



**National Council of  
Women of New Zealand**

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Wahine O Aotearoa

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S04.25

**Submission to the Law Commission  
on the  
New Issues in Legal Parenthood Preliminary Paper 54**

**Introduction**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organization representing 41 nationally organized societies. It has 33 branches spread throughout the country to which women of some 150 societies are affiliated. Its purpose is to work for the well-being of women, families and society through research discussion and action.

The National Council of Women of New Zealand (NCWNZ) has a long history of interest in issues related to the wellbeing of children, women and families, and this submission follows in that tradition, although it goes without saying that our views have changed over time, reflecting the changing social context in which we live. The principles however, remain essentially the same, and these will be outlined in the submission below.

This submission has been made by the family Affairs Standing Committee of NCWNZ, with little consultation from members because of the lack of time (just one month) allowed for submissions. This is a matter of grave concern, especially since NCWNZ consider the issues raised by the paper are of widespread concern, and have far reaching social implications, as is evident by the size and weight of the Discussion Paper in question. Hence this submission draws mostly on the principles and comments made in past submissions, in particular in relation to the Care of Children Bill, and the Human Assisted Reproductive Technology Bill.

**Principles**

A principle which must take precedence over all others is the paramountcy of the interests of the child. NCWNZ has established policy affirming this.

Further principles endorse:

- consistency with UNCROC (the United Nations Convention on the Rights of the Child)
- cultural sensitivity and inclusion of the principles of the Treaty of Waitangi
- the intrinsic value of human life

Principles which are more specifically relevant to this discussion paper are taken from NCWNZ's 2001 submission to National Ethics Committee on Assisted Human Reproduction, Ministry of Health, on the Draft Guidelines for Non-Commercial Altruistic Surrogacy Using IVF as Treatment (S01.51 ). In this submission NCWNZ affirmed the need to have adequate legal structures in place so that the rights of children, parents and the birth mothers involved in these procedures are protected. Furthermore, it was asserted that there should be no monetary gain involved from surrogacy (in line with the position with respect to blood and organ donors). It was held that commercial surrogacy should not be legalised.





### **General comment**

The writers of this submission feel they are not in a position to make specific comment of the issues raised on a chapter by chapter basis, because of the lack of time to consult with members. However some general comments may be permitted.

In general, NCWNZ support the changes proposed in the Care of Children Bill, recognising the diversity of family forms in which children live and are nurtured in our modern society. Most members accept the need to recognise de facto partners and same-sex partners, although many lamented to decline of the traditional family, asserting that this provided the most stable environment in which to raise children, and are concerned that any new provisions should not undermine the efficacy of the traditional nuclear family.

In regard to children conceived as a result of certain artificial human reproduction procedures, most members asserted the child's right to know their genetic background, particularly for reasons concerning their health and welfare, but not all supported the suggestion that this necessarily involves identification of donors of gametes. Perhaps the rights of the child to information relating to their biological parents' identity must be made clear to potential donors before they consent to being donors. This would not automatically grant them guardianship or confer liability for child support.

### **Conclusion**

Once again, NCWNZ regrets that more specific comment could not be made, because of the lack of time allocated to gather membership opinion. We sincerely hope that when the Law Commission recommendations are put forward as proposals for legislative change, we shall be given more time to respond in greater depth.

**Beryl Anderson**  
National President

**Christina Reymer**  
Convener, Family Affairs Standing Committee