

## **Submission to the Senate Legal and Constitutional Affairs Committee *Inquiry into donor conception in Australia***

31 July 2010

Thank you for undertaking this important inquiry and providing the opportunity to share our views on donor conception through this submission.

We found out eight months ago that we would not be able to conceive naturally, after trying an IVF cycle and separate operations. Since that time, we've done a lot of reading about donor conception, talked with lesbian friends who have children and single women friends who are planning to become solo mums by choice through donor conception, and thought hard about options including donor conception, adoption and fostering. We have each decided that we want to try to have children with the help of donor sperm, and have commenced the process. In particular, being able to experience the wonder of pregnancy directly is a key motivation (less so than a conscious desire to reproduce the genes of one of us).

We have been open about our choice with family, friends and anyone else interested to discuss it. While it has complexities, it has become, for us, a legitimate and natural one of a number of ways to start a family. We plan to be open and joyful with our children about their origins, and don't see there is any stigma or shame associated with it. We have chosen to use an identity-release unknown Australian donor so our children have the option to have a relationship with their donor if they and he wish to, once they reach the age of 18.

What we have found and feel about donor conception in Australia so far is:

- We appreciate that Australian gamete donors are not paid for their contribution (except expense reimbursement in some jurisdictions) as it seems this removes a perverse incentive to donate - we assume donors in Australia are motivated by altruism, not payment.
- However, this means there is a dearth of Australian donors because donations are not actively encouraged, given US sperm (where donors are paid) is readily available. This stands in contrast to organ donors. There are also a range of incorrect myths and misconceptions particularly about sperm donors - such as that donor-conceived children will have future paternity or property claims against the donor / donor's estate. There is a need to educate the community about the need to donate and the legal rights of donors.
- We take comfort in the practice of our fertility clinic in limiting donors' donations to five families, including their own. This limits the number of siblings for our children. However, this isn't mandated or regulated on a consistent basis across the country.
- There is very limited information available on local donors. A friend had 6 pages of information on her donor at a different fertility clinic in a different jurisdiction from ours. We have one A4 page with basic details of the donor's age, complexion, blood type, height, weight; any key medical issues with him and his immediate family only; his interests and occupation; and one line on why he is donating. There would be much more detail on donors from the USA, including baby photos, voice recordings and essays written by the donors, which is thought to be due to payment of donors there. We are trading off having very limited information now for greater opportunities for our future child/ren to have a relationship with their donor with him based in Australia. Its not clear to us, however, why more information could not be sought and encouraged from Australian donors, within the

boundaries of their privacy rights and preferences. It also seems odd to us that this information flow is one way. We would be happy to provide more information about ourselves to our donor, if interested, as well. We appreciate the practice of our fertility clinic in asking donors upfront whether they would be prepared to provide more information about themselves to the families receiving their gametes, via the clinic, before the legally mandated time (when the child turns 18). Again, however, this is particular to our clinic, not a widespread practice.

- Generally, there is no clear national approach regulating donor conception practices and there is inconsistency across state and territory borders. While based in NSW, our preference for an Australian donor has led us to investigate options in the ACT and Victoria because there is an 18 month waiting period for local donors in Sydney. There are differences in the ability to access donors, the practices of assisted conception (such as: information available about the donor, cooling off periods, counselling, the need for prior police and Working with Children checks, limits on the number of families that donors can contribute to etc), and how the parental and donor rights are defined (or not!) in legislation. The National Health and Medical Research Council (NHMRC) guidelines on assisted reproduction go some way to encouraging consistency, but these are no replacement for clear federal legislation.
- We would like such federal legislation to: enable and encourage Australian donors without payment incentives; limit the number of families that can be started through each donor to five or so; safeguard the rights of people assisted through donor conception (parents) from parental claims by donors and, conversely, the rights of donors from paternity claims by children and parents; require more information to be collected from donors and parents; enable the sharing of information between parents and donors before conceived children turn 18 years old; and create a national register of donors and donor-conceived individuals to allow all parties to easily find each other.
- We support the proposal for a donor register to identify donors, parents and children born of donors (siblings) – before they are 18, to allow half-siblings to meet. In our reading about donor conception, it seems that missing donor information, genetic history and knowledge of siblings can be a real bewilderment and loss for donor conceived individuals - which we can understand. The lessons of history from the Stolen Generations, the Lost Children, and adoption should be learned. The experience of openness around donor conception is relatively new but appears to be more positive for all parties than the secrecy and missing information of previous eras. We don't expect our donor to be heavily involved in our family, but we want him to know of our children and them to know of him, and for both to have the opportunity of a relationship if they wish. We think that donor conceived families, with the parents, children, donors, donors' families, will become just another form of blended or extended family in the future.

Thank you for your consideration of our submission and these important matters. We look forward to following the progress of the inquiry and hope it leads to a national, consistent and open approach to donor conception practices in Australia.

Regards