




Speech By
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LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Ms BUSH** (Cooper—ALP) (3.20 pm): I rise to make a contribution to the debate of the donor conception committee report. I want to start by saying at the outset what a privilege it was to work on an inquiry like this. Of course, all the inquiries and all of the pieces of legislation that we have considered as part of the LAS Committee have the potential to change lives, but a couple of inquiries do really stand out for me for the positive impact they will have for Queenslanders, and this is certainly one of those.

As is acknowledged in the chair's foreword, the pathways to parenthood are different for everyone. We heard through the public hearings that for those who do struggle to conceive, creating a family can come with real difficulty and some real heartache. Accordingly, assisted reproductive technology as an option is increasing, both for those couples who are dealing with fertility barriers and for those who have made the decision to embark on parenthood independently. I commend the Attorney-General for bringing this inquiry before the Queensland parliament at this time.

The committee was tasked with exploring the issue that donor-conceived families in Queensland are experiencing. We were tasked with considering their needs and the policy implications that arose from that. The variety of those who made submissions was wideranging, but all the submitters were coherent and consistent in the challenges that they are facing and what they are looking for the government to deliver.

Children born through donor conception express the same desire and need to know their genetic history as any other person. However, Queensland's legislative arrangements do not currently reflect those needs. I would urge all members to review and reflect on some of the submissions that the committee received. I would like to share a couple with the House. The first is from Daniel who said—

I am a 68 y.o. radiation oncologist who donated sperm ... at two ... clinics in the early 1980s. The process was understood to be anonymous. I was discovered by two of my donor daughters in 2017 circuitously via AncestryDNA, and since then by 5 other donor children via the same pathway. I was very open to engagement ... and certainly believe in donor children's right to know.

Amanda said—

Not knowing anything about my paternal side has been painful, isolating and produced a feeling that I am different from everyone else.

Patrick's story was really interesting. His parents-in-law had purchased an Ancestry.com DNA test for him and that is how he discovered some of his background. It is quite an interesting submission to read. He said—

Through commercial DNA testing I instantly discovered 3 siblings. One month prior to writing this submission, a fourth sibling appeared. How many are out there? As a donor-conceived person, this question can become absolutely consuming. Every person about your age that you meet for the rest of your life, you will find yourself closely analysing their features and considering if they could be your sibling. An ever-present feeling of uncertainty that donor-conceived people know too well and that regular people would never even consider.

The committee heard of donor-conceived people who are continually searching for siblings or for anyone with genetic similarities. We heard of records being refused or records altered and of people conducting comprehensive and often costly searches to try to track down their biological family.

The report made six recommendations which go to the issues of: the right to know their donor identity; the right to identifying information; access to historical records and retrospectivity; access to therapeutic support; the establishment of a central register; and the obligation for the government to communicate to interested parties. It is our hope that these recommendations do go some way to providing the hope and outcomes that submitters were asking for.

There were submitters who expressed concerns regarding the retrospective application of the legislation in this area. It is important to note that DNA testing has changed this landscape and people are now able to access this information, albeit without adequate support. Ultimately, at the heart of the issue lies the central legal and ethical dilemma: does a person's right to know their genetic history outweigh a person's right to privacy? As a committee, we found that it does.

On behalf of the committee, I want to thank those individuals and organisations who made written submissions and oral submissions on an important issue. I want to thank our parliamentary staff for their assistance and my committee colleagues, who always do a phenomenal job in this area. I commend the report to the House.