



New South Wales

Births, Deaths and Marriages Registration Amendment Act 2007 No 5

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New South Wales

Births, Deaths and Marriages Registration Amendment Act 2007 No 5

Act No 5, 2007

An Act to amend the *Births, Deaths and Marriages Registration Act 1995* to make further provision with respect to the time within which births are required to be notified and to the functions of the Registrar; and for other purposes. [Assented to 15 June 2007]

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *Births, Deaths and Marriages Registration Amendment Act 2007*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 1 [2] and [8] commence on a day to be appointed by proclamation.

3 Amendment of Births, Deaths and Marriages Registration Act 1995 No 62

The *Births, Deaths and Marriages Registration Act 1995* is amended as set out in Schedule 1.

4 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendments

(Section 3)

[1] Section 6 Registrar's general functions

Insert after section 6 (a):

- (a1) to maintain the integrity of the Register and to seek to prevent identity fraud associated with the Register and the information extracted from the Register, and

[2] Section 12 Notification of births

Omit "21 days" from section 12 (2) (a). Insert instead "7 days".

[3] Section 28 Application to register change of child's name

Omit "guardian" from section 28 (2). Insert instead "primary care-giver".

[4] Section 28 (6)

Insert after section 28 (5):

- (6) In this section, *primary care-giver*, in relation to a child, means a person who is primarily responsible for the care and control, including the day-to-day care and control, of the child (whether or not that person is the person with parental responsibility or care responsibility for the child).

[5] Part 8, Division 5

Insert after Division 4:

Division 5 Additional information and services

55A Registrar may collect and maintain other information

- (1) The Registrar may collect and maintain records of information, other than registrable information, relating to registrable events.
- (2) Records maintained under this section must be kept separately from the Register.
- (3) The Registrar may include information in the records maintained under this section at the request of a person interested in the registrable event to which the information relates or on the Registrar's own initiative.
- (4) Sections 46 (3) and 48 apply to any records maintained under this section as if they were part of the Register.

55B Additional information services in relation to information in Register and other information

- (1) In this section, *additional information services* means services relating to the information in the Register or any other information collected and maintained under section 55A that are additional to the services otherwise provided by the Registrar under this Act, including the following:
 - (a) the provision of information relating to a registrable event in the form of a decorative certificate or other document,
 - (b) the provision of historical and genealogical information.
- (2) The Registrar may enter into an arrangement for the provision of additional information services.
- (3) The charge for providing an additional information service is:
 - (a) except as provided by paragraph (b), the amount determined by the Registrar, or
 - (b) if the regulations under section 54 so provide, the amount fixed by, or determined in accordance with, the regulations.The charge is not required to bear any relation to the cost of providing the service.
- (4) In providing additional information services, the Registrar must, as far as practicable, protect the persons to whom the information concerned relates from unjustified intrusion on their privacy.

[6] Schedule 3 Savings, transitional and other provisions

Omit “this Act.” from clause 1 (1). Insert instead:

the following Acts:

this Act

Births, Deaths and Marriages Registration Amendment Act 2007

[7] Schedule 3, clause 1 (3)

Omit “this Act”. Insert instead “the Act concerned”.

[8] Schedule 3, Part 3

Insert after Part 2:

**Part 3 Provisions consequent on enactment of
Births, Deaths and Marriages Registration
Amendment Act 2007**

16 Notification of births

The amendment made to section 12 (2) (a) by the *Births, Deaths and Marriages Registration Amendment Act 2007* applies only in relation to births that occur after the commencement of that amendment.

[Agreement in principle speech made in Legislative Assembly on 30 May 2007
Second reading speech made in Legislative Council on 6 June 2007]

BY AUTHORITY