

Submission to Review of the A.R.T. Act 1988

My submission to this review is in my capacity as an individual. I am a recent sperm donor through an IVF clinic, and also a same-sex parent of children born through surrogacy and egg donation.

Access to Assisted Reproductive Treatment

The fact that access is not provided to those with **social infertility** such as lesbian couples, or even heterosexual single women is simply discriminatory. As a clinic-recruited sperm donor, I would be more than happy to see my donated sperm assist potential parents in a variety of circumstances, and the fact that there are such restrictions bothers me deeply. Moreover, these exclusions do not treat as paramount the welfare of children. Lesbian couples, or single women, who desperately want to have a child will not meekly accept these restrictions, but instead will resort to other methods of conception. This might include seeking ART treatment interstate or overseas, or utilising AI with a friend, or even a stranger from the internet. Pushing parents towards those options may lead to further issues with access to information by donor conceived children, and lead to higher risks of transmissible diseases, and many other disadvantages of falling outside the regulated system. **I strongly support the access to treatment by socially infertile lesbian couples and also to single women.**

Also, related to access, I have a personal view that the **removal of the screening provisions** was the correct thing to do. Of course I would not want to see children at risk from those who may not be suitable parents. There are certainly types of people I may not want to be the recipients of my donor sperm. However I think that it is highly discriminatory to impose these judgements only on those seeking access to ART. If the authorities have reason to believe that someone is not suitable to be a parent based on previous criminal history or other circumstances, then they should take actions such as removing children at risk, **IRRESPECTIVE** of how the children were conceived. It is highly unfair that someone with a certain criminal history might not be able to access ART, but would be allowed to have children through natural conception. Either they are a suitable parent, or they are not, this is a judgement for an organisation such as Families SA. If it is thought appropriate that these checks happen prior to conception, then **ALL** potential parents should have to go through these checks prior to having children. **It is not fair to set the bar higher for access to ART than for having children through other means.**

Donor Conception Register

It is clear to many parties involved in these discussions, that a donor conception register should be maintained. It is not sufficient that the act provides provision for one; it should require one. This review should make recommendations that such a **register be immediately established**. Those involved in the register, including donors, donor conceived people, and parents of donor conceived people, should have direct control over the privacy of individual aspects of information on this register. Of course, some information should

necessarily become available to various parties, and for example to donor conceived children at a certain age. But there should certainly be the ability to **voluntarily include additional information** for different parties in such a register.

It is important that the privacy of individuals be respected, and that previous agreements be respected. Although donor conceived people may wish to find out information from a time when the laws were different, **there should not be retrospective changes to the laws**. As a sperm donor, I chose to provide more information to the IVF clinic than they requested, since I believe in the importance of donor conceived children and their parents having access to information. In fact, the IVF clinic did not usually seek photos of their donors, but I requested that mine be provided to potential parents. In the best interests of all parties involved I would want to share any appropriate information. However, I would certainly not appreciate a law retrospectively changing the arrangement that I had entered into. I do not feel it is right to that some people think that previously anonymous donors should have this taken away from them by retrospective changes to the law. This is not how our legal system should work.

Paramourncy of the Welfare of the Child

While in general I think that in most areas current laws and policy have appropriately been treating the paramountcy of the welfare of the child, I think there is **risk of overreach**. The paramountcy of the welfare of the child should mean that policies are constructed placing the interests of children with the highest weight. But that does not mean that donor-conceived people should be the only ones with a voice on an issue, or that their interests should *always* be put above the interests of others. In many cases, the views of some donor conceived people will conflict with the views of other donor conceived people, so specific individuals' views can't be held up as the only side of the argument. Some donor conceived people feel strongly about missing information about their donors, some donor conceived people have no interest in seeking information that they are legally able to obtain – there are a multitude of views and lived experiences. What should always be ensured is that the system does its best to **balance the welfare of all involved, with a higher weight on the children**. It must not be forgotten that some people conceived of anonymous donor sperm may not exist had that anonymity not been allowed at the time. While I am not suggesting that we go back to those times, I do think it is important to consider that there is the potential for additional red-tape and requirements to discourage potential donors from making the decision to donate. And retrospective changes are perhaps the worst for this, as they could potentially undermine all faith in the system and in any future carefully constructed agreements, knowing that they could be simply overturned at a future government's whim.

Thank you for taking the time to consider this submission.

Regards,
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