**Submission**
**No 31**

# MANAGING INFORMATION RELATED TO DONOR CONCEPTION

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To The Legislative Assembly Committee on Law and Safety

Parliament House, Macquarie Street, Sydney NSW 2000

**Submission to:** INQUIRY INTO MANAGING INFORMATION RELATED TO DONOR CONCEPTION

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**Question 1**: *Should donor-conceived adults have retrospective access to donors' identifying details?*

As a mother of a donor conceived young person I believe it is essential for legislation to support the rights of donor conceived people to identifying information on their donor. My daughter has been keen for many years to know the identity of her donor, despite being unsure about actually meeting him. It is highly possible that donors who are now mature adults would be happy to have at least minimal contact with their donor conceived offspring if they were given education and time to consider the option. The assumption that former donors would not consider this differently, many years after their donation, is yet to be tested.

**Question 2**: *If retrospective access were granted what conditions should apply?*

They should be offered confidentiality counselling and educational seminars to learn about the benefits to donor conceived people of contact and knowledge of their biological parents. The option to meet those people who have had successful meetings as well as those who might caution restraint would similarly be helpful.

I feel that donors have some rights to contact their donor conceived offspring although the option of a veto from donor conceived people could be considered. Nevertheless donors should at the very least be able to send written communication to their donor conceived offspring who may not have been alerted to the fact they are donor conceived. Knowledge of their donor conception should not rely on the interests or biases of their social parents.

If parents have been reluctant to have children contact or ask about donors then a request from a donor might give that donor conceived offspring a second chance to know about their heritage.

**Question 3**: *What other issues would be raised by granting retrospective access? For example, how would the process of applying for information be managed? Would counselling and support services be required?*

Time should be allowed for the considerations of the repercussions of meetings for the donors, donor conceived people and the families of both. As male donors may not feel so comfortable with one on one counselling a seminar providing information on the process of identifying information becoming available and the repercussions of this should be available. This could include speakers who have experience of contact meetings.

I recommend a staged process of information provision, seminars or counselling, and time for consideration of all issues for both donors and their donor conceived offspring, so that both parties feel well prepared for provision of identifying material and the possibility of contact.

**Question 4**: *Which agency is best placed to manage the register of donor conception information (donor register)? Is the current management of the register adequate?*

I believe the current register is totally inadequate. It is highly unlikely that the majority of people who used anonymous donors would know about the register or how to access it. It is very hard to find on the health website, and only educated assertive people would be able to find it. Additionally I think it’s also improbable that donors would know where to look if they were curious about their donor conceived offspring and wanting to find further information. There is no provision for further information on the process anyway beyond a suggestion of counselling, and the majority of counsellors would not have sufficient knowledge of the subtleties of donor conception practices and the repercussions.

**Question 5***: Should a standalone body be established to manage the register? What other areas could it have responsibility for? (p 5)*

Yes. Perhaps by an NGO already experienced in issues relating to parenting, such as the PARC of the Benevolent Society.

**Question 6**: *Should counselling and support services be offered to those seeking donor conception information from the donor register? (p 5)*

Yes it should. And for young adults I believe it should be free.

**Question 7**: *Are there other types of support that could be offered?*

Yes. See answer to Q3.

**Question 8**: *How would support services be funded? By the government, the individual seeking the service, or by ART clinics?*

Regular contributions from fertility clinics would be a good method of funding. However, both NSW Health and FACS have a responsibility to assist with the appropriate services for the mental health of people affected by donor conception and the building of healthy family relationships between all parties involved in donor conception.

**Question 9**: *How would such support be provided? By referral to FACS (as with adoption) or by a standalone body (as has been recommended in Victoria)?*

A stand alone body with knowledgeable staff and counsellors would be of great benefit for all people and families affected by practices of donor conception. Currently most support is provided by self help organisations such as the Donor Conception Support Group or Solo Mums by Choice.

**Question 11**: *What should happen to records if a clinic closes?*

Our fertility specialist had a clear view that a donor's right to anonymity was paramount, and that if the laws looked like changing he would destroy the records. Whether this was deliberate or not, much of the paperwork relating to my daughter's conception has been lost. The clinic which currently holds records is unwilling to search for current information on the donor's whereabouts and says that they only have a name. They appear unsympathetic and appear to believe that they are just holding records and have no responsibility to act in the interests of recipients or donor conceived people.

I therefore believe that it is insufficient to simply pass records to another clinic. How would the donor know about this? The clinics are under no obligation to inform them so if they were interested in knowing about their donor conceived offspring and found that the clinic was closed they may well not try again. I have seen no publicity on the current register encouraging anonymous donors to register or offering education on the social benefits of so doing.

**Question 12**: *How can we ensure the integrity of records? For example, ensuring that they are not destroyed or tampered with.*

I wish I knew. It really worries me that even if the law changes my daughter's information may become totally unavailable.

I hope this submission will be treated as a sincere wish for the rights of all donor conceived people to have identifying information on their donors.