

Marni Jackson

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Question 1

Question 2

The family law system should ensure equality of treatment for children regardless of their family structure. To this, please review the definitions surrounding parental rights and assisted reproductive technology treatments. The current act doesn't recognised single mothers by choice (SMC) . Times have changed and they are the fastest growing user group of Australian fertility clinics and are now the biggest users of donated sperm in Australia. A single mother by choice is an unpartnered woman who has used donated gametes to reproduce. In this situation the sperm donor is not intended to become a legal parent. I have used a deidentified sperm donor who I do not intend to become a parent, nor are they expecting to be one. The donor is not acknowledged on my child's birth certificate. However the Family Law Act does not recognise SMCs at all, which creates legal uncertainty for me and my child. Unlike for lesbian and heterosexual couples, the Act does not state that a donor is not a legal parent when conceived by a woman without a partner (see section 60H of the Family Law Act). I am concerned by this omission because it means the legal status of our sperm donor is unknown. The law creates uncertainty for our family and my child. It also treats children conceived by SMCs differently than children conceived by same-sex or heterosexual couples. In order for all children to be treated equally, the review must consider the situation of SMCs and address the legal needs of our families. NSW law allows a donor's identifying information to be released to the child once 18 years old, although our donor is open to contact prior to the child turning 18. Not knowing the legal status of the sperm donor means the decision to make contact with a donor is legally risky. This risk only applies to SMC families as the Family Law Act states that donors to heterosexual and lesbian couples are not legal parents. If the donor is to become known to us it is not clear how much of a relationship could develop before the law would consider the donor to have parental rights. This uncertainty poses a legal risk to making contact, even while there may be great benefit to my child to develop a relationship with the person who has provided their biological heritage. This section of the act doesn't sufficiently consider the wide range of family structures utilising ART, including gay, single parent, coparent etc. In the interests of the children and equality under the law, the FLA needs to provide a nuanced and considered review of this section. It needs to reflect the varied and diverse structures of contemporary families. Thank you.

Question 3

Question 4

Question 5
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Other comments?
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