

2008

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT
REGULATION 2008 (NO 1)**

SL2008-6

EXPLANATORY STATEMENT

Circulated by authority of
Simon Corbell MLA
Attorney General

Outline

Section 17 of the *Births, Deaths and Marriages Registration Act 1997* (the Act) provides that a person's name may be changed by registration of the change under part 3 of the Act. If an applicant's birth is registered in the register and they ask for the change to be noted in the register subsection 21(1) obligates the registrar-general to alter the register to change the person's name in the entry relating to their birth and include the particulars that are prescribed.

The Births, Deaths and Marriages Registration Amendment Regulation 2008 (No 1) (the Regulation) prescribes the following particulars:

- the person's name immediately before the change of name;
- the name shown on the person's original birth certificate, and any other former names of the person;
- the person's name as changed;
- the person's sex;
- the person's date and place of birth;
- the name and any former name of the person's mother;
- the name and any former name of the person's father.

The Regulation will assist in reducing the incidence of identity fraud and theft, where one person illegally claims to be another person, due to the increasingly important role all registries of births, deaths and marriages are undertaking in the fight against identity fraud.

The Regulation is made under section 70 of the Act, which empowers the Executive to make regulations for the Act.

NOTES ON CLAUSES

Clause 1 Name of regulation

This clause explains that the name of the regulation is the *Births, Deaths and Marriages Registration Amendment Regulation 2008 (No 1)*.

Clause 2 Commencement

This clause states that the regulation will commence on the day after it is notified.

Clause 3 Legislation amended

This clause explains that the regulation amends the *Births, Deaths and Marriages Registration Regulation 1998*.

Clause 4 New section 5A

This clause inserts a new section into the *Births, Deaths and Marriages Registration Regulation 1998*. The new section prescribes the following for section 21 of the *Births, Deaths and Marriages Registration Act 1997*:

- the person's name immediately before the change of name;
- the name shown on the person's original birth certificate, and any other former names of the person;
- the person's name as changed;
- the person's sex;
- the person's date and place of birth;
- the name and any former name of the person's mother;
- the name and any former name of the person's father.