

Indigenous birth registration – the unknown story

By Daniella Phair

Everyone has the right to have their birth registered, yet in Victoria in 2008, 2.5% of all births were not registered. While it is not known what percentage of unregistered children were Indigenous, the majority of unregistered births came from geographical regions with high Indigenous populations. The right to birth registration – protected by both Article 24(2) of the *International Covenant on Civil and Political Rights* (ICCPR) and Article 7 of the *Convention on the Rights of the Child* – is taken for granted in western democracies. Indeed, the Victorian Government left it out of the *Victorian Charter of Human Rights and Responsibilities Act 2006*, even though the Charter is modelled on the ICCPR.

Having a birth certificate is a necessary prerequisite for a person to enjoy the full rights of citizenship. For example, a person who does not have a birth certificate may have difficulties enrolling in school, opening a bank account, collecting social security, getting a driver's license or obtaining a passport. There are two distinct aspects of the problem, namely:

- (i) the birth was never registered; and
- (ii) the birth was registered, but a birth certificate was not obtained by the parents at the time, and cannot now be obtained due to an inability to satisfy proof of ID requirements and/or an inability to pay the requisite fees.

The Castan Centre's Symposium on Indigenous Birth Registration and Birth Certificates held on 1 December 2009 addressed this complex problem. Delegates heard from Elaine Terrick, an Indigenous artist from East Gippsland, of the difficulties she faced because her birth was never registered. Without a birth certificate, Ms. Terrick was fortunate enough to be granted an interim passport in the early 1990s so that she could attend an exhibition of her work in New Zealand. New security procedures and even stricter identification requirements however make it improbable that such latitude would be exercised today. However, she recalled her humiliation when she was stopped at the airport and asked if she had been in trouble with the police due to her passport having only a 12-month validity period. Likewise, although knowing how to drive perfectly well, she told how she was unable to obtain a driver's license without a birth certificate, and the emotional toil this had on her.

Joel Orenstein, a solicitor from Bairnsdale who has focused on helping the Indigenous community with this issue, spoke of the numerous problems Indigenous people face when trying



Dr Paula Gerber provides an overview of the issue at the symposium

to register their birth later in life. He highlighted the onerous and rigid identification procedures mandated by the Victorian Registry of Birth Deaths and Marriages (BDM), the financial burden that the BDM fees impose on Indigenous persons, and the distance disadvantage faced by people who live in isolated communities (unless you can attend the BDM Registry office in person, your identification documents must be certified by a police officer). Mr Orenstein also spoke of the Koori ID Project, a program set up to help address some of the problems in the system and to facilitate a dialogue with BDM Registry. Among other suggestions, the Project has proposed that birth certificates should be automatically issued upon birth registration and that the BDM Registry travel to different communities to facilitate registration of births and distribution of certificates.

Glenn Bond from PLAN Australia gave an overview of how the issue is being addressed in the international context, particularly detailing education and media campaigns that have been successfully employed in other countries. Finally, Frank Guivarra, the CEO of the Victorian Aboriginal Legal Service, gave further background to the challenges presented by the process of obtaining certification.

The Symposium provided fascinating insight into an issue that has far-reaching impact. Deputy Directors Dr Paula Gerber and Melissa Castan are pursuing this matter further through the submission of an application to the Australian Research Council for a grant to carry out empirically based research into the nature and extent of this problem.