

Submission to the Inquiry into Matters Relating to Donor Conception Information

Committee Secretary

Legal Affairs and Safety Committee

Parliament House

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Dear Committee Secretary,

Background

I am a 59-year-old sexual health physician working in Cairns where I have lived since June 2005. Prior to that I lived and worked in Melbourne, Victoria, where I was born and raised. I also hold academic appointments as Adjunct Professor at James Cook University and as a Clinical Associate Professor at Melbourne University. In 1982 and 1983 I donated sperm at [REDACTED] the hospital no longer exists [REDACTED]

At the time of donating sperm I was a medical student at Melbourne University and would have been aged 19 or 20. A notice was placed on the medical school notice board asking for sperm donors and I contacted the clinic and made an appointment to see them to sign up. From then I made multiple donations and from memory was paid \$10 by cheque per donation. It was permitted to donate only once per month. I donated to help couples who were unable to have children due to infertility issues. I also donated blood regularly and just saw both as a civic duty to help others. Looking back, I don't think I gave a lot of thought to the ramifications of donating sperm.

Although my memories are a bit hazy after nearly 40 years, I believe that towards the end of 1983 I was informed by the clinic that they had plenty of sperm from me and no longer needed me to donate. As such I then stopped donating and didn't really think much more about it. There was no other contact or information from the clinic again, apart from asking me to have an HIV test in 1985 when such testing became available. There was certainly no counselling or information about what had been done with my donations, so I never knew if the sperm had been used, if any pregnancies had resulted, nor if any births had occurred.

I do recall at the time of initial sign-up that it was made very clear that the process was totally anonymous and that I could never find out information about the couples nor about any children that may be produced, and that the couples themselves would be unable to find out my identity, beyond fairly basic biographical information that was included in my enrolment form.

Ancestry.com.au

In 2018 I purchased a DNA testing kit from Ancestry.com.au, placed the saliva specimen in the tube, and sent it off for testing. A few weeks later I received an email with my genetic history, showing I am predominantly Irish, a bit Scottish, and a small part Viking (Norwegian/Swedish). Interesting, but not all that novel, as I knew my ancestry was basically Irish and Scottish. I allowed myself to receive emails from the Ancestry site which give information about any of my DNA matches around the world, as they were performed. Generally, those emails arrive every month or so, with information that a distant relative shares a small amount of DNA with me.

On 16 June 2021 I opened an email from the Ancestry site, which revealed that I had a 50% DNA match with a male. This meant he was a very close relative, either father or son. His name was included, but no other details. As his name was distinctive (I will call him 'Kevin', though that is not his true name), I checked his Facebook profile – he was obviously too young to be my father but could definitely be a son. I showed my wife the Ancestry email and Kevin's Facebook pictures, and there did seem to be a striking resemblance between him and me.

A couple of hours later I used Messenger to send Kevin an exploratory email, explaining what had happened. He wrote back quickly to say that he was donor-conceived and that if I ever donated sperm, then I was his biological father. Kevin had been looking for me for some years but had been told the donor records were lost. This was the first I knew that my donations in the early 1980s had resulted in any offspring. Kevin then let me know that he had an older sister who was conceived using the same sperm – this meant I had two donor offspring – a male and a female.

I was stunned to learn of my donor-conceived offspring and had a lot of mixed feelings. I had one son from a previous relationship, but he passed away tragically in 2003 at the age of 16, so my wife and I were childless and fairly happy that way. We had planned our future around that knowledge, and suddenly I had two 'children'. I was curious about these new adults that I now knew about who were alive and leading fulfilling and happy lives due to my donations almost 40 years ago.

VARTA

Immediately after learning I had two offspring I did some Googling and came across a government agency in Melbourne called 'VARTA' (Victorian Assisted Reproductive Treatment Authority). As my wife and I were staying in Melbourne at the time I downloaded an application form from VARTA's website and completed it and hand-delivered it to the VARTA office. This form was to give me access to the 'Voluntary' register, whereby donor-conceived people and their donors have the opportunity to reach out voluntarily to each other. About a week later someone from VARTA phoned me to let me know a woman was indeed looking for me. I subsequently found out she had a brother with the same donor father.

So, now there were four donor offspring! Subsequently I have had online video meetings with three of the four, and in February of this year my wife and I visited Kevin in rural Victoria where he lives.

We went to a local pub and spent a couple of hours having a beer together and talking about each other's lives. We get along well and it has been delightful to get to know him better and to marvel at our similarities! We remain in touch with him via messages every so often and plan to continue doing so.

My wife and I then met with the two other donor-conceived siblings, their partners, and their four children (my grand-offspring). These siblings lost their parents when they were in their teens, so were very keen to meet me and to have some kind of relationship with a 'father', and for the four kids (aged from 2 to 6) to know their biological grandfather. We all spent a lovely afternoon having a picnic in a Melbourne park together and have stayed in regular email contact since then. In March I met both of them again, and along with 3 of their children spent a lovely morning together at Melbourne Zoo. We plan to have ongoing contact.

