

Family Law Act
The Rights of Children
Submission by Alan Ward

I am making this submission in relation to the **Family Law Act - the Rights of Children** (Bill 2023).

The United Nations Convention on the Rights of a Child Article 8

The Bill guidance refers to several articles that are fundamental under the United Nations Convention on the Rights of a Child. On what basis are these references made in the Bill and not others? Am I referring to Article 8:

- Article 8. 1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

In this sense, donor-conceived children do not have this acknowledgment under our current Family Act and in your Bill, which in essence is to preserve identity. Fundamental to this identity, is the family heritage of a child, in particular the biological linkages, that all children should have. If you are going to put the needs of a child at the forefront of your reforms, can I please ask that you include and consider all children not just sub-sections of our society? For too long donor-conceived children had been forgotten by our governments. If we are to participate in the United Nations Convention on the Rights of a Child, we should also include donor-conceived children. It is only fair that they are given the same rights as any other child.

As the Family Law Act is our key instrument to ensure that the best interests of all children are protected, I implore you to amend the Bill to include Article 8 and make specific reference to donor-conceived children and their needs. It is crucial for their mental health and well-being, and they are a growing cohort of our community.

Definition of a Parent

It is my belief that the current approach to donor-conceived children under the Family Law Act is flawed. Rather than leaving these children's welfare solely to state legislation and regulations, I suggest that all children be given equal protection and care from the government. To achieve this, it may be necessary to redistribute some of the powers back to the Family Law Act to ensure consistency across all children's cohorts. I urge you to start by defining what constitutes a parent and recognising the rights of donor-conceived children to their extended biological family from birth. Current state legislation often prioritises the rights of parents and donors over those of donor-conceived children, so it is crucial to prioritise equality for all. In your efforts to meet the needs of children, I appeal to you to ensure that you are addressing the needs of all children equally.

Thank you for your consideration.

Sincerely,

Alan Ward