

Paige Harris Birth Registration Bill

Private Bill

As reported from the Governance and Administration Committee

Commentary

Recommendation

The Governance and Administration Committee has examined the Paige Harris Birth Registration Bill and recommends that it be passed. We recommend all amendments unanimously.

Introduction

The bill seeks to allow Katherine Elizabeth Harris to be recorded as mother on the birth record of Paige Katherine Elizabeth Harris. This would be alongside the details of Kyle Jason Harris as father. The bill would do this by allowing the Registrar-General to enter those details on Paige's birth record. The law as it stands does not provide an avenue for doing so, which is why a private bill has been brought to the House. The bill is sponsored by Louisa Wall and is promoted by Kyle Jason Harris.

Background context

The bill would enable the name of Paige's late mother, Katherine Harris, to be recorded on her New Zealand birth record. Paige was born of surrogacy and was carried by a close friend of Kyle and Katherine, Renee Johnson. Renee was supported by her partner Josh. Katherine Harris, Paige's biological mother, died before Paige was born. Paige was born in March 2020.

Under existing law, a birth certificate issued after a surrogate birth includes the names of the surrogate and their partner as the child's parents. Under the Adoption Act 1955 an adoption order is needed to record the name of the intended parents. In this case, the intended parents would be Paige's biological parents, Kyle and Katherine. However, as Katherine died before Paige was born, she could not be included in the adoption order, nor could her name be recorded on Paige's birth record as her mother.

When it became clear that there would be an issue with recording Katherine as Paige's mother on the birth record, Kyle worked with his lawyer to assess any possible solutions. After considering all available options, Kyle's lawyer concluded that there was no possible way that the law would allow Katherine to be on Paige's birth record as her mother.

In addition to getting legal advice, Kyle and his support network contacted officials from the Department of Internal Affairs, the Ministry of Justice, and Oranga Tamariki, as well as various Ministers. However, the same conclusion was reached that there was no way under existing law that this could be resolved.

In late 2021 a story regarding the Harris's situation was aired on television and garnered significant public attention. Following this, Louisa Wall reached out to Kyle to support him in resolving this issue by passing a private bill through Parliament. Other MPs from across the House have also offered their support. As a result, this private bill was introduced as the last remaining option for the Harris family to get Katherine's name put on Paige's birth certificate.

We note that this has been a frustrating process for all those involved. The process of attempting to get Katherine recorded as Paige's mother has taken about two years. This has coincided with family and friends grieving the loss of Katherine, whilst also engaging in a stressful, expensive, and often confusing bureaucratic process, just to have Paige's mother correctly recorded on her birth records.

We want to extend our condolences to Kyle, Paige, and those supporting the Harris family. We acknowledge the powerful work of all those who have been involved in bringing the Paige Harris Birth Registration Bill to the House. We encourage the House to pass this bill. Doing so would give the respect that Paige, Katherine, and Kyle Harris deserve by being able to record Katherine as Paige's mother on her birth record. We thank Kyle, Josh, Renee, Alison, and John for all you have done in ensuring that Katherine's legacy endures.

We note that Tāmami Coffey's member's bill—Improving Arrangements for Surrogacy Bill—is awaiting a first reading in the House. We look forward to seeing how that bill addresses situations like Paige's and other issues that arise from surrogacy arrangements so that the law is better suited to modern families.

Compliance with Standing Orders

Pursuant to Standing Order 299(2) we have considered the preamble to the bill, and consider that the statements in it have been proved to our satisfaction.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendment

This commentary covers the amendment we recommend to the bill as introduced. The amendment results in a consequential amendment to the preamble of the bill which is not discussed.

Correct referencing

Clause 4 of the bill would require the Registrar-General to add the details of Katherine Harris as mother on the post-adoptive birth record of Paige Harris, along with the details of Kyle Harris as father. It notes that this is to be done as if:

- a notice under section 23 of the Births, Deaths, Marriages, and Relationships Registration Act 1995 had been received containing that information, and
- the specified adoption order had been made in favour of Kyle and Katherine Harris.

