

**Submission
No 39**

MANAGING INFORMATION RELATED TO DONOR CONCEPTION

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**Parliament of New South Wales
Legislative Assembly
Committee on Law and Safety**

**Inquiry into managing information related to donor
conception**

Submission by

Australian Medical Association (NSW) Limited



THE VOICE OF THE PROFESSION

AMA is a medico-political organisation that represents over eight thousand doctors in training, career medical officers, staff specialists, visiting medical officers and specialists and general practitioners in private practice.

AMA (NSW) welcomes the opportunity to make a submission on the important issue of managing information related to donor conception.

Any questions regarding this submission should be directed to:

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The AMA (NSW) recognises the importance of donor conceived individuals having access to knowledge of their genetic parents and siblings. Many of its members are either involved in conducting Assisted Reproductive Technology (ART) procedures or providing medical treatment and care to donor conceived individuals, their families or even donors themselves.

The AMA (NSW) also supports the rights of donors to privacy and notes prior to 2010 donors may not have provided express consent to the release of their information. The AMA (NSW) recognises the sensitive balance between the interests of donor conceived persons and donors with respect to information prior to 2010.

The Council of AMA NSW had an extensive discussion about the issues associated with the rights of the donor and the child in relation to donor consent. In the discussions, the Council noted the resolutions of the Victorian Inquiry and the difficulties the Victorian Parliament has encountered in implementing the recommendations of the Inquiry.

The Council noted that while the NSW Parliament has jurisdiction to legislate on issues around donor conception and consent, in practice, the issues around donor conception and consent have national ramifications and should be considered on a national basis. The Council considered that it would not serve the interests of children, donors or parents to create fragmented arrangements that may have different implications for residents of different states. They noted in this regard the likelihood of donations being provided in a different state to where the donor or the child or parents now resides.

The Council of AMA NSW has noted that Federal AMA does not have a current position statement on donor conception. We have accordingly referred the matter to our Federal Association for their consideration.

We believe it would be to the benefit of the Inquiry to have the benefit of a view developed by the medical profession on a national basis. Unfortunately, Federal AMA will not be able to review this matter by the closing date for submissions to this Inquiry. Federal AMA will be reviewing this matter April and will be able to finalise an approved position at the end of May.

We would request the consideration of the Committee to allowing AMA NSW to make a further submission on this issue at that time.