



National Council of Women of New Zealand

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Submission on the Births, Deaths, Marriages, and Relationships Registration Amendment Bill

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 Nationally Organised Societies. It has 31 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's functions are to serve women, the family and the community at focal, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to make this submission which has been prepared by the Public Issues Standing Committee following wide consultation with NCWNZ members.

Responses were received from seven branches, some Nationally Organised Societies and some individual members.

General Statement

There has been a mixed response from our members to the changes proposed in this Amendment Bill. There is strong support for both parents to be on the register of births with as much information as possible about natural and adoptive parents and the use of IVF donors for reasons listed below.

Nearly all the contributors agreed that it is important to restrict access to information; especially that birth certificate access should be restricted to the person named, their parents or an authorised representative to prevent identity theft and other illegal uses of the information. Birth certificates should not be accepted as a form of identification.

This protection is more important than the denial of information to genealogists or freedom of information. If the information is needed, the person or guardian of that person, about whom the information is required, should have the right to give permission.

The Bill necessarily is a wide ranging one. NCWNZ does not have the resources to canvass the membership on every issue so has limited this response to the following clauses.

Specific Comments

Clauses 9 and 15 Notification and Registration of Birth

Most members support the requirement that both parents should notify the Registrar of the birth as soon as reasonably practicable after the birth.

With regard to registration of parent's details, exceptions that were mentioned to having both parents register are (for example): that the woman should have the right not to name the other parent if she has been subject to rape or abuse; or where she does not know who fathered the child.

A deceased or missing person could still be named. This could be important for the child to know their whakapapa or family history.





In a same sex relationship where the partners wish to share responsibility, members felt it might still be important for the biological father to be named in case there are genetic or hereditary conditions that may need to be traced.

If there are different birth and adoptive parents (as in the case of IVF donors or same sex relationships) this should be stated on the birth certificate. The rights of the child should take precedence.

Any exemptions to the rule of having both parents sign should be treated case by case and any prosecution for not complying should only be imposed for wilful non-compliance without reasonable grounds.

Clause 26 New Sections

73 Access to birth information, death information, civil union information, and name change information.

Most of those who commented supported the proposed restrictions to access as follows:

- Restriction on providing information up to 100 years is acceptable. After that it should be available publicly.
- Restricted public access to registers is vital to protect privacy and should require a signed declaration.
- Privacy should take precedence over research on genealogy, except where a signed consent is given.
- Information to the public should be restricted to dates of birth and death unless authorised by the person involved or the next of kin for administering a deceased estate.

A few submitters believe there should be no restriction or that the register be open as long as there is some proof of identity by the person asking for the information.

Several respondents expressed concern that the proposal to restrict public access to information will impact on family historians and genealogists.

Allowances should be made for those needing information urgently but only through confirmation of identity by a solicitor or JP. Other reasons for allowances could be urgent travel to attend courses and meet enrolment cut off dates or for persons needing a certificate urgently to prove a benefit entitlement.

It is acceptable to charge extra fees for urgency. On the other hand the cost of obtaining certificates and the removal of local access, which has already happened in some places, can lead to added stress and loss of time.

Clause 84 Correction of Errors

If corrections need to be made, in the case of birth registration, the parent or parents should *be* notified.

Conclusion

NCWNZ is generally supportive of the issues as noted above. Throughout the responses, there was a strong emphasis on both the rights of the child and the privacy of the family information.

Thank you for the opportunity to comment on this Bill.

Christine Low
National President

Joan Macdonald
Convener, Public Issues Standing Committee