Clause 4 refers specifically to recording Katherine's details "on the registration of the birth of Paige". It is the birth record that registers any birth information, including adoption information. A birth certificate is the official document that states the information on the birth record. To be completely clear, we recommend replacing "registration of the birth" with "birth record". This would make it clearer that the addition of Katherine's details as mother to Paige will be on Paige's birth record. Any subsequent birth certificate will reflect that information.

Appendix

Committee process

The Paige Harris Birth Registration Bill was referred to the committee on 15 February 2022.

We did not open submissions to the public on this bill given its limited scope to Paige Harris's individual situation. We invited seven specific people or groups to provide a written submission, an oral submission, or both. Of those, we received one written submission and heard three oral submissions via videoconference.

We received advice on the bill from the Department of Internal Affairs. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Ian McKelvie (Chairperson)

Rachel Boyack

Naisi Chen

Dr Deborah Russell

Hon Michael Woodhouse

Louisa Wall also participated in consideration of this bill.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Louisa Wall

Paige Harris Birth Registration Bill

Private Bill

Contents

	Page
Preamble	
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Registration of adoption order to include mother's details	2
5 Parents of Paige Katherine Elizabeth Harris	2

Preamble

- (1) Paige Katherine Elizabeth Harris was born on 25 March 2020 in Papakura. Her parents were Kyle Jason Harris and Katherine Elizabeth Harris and Paige Harris was carried by a surrogate, Renee Ellen Johnson, pursuant to approval based on the medical harm to Katherine Harris should she carry a child: 5
- (2) Katherine Harris died from an unexpected rejection of a lung transplant on 28 December 2019, before Paige Harris was born:
- (3) Following the birth of Paige Harris, an adoption order under the Adoption Act 1955 was granted at Hamilton Family Court on 23 June 2020 [FAM-2020-019-000331] naming Kyle Harris as the father with no mother named: 10
- (4) The birth certificate record registering the adoption order information named Kyle Harris as the father and no name was included for the mother. The birth certificate stated the mother as "Not Recorded":
- (5) ~~Because Katherine Harris died prior to the birth of Paige Harris there is no means, other than by a Private Bill, by which Katherine Harris' name can be added to Paige Harris' birth certificate in order that both of Paige Harris'~~ 15

parents can be recorded as such under the Births, Deaths, Marriages, and Relationships Registration Act 1995.

- (5) Because Katherine Harris died before the birth of Paige Harris, there is no means other than a Private Bill by which Katherine Harris's name can be added to Paige Harris's birth record under the Births, Deaths, Marriages, and Relationships Registration Act 1995 in order that both of Paige Harris's parents can be shown as such on her birth certificate. 5

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Paige Harris Birth Registration Act **2022**. 10

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Interpretation

In this Act, unless the context otherwise requires,— 15

Registrar-General has the same meaning as in section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995

specified adoption order means the adoption order made in favour of Kyle Jason Harris by the Family Court at Hamilton on 23 June 2020 [FAM-2020-019-000331] in respect of Paige Katherine Elizabeth Harris. 20

4 Registration of adoption order to include mother's details

The Registrar-General must add, in accordance with section 24 of the Births, Deaths, Marriages, and Relationships Registration Act 1995, the details of Katherine Elizabeth Harris as mother on the ~~registration of the birth record~~ of Paige Katherine Elizabeth Harris (as well as the details of Kyle Jason Harris) as if— 25

- (a) a notice under section 23 of the Births, Deaths, Marriages, and Relationships Registration Act 1995 had been received containing that information; and
- (b) the specified adoption order had been made in favour of Kyle Jason Harris and Katherine Elizabeth Harris. 30

5 Parents of Paige Katherine Elizabeth Harris

- (1) Kyle Jason Harris and Katherine Elizabeth Harris are, for all purposes, the parents of Paige Katherine Elizabeth Harris.
- (2) **Subsection (1)** has effect despite the specified adoption order. 35
- (3) **Subsection (1)** does not affect **section 4**.

Paige Harris Birth Registration Bill

Legislative history

10 February 2022

15 February 2022

Introduction (Bill 109–1)

First reading and referral to Governance and Administration
Committee