

1998

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL 1998

EXPLANATORY MEMORANDUM

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BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL 1998

BACKGROUND

In 1995 the Standing Committee of Attorneys-General (SCAG) agreed to the introduction of a uniform scheme of legislation covering the registration of births, deaths and marriages. In 1997 the Legislative Assembly passed the *Births, Deaths and Marriages Registration Act 1997* which was drafted in accordance with the model adopted by SCAG.

Under the previous registration legislation charges were made for the entry of certain information in the Register. That information was not the essential information about births, deaths and marriages, but the more incidental information about changes of name. Entry of that information on the Register is not part of the essential public function of recording births, deaths and marriages but is a service to persons who change their names and wish to officially record the new name. The *Births, Deaths and Marriages Registration (Amendment) Bill* makes it clear that charges for those functions can still be made.

The *Births, Deaths and Marriages Registration Act 1997* provides for transsexual persons to record a change of sex on their birth records. As recording a change of sex in the Register is similar to recording a change of name, the *Births, Deaths and Marriages Registration (Amendment) Bill* provides for a charge to be made for that service also.

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL 1998 - SUMMARY

The Bill provides for a charge to be made on an application to register a change of name for an adult or a child, on a request for a new name to be entered in a birth record in the Register and for an application to record a change of sex in a birth record in the Register. The new provisions require the payment of the determined fee. The amount of that fee can then be determined by the Minister under the power given in section 67 of the *Births, Deaths and Marriages Registration Act 1997*.

FINANCIAL CONSIDERATIONS

To date charges have been made for registration of changes of name and for noting changes of name on a birth record. This Bill will prevent the loss of revenue which would result if those charges could no longer be made. There will

be a small increase in revenue from the charges for the noting of a change of sex on a birth record

DETAILS OF THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL 1998

Clause 1 provides for the short title of the Act to be the *Births, Deaths and Marriages Registration (Amendment) Act 1998*

Clause 2 provides for sections 1 and 2 of the Bill to commence on the day it is notified in the *Gazette* and for the remainder of the Bill to commence on the day on which the substantive provisions of the *Births, Deaths and Marriages Registration Act 1997* commence

Clause 3 is an interpretation provision

Clause 4 amends section 18 of the *Births, Deaths and Marriages Registration Act 1997* by requiring that a fee be paid for application under that section. Section 18 provides for an adult to register a change of name. The fee payable is the determined fee, which is defined in section 4 of the *Births, Deaths and Marriages Registration Act 1997* to be the fee determined by the Minister under section 67

Clause 5 amends section 19 of the *Births, Deaths and Marriages Registration Act 1997* by making a fee payable for an application under subsections (1), (2) or (5). Section 19 provides for a change of a child's name to be registered. The specified subsections are those which allow for applications to be made by parents or guardians on behalf of a child for registration of a change of name

Clause 6 amends section 21 of the *Births, Deaths and Marriages Registration Act 1997* by requiring a fee to be paid on application for a change of name to be noted in a birth record

Clause 7 amends section 24 of the *Births, Deaths and Marriages Registration Act 1997* by requiring that the determined fee be paid when a person lodges an application for a change of sex to be recorded on a birth record