

AUSTRALIAN CAPITAL TERRITORY

AMENDMENT OF REGISTRATION OF BIRTHS,  
DEATHS AND MARRIAGES ORDINANCE 1963

40 of 1980

EXPLANATORY STATEMENT

The Registration of Births, Deaths and Marriages (Amendment) Ordinance (No.2) 1980 amends the Registration of Births, Deaths and Marriages Ordinance 1963 (the Principal Ordinance) by omitting 'illegitimate' (wherever occurring) and substituting 'ex-nuptial' and includes extended provisions for the inclusion of the particulars of the father in the birth entry of an ex-nuptial child.

Sections 1 and 2 of the Ordinance deal with interpretation provisions.

Section 3 of the Ordinance amends section 5 of the Principal Ordinance by substituting the expression 'ex-nuptial' for 'illegitimate' wherever occurring.

Section 4 of the Ordinance repeals section 17 of the Principal Ordinance and replaces it with a new provision extending the circumstances in which a father's particulars will be included in the birth entry of an ex-nuptial child. The amendment allows for the inclusion of the father's particulars on the request of the father alone, provided the Registrar is satisfied that the mother is dead, cannot be found or for any reason cannot join in a request to the Registrar. Section 17(5) allows the inclusion of the father's particulars at any time after the birth has been registered regardless of when the birth was registered. This provision is intended to remove the restriction on parents of having to make a decision within 28 days after the birth and allows retrospectivity so that any existing ex-nuptial birth entry may be updated at any time to include particulars of the father. It will be possible for a parent, a guardian, any interested party or the person himself if he has attained the age of 18 years to apply for the inclusion of the father's particulars in the birth entry of an ex-nuptial child, upon production of a court order which establishes the identity of the child's natural father.

Section 5 of the Ordinance amends section 19 of the Principal Ordinance by substituting for the word 'illegitimate' the expression 'ex-nuptial' wherever occurring.