychological distress. Those not wanting contact can simply make their wishes known, e.g. through contact vetos like the NSW Adoption Act.
- 5) In cases where donors do not agree to voluntarily release of identifying information about themselves after counselling by the intermediary service, a donor conceived person should still be permitted to apply for identifying information, but be required to comply with any contact vetoes placed by the donor.