VARTA
Victorian Assisted Reproductive
Treatment Authority

27 April 2022

Committee Secretary
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane Qld 4000

By email: lasc@parliament.qld.gov.au

Dear members of the Legal Affairs and Safety Committee

Re: Legal Affairs and Safety Committee of the Queensland Parliament inquiry into matters relating to donor conception information

I am writing to you on behalf of the Victorian Assisted Reproductive Treatment Authority. VARTA is a statutory authority in Victoria that performs a range of functions set out in the Assisted Reproductive Treatment Act 2008 (ART Act) and the Assisted Reproductive Treatment Regulations 2019.

VARTA's purpose is to:

- regulate assisted reproductive treatment providers in Victoria;
- educate the community and relevant professionals about fertility, infertility, ART and preconception health;
- manage the Central and Voluntary Registers and process applications for information stored on the registers to facilitate donor linking;
- provide information, counselling and support for donor-conceived people, parents, donors and family members; and
- facilitate connections between donors, donor-conceived people and parents who received donor treatment.

VARTA is funded by the Victorian Department of Health and is free from commercial interests. VARTA's small team is made up of experts in their field who are dedicated to delivering the highest quality support to the Victorian community. VARTA's Board is responsible for the strategic direction and performance of VARTA. VARTA's donor conception information work is managed by the Donor Registry Services team, which comprises the team manager, two information officers, two counsellors and one information assistant.

Victoria's Right to Know Legislation

In Victoria, the Assisted Reproductive Treatment Amendment Act 2016 commenced on 1 March 2017, to give all donor-conceived people, no matter when they were born, the right to know their genetic heritage. These changes were intended to make it fair for all donor-conceived people to have the same access to available information about their donors. The ***right to know*** changes have allowed:

- all donor-conceived persons to access identifying information about their donor regardless of the year they were born; and
- the lodging of contact preferences by all parties affected by the changes to decide on the terms of contact and whether they want contact at all.

Previously, people conceived as a result of gametes donated prior to 1 July 1988 could not access information about their donors from the main donor conception register, the Central Register. Changes to the Act that came into effect on 29 June 2015 allowed these donor-conceived people access to identifying information about their donors, but only with donor consent. This put them in the same position as people conceived from donations made between 1 July 1988 and 31 December 1997. Those conceived from donations from 1 January 1998 were already entitled to obtain identifying information about their donor without the donor's consent.

Further changes, which came into effect in 2017, gave all donor-conceived people in Victoria access to available identifying information, without seeking donor consent. A comprehensive overview and timeline of key legislative changes in the area of donor conception is available on the Parliament of Victoria website.

In Victoria, the operation of the donor registers is governed by the Act. Guidelines have furthermore been issued under section 100A(1) of the ART Act by the Secretary to the Department of Health. The Guidelines relate to the performance of functions and the exercise of powers of VARTA in managing the donor conception registers, and in undertaking enquiries to assist linking parties (including requesting information and records and conducting searches).

The Central and Voluntary Registers

Established in 1988, the Central Register managed by VARTA contains information about people involved in donor treatment procedures, including donor-conceived people, parents of donor-conceived people, and donors. Registered clinics are required to notify VARTA of births from donor treatment for the Central Register throughout the year. The following people can apply for information from the Central Register:

- donor-conceived people
- parents of a donor-conceived person
- donors
- descendants of donor-conceived people.

The Voluntary Register was created a decade later in 1998 and enables people involved in donor conception to connect with each other and share information about themselves with mutual consent, including items such as photographs and videos that cannot be included on the Central Register. Two or more people need to add their details to the Voluntary Register for there to be a match and for communication to occur.

We publish a range of resources on our website on our donor conception register services. This includes information on how the Central and Voluntary registers work, VARTA's role and the process for making an application to the registers.

Resources the Committee may find useful

Information about VARTA's donor conception register services, the number of applications processed annually, and information about how information rights have changed over time in Victoria are detailed in our annual reports which can be found on our website here.

In February this year, VARTA hosted a webinar providing information about VARTA's Central and Voluntary Registers and what is involved in donor linking. The one-hour session featured practical information about:

- VARTA's Donor Conception and Register Services Team
- the differences between the Central and Voluntary Register
- the information that is available from the Registers
- how Counsellors undertake donor linking

This webinar is available online and can be viewed here.

I trust this information is of assistance to the inquiry. Please feel free to contact me should you require further information.

Yours sincerely

Anna MacLeod

Chief Executive Officer