

2023

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Human Rights)

Births, Deaths and Marriages Registration Amendment Bill 2023

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Births, Deaths and Marriages Registration Amendment Bill 2023

A Bill for

An Act to amend the *Births, Deaths and Marriages Registration Act 1997* and the *Births, Deaths and Marriages Registration Regulation 1998*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Births, Deaths and Marriages Registration*
4 *Amendment Act 2023*.

5 **2 Commencement**

6 (1) This Act (other than sections 4 to 7 and 20) commences on the day
7 after its notification day.

8 *Note* The naming and commencement provisions automatically commence on
9 the notification day (see [Legislation Act](#), s 75 (1)).

10 (2) Sections 4 to 7 and 20 commence on a day fixed by the Minister by
11 written notice.

12 *Note* A single day or time may be fixed, or different days or times may be
13 fixed, for the commencement of different provisions (see [Legislation Act](#),
14 s 77 (1)).

15 (3) If sections 4 to 7 and 20 have not commenced within 12 months
16 beginning on this Act's notification day, they automatically
17 commence on the first day after that period.

18 (4) The [Legislation Act](#), section 79 (Automatic commencement of
19 postponed law) does not apply to sections 4 to 7 and 20.

20 **3 Legislation amended**

21 This Act amends the *Births, Deaths and Marriages Registration*
22 *Act 1997* and the *Births, Deaths and Marriages Registration*
23 *Regulation 1998*.

Part 2 Births, Deaths and Marriages Registration Act 1997

4 Section 16 heading

substitute

16 Addition or alteration of details of parentage after registration of birth

5 New section 16 (1A) to (1C)

insert

(1A) On application, the registrar-general must alter any of the following information about a child's parent in the register after registration of the child's birth:

- (a) the name of a parent whose change of name is registered under this Act or a corresponding law;
- (b) the words used to describe a parent's relationship with the child.

(1B) An application to alter information may be made by—

- (a) both parents; or
- (b) 1 parent if—
 - (i) the information is about the parent and the registrar-general is satisfied that the other parent—
 - (A) is dead or cannot join in the application because the other parent cannot be found or for any other reason; or
 - (B) does not dispute the correctness of the information; or

Section 6

1 (ii) the only alteration is to use the word ‘parent’ to describe
2 the parent’s relationship with the child.

3 (1C) However, if the child is at least 14 years old, the registrar-general
4 must not alter the information unless—

5 (a) the registrar-general is satisfied that the child consents to the
6 alteration; or

7 (b) the only alteration is to use the word ‘parent’ to describe either
8 or both parent’s relationship with the child.

9 **6 Section 16 (2)**

10 *after*

11 addition

12 *insert*

13 or alteration

14 **7 Section 16 (5)**

15 *omit*

16 **8 Application by parent to register change of child’s name**
17 **New section 19 (2) (aa)**

18 *insert*

19 (aa) the applicant is the only person with parental responsibility for
20 decisions about the child’s name until the child is 18 years old;
21 or

9 Section 19 (2), new examples*insert***Examples—par (aa)**

- all aspects of parental responsibility are allocated to only the applicant by operation of a parenting order under the *Family Law Act 1975* (Cwlth)
- parental responsibility for making decisions about major long-term issues are allocated to only the applicant by operation of a parenting order under the *Family Law Act 1975* (Cwlth)
- long-term care responsibility has been transferred to only the applicant under the *Children and Young People Act 2008*

**10 Application by young person to register change of given name
Section 19A (b)***omit*

16 years old

substitute

14 years old

11 Section 19A (b) (i)*omit*

and the application is made to better reflect their gender identity

**12 Application to alter register to record change of sex
Section 24 (1) (a)***omit*

16 years old

substitute

14 years old

- 1 **13 New section 24 (3) (aa)**
- 2 *insert*
- 3 (aa) the applicant is the only person with parental responsibility for
- 4 decisions about the child's sex until the child is 18 years old; or
- 5 **14 Section 24 (3), new examples**
- 6 *insert*
- 7 **Examples—par (aa)**
- 8 • all aspects of parental responsibility are allocated to only the applicant by
- 9 operation of a parenting order under the *Family Law Act 1975* (Cwlth)
- 10 • parental responsibility for making decisions about major long-term issues are
- 11 allocated to only the applicant by operation of a parenting order under the
- 12 *Family Law Act 1975* (Cwlth)
- 13 • long-term care responsibility has been transferred to only the applicant under
- 14 the *Children and Young People Act 2008*
- 15 **15 Issue of birth certificates**
- 16 **Section 27 (2)**
- 17 *omit*
- 18 before the alteration
- 19 *substitute*
- 20 before, or both before and after, the alteration
- 21 **16 Section 27 (2) (c)**
- 22 *omit*
- 23 specified
- 24 *substitute*
- 25 prescribed

1 **17 Section 27 (3)**

2 *after*

3 changed sex

4 *insert*

5 , unless requested by the applicant under subsection (2)

6 **18 Application for recognised details certificate**
7 **Section 29A (1) (a)**

8 *omit*

9 16 years old

10 *substitute*

11 14 years old

12 **19 Application by young person for leave to apply for**
13 **change of given name or sex etc**
14 **Section 29E (1)**

15 *omit*

16 16 years old

17 *substitute*

18 14 years old

1 **Part 3** **Births, Deaths and Marriages**
2 **Registration Regulation 1998**

3 **20** **Registration of births**
4 **Section 5 (2)**

5 *omit*
6 of the parents of
7 *substitute*
8 parent's relationship with

9 **21** **Issue of birth certificates—Act, s 27 (2) (c)**
10 **Section 7**

11 *omit*
12 specified
13 *substitute*
14 prescribed

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 20 September 2023.

2 Notification

Notified under the [Legislation Act](#) on 2023.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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