



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

Petition

Registration No:	4
Title:	Birth and Death Certificates
Presented on:	29 October 2008
Presented by:	Mr Mills
Referred to:	Attorney-General (Burns)
Date referred:	29 October 2008
Response due:	29 April 2009
Response received:	4 February 2009
Response presented:	10 February 2009

Petition

We, the undersigned, request that the Australian Government, in particular the Northern Territory Government, agree to amend the current Births Deaths and Marriages legislation to include that parents are given the right to REQUEST and RECEIVE an official Birth and Death certificate for their baby born pre 20 weeks gestation as set out in the private members bill – The Kaden Bill

Response

The Births, Deaths and Marriages Registration Amendment (Kaden) Bill 2007 ("the Kaden Bill") was introduced to the Legislative Assembly in the October 2007 Sittings of the Legislative Assembly by the Member for Blain to allow for the registration of the birth and death of a still-born child born before 20 weeks.

The Kaden Bill was not passed by Parliament in the February 2008 Sittings.

The *Births, Deaths and Marriages Registration Act* ("the Act") requires the registration of a child born in the Northern Territory, including the birth of a "still-born child", defined as a child of at least 20 weeks gestation or with a body mass of at least 400 grams at birth that exhibits no sign of respiration or heartbeat, or other sign of life. Particulars for registration include whether the child was born alive or still-born. The death of a "still-born child" cannot be registered ("death" does not include a still-birth). A still-born child born before 20 weeks could be registered if of a body mass of at least 400 grams.

All other Australian jurisdictions have legislative provisions concerning registration of still-births similar to those in the Northern Territory. No Australian jurisdiction allows for registration of the birth or death of a still-born child below 20 weeks or 400g body mass.

Any amendment to change the births, deaths and marriages scheme could potentially have unintended but widespread and negative consequences.

The clearest and most immediate effect of such a change in the boundaries of births and deaths classification would put the Territory at odds with the nationally-agreed births and deaths registration system. Uniform registration processes mean that figures for births, deaths and indeed still-births are able to feed into a national picture by the Australian Bureau of Statistics ("ABS").

The ABS has adopted the legal requirement for registration of a perinatal death as the statistical standard, and publishes perinatal death statistics, unless otherwise stated, of all fetuses and infants delivered weighing at least 400 grams or (when birthweight is unavailable) the corresponding gestational age (20 weeks), whether alive or dead. Twenty weeks or 400g body mass is used as a threshold as these are the nationally accepted clinical criteria linked to the medical evidence of the viability of the foetus to survive.

The definition recognises the availability of reliable 400 grams/20 weeks data from all State and Territory Registrars of Births, Deaths and Marriages.