

**SUBMISSION**  
**BY AN EMBRYO DONOR**  
**TO THE QUEENSLAND PARLIAMENT**  
**ASSISTED REPRODUCTION TREATMENT (ART) INQUIRY**  
**INTO MATTERS RELATING TO**  
**DONOR CONCEPTION INFORMATION**

**22 APRIL, 2022**

**By**

**NATALIE PARKER**

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Dear Committee,

Thank you for the opportunity to add my submission to your inquiry into donor conception in Queensland. Having a donor register is essential to ensuring the human rights of children born from donor conception.

The Senate Inquiry into Donor Conception in Australia 2010 recommended national register, however the government's response recommended nationally consistent legislation. Queensland has still not developed legislation to protect the rights of those involved in donor conception.

### **Personal experience**

My husband and I were embryo donors, who donate to a married couple in late 2014. The donation process took place in NSW and we completed the necessary paperwork and the mandatory counselling as directed by the clinic, IVF Australia. During the counselling process, we made agreements regarding future contact and we were told by the clinic that "at the very least, we would be informed once a child was born from our donation", in line with the NSW Assisted Reproductive Technology Act 2007. We were told that our details and those of the child would be recorded on the NSW Central Register.

- The Assisted Reproductive Technology Act 2007 (ART Act) established the Central Register on 1 January 2010 to support information about donor conceived people, donors of gametes, parents and siblings of children who are donor conceived and those born through surrogacy arrangements, and to give donors and donor offspring greater opportunity to access information about each other. The Central Register also includes voluntary information about children born as a result of ART treatment using donated sperm, eggs or embryos, where conception occurred before 1 January 2010

and donors who donated gametes prior to the commencement of the ART Act. The ART Act provides that the Secretary, NSW Ministry of Health is to establish and maintain the Central Register.

At the end of 2015 we were contacted by the donor program and through a sequence of events, found out that the recipients had not gone back to do a blood test after the transfer. We also became aware that she did give birth to a child that would have been conceived around the time of the embryo transfer. I felt violated and let down by a system that I was led to believe would, at the very least, inform me of any births that resulted from our donation.

After advocating this issue to NSW Health, amendments were made in October 2018 to the Assisted Reproductive Technology Act 2007. The NSW Health minister, Brad Hazzard explained “this Bill will close off a loophole where information may not be recorded if parents fail to notify their ART provider if the treatment results in the birth of a child. The onus will be on the ART provider to seek information on the outcome of the treatment.” It also gave more power to the Secretary of NSW Health to communicate with NSW Births, Deaths and Marriages, including to investigate anyone who wasn’t on the NSW Donor Register that should be. As a result, NSW Health conducted an investigation into the child that was born to our recipient and it was concluded that this child was in fact a result of our donation. In March 2020, I received a letter from the Director of NSW Health to say that the child had been added to the Central Register. After all the time and effort that I had put in to this, I was relieved that the little boy who is a genetic sibling to my boys is now on the Register and will be able to contact his brothers one day if he chooses to. We still have an embryo remaining, that the original recipient chose not use. However, I would not choose to donate in Queensland, where we now live, due to the lack of legislation.

### **Implementing a Donor register**

- The new Queensland register must have safeguards in place to ensure that recipients do not bypass the system that is supposed to protect the rights of donor conceived children.
- Having a Register ensures the rights of the child are honoured, specifically those from the Convention of the Rights of the Child.
- South Australia has set up a robust system, after consulting with donors and donor conceived people, as well as experts in the field.
- The registry needs to include a voluntary register, such is the case in Victoria. This allows people to access historical clinical records, which are records about their identity which is more accurate than their birth certificate.

Thank you for the opportunity to contribute my submission to this inquiry. I look forward to seeing legislation that supports the rights of those

Yours Sincerely,

Natalie Parker