

Thinking of donating sperm, eggs or embryos?



Giving the gift of life.

What are your rights and responsibilities
as a sperm, egg or embryo donor?

Thinking of donating sperm, eggs or embryos?

Thank you for thinking about donating

The impact of a donation of sperm, eggs, or embryos on parents and on any children created, cannot be underestimated.

Your generous donation will enable the people who receive it to become parents and create a family.

“There are no words that can truly express my gratitude for your kindness and compassion. I know I can never thank you enough for helping me become a mum.”

Kerrie, parent

“It was something that had always been on my mind. And once I had my children, I just felt like.....here was something I could do to help.”

Kylie, egg donor

“The appeal was that there were people who wanted to have children and couldn’t”

Adrian, sperm donor

Donating has lifelong implications for everyone involved

Donating has important legal and emotional implications that need to be considered carefully before making a decision about whether to go ahead.

Questions worth considering:

- Why do you want to donate?
- How would you feel about a child conceived from your donation?
- If you know the potential parent(s), how would donating affect your relationship with them? What are your thoughts about your role with the child(ren) born as a result of your donation?
- If you do not know the potential parent(s) how would you feel if they, or the adult child conceived from your donation, contacts you? What type of relationship do you imagine having if there is contact in the future?
- How would you feel if the parent(s) have different values and ways of parenting compared to yours?
- How would your donation affect your partner, children, and extended family?
- What would you tell your family? They will also be genetically linked to any offspring born from your donation.

Thinking of donating sperm, eggs or embryos?

The law

It is important to understand the legal implications before deciding to become a donor, even if you know the parent(s). You may want to seek legal advice before proceeding.

The *Assisted Reproductive Treatment Act 2008* (Vic) governs assisted reproductive treatment (ART). Under this law, donors, recipients and people born as a result of donation have certain rights and responsibilities.

- All donors and people having donor treatment are required to have counselling before they proceed.
- It is illegal to receive payment for donating, although a donor may be compensated for reasonable expenses related to their donation, such as travel costs.
- People wanting assisted reproductive treatment cannot be discriminated against on the basis of sexual orientation, marital status or religion. Donations may therefore be used for single and same-sex couples.
- When a person reaches 18 years (or younger if VARTA counsellors consider they are mature enough), they have the right to request and receive **identifying information** about their donor, including name, date of birth, contact details and donor code.
- Parents of children can request and receive **identifying information** about the donor with the donor's consent.
- Donors can request and receive **identifying information** about their donor-offspring with the consent of the donor-conceived adult, or parent if the child is under 18 years. Donors must agree to abide by any contact preference of the donor-conceived person.

Who are the legal parents?

The woman treated, and her partner if she has one, are the legal parents.

A child's birth certificate records the recipient parent(s) as their parent(s).

The donor is not the legal parent of the donor-conceived child.

The donor has no legal rights or obligations to the child born as a result of their donation.

The child does not have any legal right to make a claim on the donor's estate.

Donor family limits

Donors can legally donate to create up to ten families, including his or her own family.

This could mean that a large number of parents and offspring may want to contact you in the future.

You can, however specify the number of women that receive your donation, or withdraw your consent to donate at any time.

What information is kept about the donor?

The Victorian Assisted Reproductive Treatment Authority (VARTA) maintains the **Central Register** of **identifying information** about all donors, parent(s) and children born from donor sperm, eggs or embryos. This includes full name and date of birth.

It is not possible to donate anonymously in Victoria.

Privacy is a major priority. Personal and health information about donors is carefully protected at all times.

Thinking of donating sperm, eggs or embryos?

VARTA and the ART clinics also keep **non-identifying information** about donors, including:

- physical characteristics – such as height and eye colour
- social information – such as cultural background and medical history.

Donors, parents and donor-conceived people who want to connect can lodge additional information about themselves on the **Voluntary Register**, managed by VARTA. This information is only shared with mutual consent.

It is important that donors update their contact details with VARTA and the clinic where they donated, and inform them if they or a close family member has a genetic disease which might be passed on to the child(ren) created from their donation.

What can donor-conceived people and their parents find out about their donor?

Parents and donor-conceived people can request and receive **non-identifying information** about their donor from their clinic, or from VARTA, at any time, without the donor's consent.

Once a donor-conceived person turns 18 (or is younger and a VARTA counsellor considers them mature enough), they have the legal right to obtain **identifying information** about their donor, including full name, date of birth and contact details.

Parents can apply for **identifying information** about their child's donor. This is only released with the donor's consent.

“Knowing where you come from is a fundamental part of understanding who you are.”

Ross, donor-conceived

The law ensures that people created from donor treatment can trace their biological and cultural heritage.

VARTA makes all reasonable efforts to give donors adequate notice before releasing their **identifying information**, if a request has been made.

Donors can choose the type of contact they want, if any, with their donor-conceived offspring.

What can donors find out about their donation?

Donors can contact their clinic, or apply to VARTA, to seek **non-identifying information** about child(ren) born as a result of their donation, including the number of offspring, gender, and the month and year of their birth.

They can also apply to the clinic to seek **non-identifying information** about parent(s) who used their donation.

Donors also have a legal right to apply for **identifying information** about child(ren) born as a result of their donation.

Identifying information is only given to the donor with consent from the donor-conceived adult, or from the parent, if the child is younger than 18 years.

If you have more questions, VARTA's experienced counsellors offer free, confidential information and support.