I have since learned that VARTA has records of a total of nine offspring born as a result of my sperm donations all those years ago. There are five males and four females (with two sets of brother/sister siblings). I have met four of the offspring so far and am in email contact with another two after they were contacted by VARTA – these latter two offspring plan to meet with me at some time when I visit Melbourne again. Another two offspring are still to be contacted by VARTA and will receive letters in the mail in the coming weeks.

Decision to Contact donor offspring

The decision to reach out to my offspring via VARTA was not an easy one. I discussed it with my wife, colleagues, and two of my donor offspring with whom I have been communicating.

There are many reasons for and against, including:

For:

- A natural desire on my part to have contact with my offspring who share my DNA
- The opportunity to inform donor offspring of my medical history to enable them to have appropriate health screening
- The chance for offspring to get to know me and my family, should they choose to do so
- The fact that four of my offspring knew of my existence already and were actively seeking me out, only to be thwarted by agencies telling them my records had been lost or destroyed. If four of my offspring were in this position, perhaps others were too?
- A 'rights-based' approach that says that every person has the right to know their genetic history

Against:

- Offspring may be unaware they were donor-conceived and receiving this information via registered mail could be a big shock and cause mental suffering to the offspring and their families
- Offspring may be aware they are donor-conceived but have decided not to have any contact with me – as such, a letter arriving notifying them of me could be intrusive and unwanted

I was also well aware that both the recipient couples and I had signed agreements in the 1980s/early 1990s. My donor 'statement and consent form' was signed by me on 17 March 1982 and paragraph six states:

“I agree never to seek the identity of any child or children born following upon the artificial insemination of any recipient of my semen nor seek to make any claim in respect of such child or children in any circumstances whatsoever.”

Although this is very clear and unambiguous and was an undertaking that I sincerely made at the time, the world has changed a lot since then. In the early 1980s we could not have envisioned:

- The changes in technology allowing ready access to accurate and relatively inexpensive personal DNA testing which enables us to find DNA-related individuals around the world
- The societal changes that have made reproductive technology more commonplace and accepted within society
- The rise of a donor-conceived rights movement.

Perhaps, most importantly, I am struck by the proposition that the donor-conceived person is the only one who did *not* sign an agreement regarding confidentiality, and yet they are undoubtedly the ones most affected. It seems profoundly unfair that actions taken by their parents, the clinic involved, and me, 30-40 years ago would be unable to be questioned by the person who was born as a result of those actions many years ago and who must live with the donor’s DNA. Should a donor-conceived person wish to know information about me I now firmly believe they have the right to that information.

Furthermore, I believe that a central registry with historical and ongoing information should be established in Queensland, similar to that established in Victoria. All information relating to donor conception should be placed on this register. Both donors and those conceived as a result of donations should have access to this information in a controlled manner, regardless of confidentiality agreements signed years or even decades past.

With regards to the matters that your committee is considering, it is my view that:

- Views and experiences of donor-conceived people, donors and industry stakeholders of the current framework* – a better system is needed along the lines of that established in Victoria, where donor-conceived individuals and their donors have the ability to reach out to each other and have the ability to make contact
- Current governance/regulatory frameworks, including registers established interstate* – a similar model to that established in Victoria is needed in Queensland
- Options to manage collection, storage, and disclosure of identifying and non-identifying information about donors, donor-conceived persons and relatives* – a similar model to that established in Victoria should be developed in Queensland
- Whether and how to collect and disclose identifying information about donors where a donation was made on the condition of anonymity, including matters relating to consent* – as I have made clear above, I believe that such anonymity should not over-ride the ability of donor-conceived people and donors to contact each other
- Whether any model should include information from private donor arrangements* – I don’t have knowledge of this aspect, but believe in general that donor-conceived people and their donors have the right to contact each other
- Costs of any proposal including to establish and maintain any register and options for efficiencies, including a user-pays model* – costs should be mostly covered by the Queensland Government, though levying a small and affordable amount to access information would be acceptable

- g. *Whether regulating donor conception practices and assisted reproductive technology should also be considered as part of establishing a donor conception register; and human rights engaged under the Human Rights Act 2019* – as a general principle I feel that a donor conception register should be established, and human rights engaged under the Human Rights Act 2019

In addition, I believe that in the future a limit should be placed on the number of offspring that can result from a single donor – a limit of, perhaps, 10 offspring would be reasonable (with the ability for this to be increased if a recipient already has one or more children from a donor and wishes more from the same donor).

To conclude, I feel that I am in a relatively unique position of being a sperm donor who lives in Queensland, donated in Victoria in the early 1980s, has nine offspring with whom I have started to have contact, and can do so under the legislative framework of another state, namely Victoria, that keeps a central register and allows and facilitates contact, where wanted. I do not feel it has been problematic at all to have been contacted by donor-conceived offspring, and in fact I believe it has enhanced my life and that of my wife.

It is my firm view that such a system should be developed in Queensland.

Should you require further information or wish me to appear at the Inquiry in person, please do not hesitate to contact me.

Yours sincerely,

Dr Darren Russell

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