Legal and Constitutional Affairs Committee
Inquiry into Donor Conception in Australia
Submitted by Kimberley Springfield

I make this submission on an issue which affects me personally, along with thousands of other Australians. My biological Father gave his sperm, resulting in the life of my brother, sister, four half siblings (that I know of) and myself. I was born in 1984, therefore have basically no knowledge of my genealogical heritage on my Father's side. For 21 years I was lied to about my biological origins; part of my identity. When finally I did learn the truth, I was then faced with the shattering news that I had no rights to access information about my own family in order to re piece my identity.

I cannot fathom going through life never knowing where I have come from; my ancestry and my identity. Every day I look at the faces of people around me and wonder "Could you be my Father, my half sister, my half brother, my Grandparent?" I search for similarities in their faces, but will I ever know for sure? I know I have more family out there somewhere, and I mourn the loss of them every day.

Personally, being denied knowledge of my family has negatively impacted on my life; mentally, emotionally and physically. I know too my sister has suffered a great deal as a result of not knowing. These negative effects are far reaching. They also impact the donor conceived persons children, partners, other family members and the wider community.

One year ago I started the process of explaining to my own 7 year old son about my Father, but really apart from the 'how', I have little to tell him.

People need to know their genetic history and family in order to find their place of belonging in the world. The importance of this is evident in the UN Convention of the Rights of the Child, Article 8, 1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. My identity, nationality and family relations have not been preserved. They have been locked away from me in an IVF clinic file.

Children do not have a say in how they are conceived, and therefore who they are related to. It is for this reason that children created from donor conception these days have some rights protected by law. Upon adulthood they can access information about their biological Parents and family. They are eventually able to piece together the genetic puzzle of their lives. This right has not been fully extended to donor conceived people born before 1998 and not at all to those born before 1988, yet it is just as important for us to know.

Donor conceived people need the basic right to information about their genetic identity. Without it we lay subject to emotional, mental and physical suffering.

Donor Conception Regulation and Legislation across Federal and State Jurisdictions

There needs to be continuity of legislation across the States relating to the preservation of donor records, access to information and treatment.

Donor Records

Donor records prior to 1988, held by clinics and doctors have no special status and like other medical files and may be destroyed after 7 years. All donor records should have special protective status, and be held in an independent central registrar.

Access to Information

It should be a priority that all donor conceived people have access to information regarding their genetic families. Donor linking services should be implemented to help connect donor offspring with their donor Parents and half siblings. In the case of missing/destroyed files, other research may need to be undertaken to trace family members.

Rights of Donor Conceived Individuals

Donor conceived people are currently being discriminated against based on; how they were conceived, what year they were conceived, where they were conceived and where they were born. Everyone has the same need to know about their genetic, medical and social identity and history. The current system has created three classes amongst donor conceived people. Those born post 1998; when anonymous sperm donation was abolished and offspring may seek identifying information upon the age of 18 years. Those offspring born between 1988-1997; who may seek identifying information with the consent of the donor. And lastly, those born prior to 1988; who have no rights to any identifying information.

Why do these classes still exist in Australia, our country that prides itself on equality and Justice? All donor conceived people should have the same rights to access identifying information about their genetic families, regardless of the circumstances surrounding their conception. Legislation needs to be changed retrospectively in order to do so.

Current Legislation Allows for Identity Confusion

There is no question that genetic family is a crucial factor in the development of identity. Not knowing about family relations, genealogical history and nationality creates identity confusion. It is well documented that the formation of identity begins in early childhood and shapes the type of adult we will become. Therefore, information about our genetic family relating to “who we are” needs to be taught to children from an early age. Parents are urged to be open and honest with children about their donor conception; however are unable to support this honesty with the vital information their children need regarding their genetic family. How can the development of these children be fostered when such personal, identity forming information is withheld from them for the first 18 years of their lives. It is a tortuous situation these children have been placed in. This needs to change to allow children to know who their genetic families are.

Conduct of Clinics and Medical Centres

Currently there are no guidelines which IVF clinics must adhere to regarding the facilitating of connecting donors with their offspring and vice versa. Some clinics willingly contact donors and donor conceived people on behalf of the requesting party to try to establish a connection between the two. Other clinics refuse to, and in my personal experience make up excuses and lies as to why they will not. There needs to be regulated policies within all clinics in Australia to ensure equity. Those responsible for dealing with donors, donor conceived people, parents and their families should be made aware of the sensitivities relating to this issue. I have had a very negative experience in dealing with the clinic who facilitated my existence. From them I received no understanding or empathy. I was spoken to as if I was unworthy; as though I had no right to be asking about my history.

Counselling Services

Counselling services need to be made available for people concerned with donor conception, and need to be independent from IVF clinics. With donor conception arises many complex issues, for which counsellors with specialist knowledge would be most valuable. Prospective parents and donors need to be made aware of the gravity and implications of their decisions prior to going ahead with donor conception. Counselling services also need to be open to the donor conceived people and their families, and to parents and donors (and family of the donor) once they have conceived a child(ren).

Payment for Donors

It is ethically and morally wrong to “buy” a life. There should not be any payment for donors.

Consanguine Relationships – Number of Offspring per Donor

Firstly I’d like to point out that if all donor conceived people, donors and their children were given unlimited rights to information regarding their genetic family, consanguine relationships would no longer be an issue. The number of offspring created from each donor should be kept to a minimum, perhaps 5 at the most.