




Speech By
Laura Gerber

MEMBER FOR CURRUMBIN

Record of Proceedings, 10 November 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Mrs GERBER** (Currumbin—LNP) (3.06 pm): As the chair of the Legal Affairs and Safety Committee just noted, the Legal Affairs and Safety Committee was tasked to inquire and report back to parliament on issues relating to access to donor conception information. This has been a heavy seven-month inquiry, with 71 submissions received by the committee. I do want to take this opportunity to thank all of the parliamentary members sitting on that committee, the very hardworking secretariat who made this report possible, and everyone who made a written submission to the committee or took the time to appear in person at the public hearing.

After considering the views and experiences of donor-conceived people, donors themselves and industry stakeholders, the committee made six recommendations. The committee recommended that, when they reach the age of 18 and if they seek to receive the information, all donor-conceived persons should be given identifying information about their donor, including their medical history. This extends to the gender and year of birth of any donor-conceived siblings and for a donor to be provided with the gender and year of birth of children if asked for.

The committee also recommended that requests for contact be facilitated, both between donors and donor-conceived persons and donor-conceived persons with donor siblings if both parties consent. It is important to note that the right of donor-conceived people to know the details of their genetic origins is a right being sought to apply retrospectively. This is significant, particularly for donors who donated prior to 2004 when many donations were provided on the condition of donor anonymity. Donors need to be supported in relation to any retrospective release of identifying information, particularly those donors who are hesitant about the release of their information.

In relation to releasing identifying information and facilitating contact, whilst I note that most of the donors who provided the committee with submissions were supportive of donor-conceived people being provided with identifying information, they said they would welcome contact with their donor-conceived child or children. As a safeguard, the committee has recommended that any contact between the parties be by mutual consent.

The committee also recommended: that a central register for donor and donor-conceived information be established with birth, deaths and marriages as a matter of urgency; that the state government investigate linking the register across jurisdictions; and that the staff operating this register contact previously anonymous donors to inform them about the changes. The committee has also recommended that birth certificates be annotated to note the fact of donor conception and that this be retrospective also, meaning that the birth certificates of donor-conceived persons already born will be amended to note the fact of donor conception.

Throughout the committee process, we were able to look at legislation in other jurisdictions. This exposed how overdue regulation is in Queensland. In Queensland there is no dedicated assisted reproductive technology legislation regulating donor conception information. Victoria, New South Wales

and Western Australia all have dedicated assisted reproductive technology legislation. Most of these states have had legislation enabling a donor conception register and regulation about the provision of donor conception information for over a decade, but this kind of delay and laziness is what we have come to expect from this tired, third-term government.

When the state government eventually gets around to implementing donor conception legislation, more consideration must be given to those who have been conceived through private donor arrangements. The committee heard evidence from Mr Ian Smith, who was a sperm donor from the 1980s and has also been very involved in working with both donor-conceived people and donors over the last 10 years. Mr Smith, who is currently completing a PhD in this area, said that private donations do exist. He said—

It is a growing area. It is really messy, but I think you have to recognise that it is happening. If you do set up a register in Queensland—which I would strongly recommend—allow people to register those private donation arrangements. You cannot control them but I think they should be recognised.

This whole area of practice is a growing area, and the government is not prepared for it. There are Facebook groups that are actively soliciting people to be donors. One of the main issues with these private donations is that, unfortunately, there are unscrupulous people out there who offer what is termed 'natural insemination' as part of a donation scheme—in other words, having sex in order to conceive. Obviously, there are all sorts of risks associated with that. While the Office of the Information Commissioner agreed that there needs to be a private donor register, the OIC also considered that donor information from private arrangements should only be included in the register with the consent of the donor in order to mitigate inaccurate information or to make sure the information is correct. This is an area that needs to be looked into a bit further.