



The Hon Jarrod Bleijie MP
Attorney-General and Minister for Justice

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Mr Neil Laurie
Clerk of the Parliament
Parliament House
George Street
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Dear Mr Laurie

Thank you for your letter dated 7 August 2013, enclosing a copy of petition number 2107-13, presented to the Queensland Legislative Assembly petitioning the recognition and registration of stillborn babies from 16 weeks gestation by issuing a birth certificate.

I appreciate the distress and grief that Queensland families endure when faced with their child being stillborn during pregnancy or labour.

In Queensland, the *Births, Deaths and Marriages Registration Act 2003* (BDMR Act) requires the registration of the birth and the death of a stillborn child where the child shows no sign of respiration or heartbeat, or other sign of life after birth and has gestated for 20 weeks or more, or weighs 400 grams or more.

The Queensland requirements for the registration of the birth and death of a stillborn child are consistent with all other Australian jurisdictions and New Zealand.

The Australian requirements for the registration of a stillborn baby are lower than many overseas jurisdictions. For example, in the United Kingdom (UK), the law requires registration of a stillborn child if the child is born after the 24th week of pregnancy and did not breathe or show any other signs of life. In Ireland, a stillbirth is legally defined as a child who has reached a gestational age of at least 24 weeks or weighing at least 500 grams. In Germany, a stillbirth is defined as child of at least 500 grams weight without blood circulation or breath.

The legal definition of "stillborn" intersects with medical definitions of miscarriage. While there is no legislative definition of "miscarriage", medical literature indicates that in Australia, a miscarriage is generally defined medically as a baby who dies before 20 weeks gestation and/or less than 400 grams in birth weight.

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A change to the current mandatory registration criteria for stillborn children:

- would create an inconsistency with other legislative regimes in Australia;
- create a significantly lower criteria for registration in Queensland than that which applies in other developed Western nations;
- would create inconsistency between the definition of "stillborn" and the complementary medical definition of miscarriage in Australia and may distort or complicate the gathering and analysis of relevant statistics; and
- may place psychological pressure on parents who lose a baby at less than 20 weeks gestation or 400 grams in weight to register the birth (i.e. this may exacerbate the distress or grief for some parents because not all parents may desire or find comfort in the capacity to register or formally recognise an early pregnancy loss).

Although the Queensland Government understands that there is community concern about this issue, at this stage I have no plans to change the BDMR Act from the current birth and death registration requirements for stillbirths from 20 weeks gestation and/or 400 grams.

However, I have instructed the Registrar-General of the Registry of Births, Deaths and Marriages (BDM) to consider if there are any other non-legislative actions that may be taken to enable the loss of a baby who does not meet the current birth and death requirements for stillbirths under the BDMR Act to be acknowledged.

I trust this information is of assistance and thank you for bringing the concerns of the petitioners to my attention.

Yours sincerely



JARROD BLEIJIE MP
Attorney-General and Minister for Justice