

**Submission
No 24**

**INQUIRY INTO INCLUSION OF DONOR DETAILS ON
THE REGISTER OF BIRTHS**

Name: Ms Miranda Montrone

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Mr John Barilaro, Chair,
Committee on Law and Safety,
Legislative Assembly,
NSW Parliament.
lawsafety@parliament.nsw.gov.au

Dear Sir,

Inquiry into the Inclusion of donor details on the register of births

Background

I am a psychologist and family therapist and have worked in the areas of infertility and assisted reproduction for more than twenty five years. For nine of those years (1992-2001) I worked as the clinic Infertility Counsellor at the then City West IVF (now IVF Australia, Western Sydney). I have also worked as a Couple Therapist at Relationships Australia, and in addition I set up the CJD Counselling Service in NSW, which was funded to counsel people (and their families) who had been treated with human pituitary hormones and were at increased risk of iatrogenic CJD. Since 2001 I have worked exclusively in private practice in Glebe, Sydney, with about 40% of my work being related to infertility and assisted reproduction.

As an illustration of my professional expertise, I list here a small sample of the papers/presentations which I have given at professional conferences and seminars over the years:

- Secrets in Families, Fertility Society of Australia, Conference, Adelaide, 1992
- Ethical Considerations in ART – A Baby at any price? Psycho-Social Implications. International Meeting of Consumers and Physicians (IFIPA), Sydney 1996
- Third Party Reproduction – Donor gametes, Surrogacy. Family Planning Association, Ashfield 1999
- Assisted Reproduction: Processes, Meanings, Dilemmas, National Family Law Conference, Sydney 2000
- Assisted Reproduction and possible long term family issues. Family Court Judges' Conference, Sydney 2001
- A Voluntary Contact Register: Stakeholders, Values, Processes, Dilemmas. Fertility Society of Australia Annual Conference, Perth 2003

Professional Experience with Donor Sperm, Oocyte and Embryo Treatment

During my 9 years employment as Counsellor at City West IVF (now IVF Australia, Westmead) I conducted implications and decision making counselling sessions with gamete and embryo donors and recipients. Some of these cases involved the use of anonymous donation, mostly for sperm donor treatment, and others involved the use of known gamete donation, mostly for oocytes. In 1999 on behalf of the Australia and New Zealand Infertility Counsellors Association (ANZICA) NSW, I organized a professional workshop on “Donor Offspring Issues” which was attended by infertility counsellors from a number of Australian states and New Zealand.

During 2001-2002 I was employed one day a week as a Project Officer, Reproductive Medicine, at the Royal Hospital for Women, Randwick where my work involved the consolidation of all records of sperm and oocyte donors, recipients and offspring of donation since treatment started there in 1978. This required the development of a Voluntary Contact Register data base to facilitate record keeping, and counselling of patients and donors initiating contact. In collaboration with hospital staff I reviewed and developed protocols for contact with all parties as well as worked on developing processes for and searching for past sperm donors.

Over the years I have attended a number of conference presentations and seminars related to donor issues, the most recent of which was the Donor Linking Symposium organised by ANZICA, the Donor Conception Support Group and the Victorian Assisted Reproduction Treatment Authority and held on December 3, 2011.

In the context of my professional qualifications as a psychologist, family therapist and infertility counsellor; and experience (30 years psychologist & relationship counsellor, 25 years infertility counsellor) I make my submission in response to the issues raised by the Terms of Reference of this Inquiry:

“That the Committee inquire into and report on whether there should be provision for the inclusion of donor details on the register of births maintained by the Registrar of Births, Deaths and Marriages.”

I do not believe that the current system for recording donor information in New South Wales is adequate, and hereby support the amendment of legislation as follows:

- Information on the current **Central Register** in New South Wales which is currently held by the Department of Health should be moved to the Department of Births, Deaths and Marriages.
- There should thus be provision for the inclusion of sperm, egg and embryo donor details on the register of births, maintained by the Registrar of Births, Deaths and Marriages. The retention and disclosure of this information should be continued according to Section 16 of the Assisted Reproductive Technology Regulation 2009.

- I do not believe that this information should be available on a birth certificate before a donor offspring reaches the age of 18 years. However after the donor offspring reaches the age of 18 years of age, I support a birth certificate having a notation that indicates that there is further information available about the birth of this person. Following an enquiry from the holder of the birth certificate, information available on the Central Register could then be made available as required by legislation.

*For donor offspring **born before 1 January 2010**, records of birth are currently required to be retained only by the treating ART clinic and are not included on the Central Register which is currently held by the Department of Health. Despite the best intentions of individual clinics I do not believe that this is a satisfactory situation for those who were born of donor gamete or embryo treatment before 1 January 2010. I am aware that there are also several clinics which have ceased operation in New South Wales, which puts these records at increased risk of damage or loss, and makes access to these records more problematic. I also accept that the values of stakeholders and the community may have been different when treatment occurred, particularly with regard to anonymity. It is however my experience that many recipients, offspring, and some donors have moved to a position of more openness regarding the donation, and there should be an additional system of access to information for these donor offspring born before 1 January 2010.*

- Thus I recommend that a **Voluntary Contact Register** be also established with the Department of Births, Deaths and Marriages. This register would include birth details, as well as donor and recipient parent details, of donor offspring born before 1 January 2010. I further recommend that access to this information would only be available if the wishes of donor and adult offspring or adult parent/s of offspring or adult half donor siblings were in agreement regarding openness.
- I am aware that in Victoria, there has been implemented such a system of notation of donor information on records held by the Department of Births, Deaths and Marriages for both Central and Voluntary Contact Registers. I support the implementation of similar systems and processes in New South Wales to those which are followed in Victoria.

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