

**Submission
No 11**

**INQUIRY INTO INCLUSION OF DONOR DETAILS ON
THE REGISTER OF BIRTHS**

Name: Ms Jennie Burrows

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- 1. The interests of the child are paramount...knowing the truth about “who you are” is in one’s own interests**
- 2. Donor conceived children are entitled to the same rights as children born through traditional methods**
- 3. The Register of Births, Deaths and Marriages is the appropriate mechanism for registering details of births, including genetic parentage.**
- 4. Amendments to the Register have and will continue to be required.**

Inclusion of donor details on NSW Register of Births

The recent District Court judgement to replace a sperm donor's details on the Register of Births with that of the legal and non-biological parent tells of a confusion between genetic parentage and parental responsibility.

The debate around inclusion of donor details on the NSW Register of Births needs to be grounded as follows:

1. That the interests of the child are paramount. Although the "best interests" phrase has been used to harm rather than protect children's interests (eg secrecy and falsehood in adoption records), it is always worth remembering that knowing the truth about "who you are" is in one's own interests

If the interests of the child are paramount, there would be flexibility around the age at s/he can access information, as required by the Convention on the Rights of the Child which says that children have the right to know their parents and does not set an age limit in respect of that right (article 7.1). It also gives them the right to seek and receive information at any age (article 13.1). If an age must be set, the age of 12 is one where children are experiencing issues about identity, and are expected to make important legal decisions (eg consent to their own adoption).

2. That donor conceived children are entitled to the same rights as children born through traditional methods

3. That the Register of Births, Deaths and Marriages is the appropriate mechanism for registering details of births, including genetic parentage. The Victorian donor conception legislation, as the most comprehensive in Australia, should be used as a model for NSW.

4. That amendments to the Register have and will continue to be required. The NSW Register was designed in 1856. There have been a range of amendments to the Register over the last 155 years. The current requirement is that birth certificates contain:

- Full name, sex, date and place of birth
- Mother's details including full name and maiden name, age, occupation, place of birth
- Father's details including full name, age, occupation, place of birth

- Date and place of parent's marriage
- Previous children of the relationship – their first name, second initial and age
- Mother's and/ or father's residential address at the time of registration

Clearly, a birth record is now more complex and legal amendments have allowed the Registry to include details of same sex relationships and surrogacy, but this appears to be in competition with the recording of gamete and embryo donor details.

“Consideration of the appropriate home for, and services to support the collection and release of information held on the...Register must reflect the seriousness of its potential to affect the well-being of those concerned”. (*Blyth, E, Crawshaw, M, Frith, L, Jones, C and Speirs, J (2010) Wither the HFEA and the fate of donor registers? Bionews, 572*).