




Speech By
Peter Russo
MEMBER FOR TOOHEY

Record of Proceedings, 10 November 2022

LEGAL AFFAIRS AND SAFETY COMMITTEE

Report, Motion to Take Note

 **Mr RUSSO** (Toohey—ALP) (3.02 pm), continuing: However, Queensland's legislative arrangements do not currently reflect these needs. This was an important inquiry to have and to be part of. On behalf of the committee I thank those individuals and organisations who made written submissions on this important issue and those who provided in-person testimony to the committee. I also thank our Parliamentary Service staff for their assistance.

The term donor conception refers to reproductive techniques and relates to a range of procedures that are collectively referred to as ART. People who have been conceived by donor conception are commonly referred to as being donor conceived. The exact number of donor-conceived persons born in Australia is unknown, as many persons were conceived with the assistance of general practitioners or through private arrangements outside of a formal healthcare setting.

States and territories are obliged to follow the National Health and Medical Research Council's *Ethical guidelines on the use of assisted reproductive technology in clinical practice and research*. The NHMRC guidelines were developed in 2004 and emphasise the right of donor-conceived people to information about their genetic heritage; however, in evidence to our committee Professor Sonya Allan stated—

In many cases ... access is being denied by the capricious behaviour of individuals who work in clinics. At the moment, a donor-conceived person's ability to access the information they even have a right to under the guidelines is arbitrarily controlled by the person on the other end of the phone.

In her submission Caroline Lorbach stated—

If you say that a donor-conceived person cannot have access to information on biological parents then you are saying that they are different and will be treated differently by the very nature of their conception and birth. This is discrimination; ...

The committee were informed of the legislated requirements for ART in other jurisdictions both in Australia and New Zealand. Conditions included the formation and control of donor conception registers and requiring ART providers to collect identifying and non-identifying information about a donor at the time of the donation.

There is a move across jurisdictions for the information about donors to be made available to donor-conceived persons upon request. While some jurisdictions have amended legislation, others are still in the drafting stage. Voluntary information sharing between donors and donor-conceived persons is encouraged. In Queensland there is no dedicated ART legislation regulating donor information.

The Office of the Information Commissioner noted that accredited ART clinics in Queensland adhere to the NHMRC guidelines which since 2004 have prohibited clinics from using gametes in reproductive procedures unless the donor has consented to the release of their identifying information to any persons born as a result of their donation. Under the NHMRC guidelines, donor-conceived

individuals are entitled to receive identifying information about their donor once they have reached the age of 18. Donors are entitled to receive non-identifying information about the number, age and gender of any person born as a result of their donation.

It was noted by the committee that the Adoption Act defined identifying information as information that identifies a person. The Adoption Act provides all adopted persons with the right to obtain identifying information once the adopted person is 18 years of age. I commend the report to the House.