

Agreement in Principle

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [12.20 p.m.]: I move:

That this bill be now agreed to in principle.

The claim that the term "father" will be removed from birth certificates as part of the Government's same-sex reforms is wrong. The Government has no intention of taking away the right of a father to be on a birth certificate. The terms "father" and "mother" have always been used on birth certificates. Parents will continue to have that right. Last night, on 3 June 2008, the Government voted to ensure that it is now protected in legislation. While the Government was united in its support of the reforms, the Liberal Party descended into turmoil as the extreme Right attacked Opposition members who voted for the bill.

Following the passage of the bill, parents will also have the choice to use "parent" on the birth certificate if they wish. At present, when a child is conceived using artificial fertilisation, the law does not consider the donor to be the father. The birth mother's husband, or partner, is considered at law to be the parent. The change that the Government is making will enable that to be extended to the birth mother's female partner, which will mean that when a child is conceived through artificial fertilisation and is being raised by female same-sex mothers, they will have the option to use "mother" or "parent". Who the law recognises as the child's father is not being changed. There will continue to be only two parents listed on birth certificates.

The aim of the bill is to ensure that equal rights are afforded to children. That is the key issue. The changes in this bill simply recognise female same-sex partners as parents. In a situation where a lesbian woman conceives a child via artificial fertilisation an application will now be able to be made to allow her partner to be recognised as a parent. Currently, under the law only the birth mother is recognised. Because sperm donors are exempted from parentage rights and responsibilities, such as child support, no father is recorded on the birth certificate. This exemption is necessary in order to encourage donation, as without it there would be the major disincentive that any donation could result in the donor incurring parental responsibility for a large number of children, and is similar to provisions in other States.

To allow a female partner to be recognised as the second parent, some terminological changes are required to the registration process. While these changes recognise the role of both women in these families, they do not take away the recognition of fathers where the child was conceived naturally and not through artificial fertilisation. In effect, this is a simple bill. I understand that some members of Parliament and some members of the community take exception to what is being enacted, but they must recognise that the changes have already occurred and have been enacted in other Australian States. Controversy aside, whether it is real or contrived, they should keep in mind that the changes that will be enacted by this bill are necessary for the rights of certain children and they provide clarification. This bill is all about clarification. I understand that there will be further debate on this issue. Nevertheless, I commend the bill to the House.