



New South Wales

Births, Deaths and Marriages Registration Amendment Bill 2007

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Births, Deaths and Marriages Registration Act 1995* (the **Principal Act**) as follows:

- (a) to provide that the functions of the Registrar of Births, Deaths and Marriages specifically include maintaining the integrity of the Register and seeking to prevent identity fraud,
- (b) to reduce the period within which the Registrar must be notified of the birth of a child from 21 days to 7 days,
- (c) to enable the Registrar to collect and maintain additional information relating to registrable events and to provide additional information services in relation to that information and the information in the Register,
- (d) to make other amendments of a minor or consequential nature.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act, except in relation to the reduced period for notifying the Registrar of the birth of a child.

Clause 3 is a formal provision that gives effect to the amendments to the *Births, Deaths and Marriages Registration Act 1995* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Schedule 1 [1] inserts a new general function for the Registrar of maintaining the integrity of the Register under the Principal Act and seeking to prevent identity fraud.

Schedule 1 [2] reduces the notice period within which the chief executive officer of the hospital concerned, or the responsible doctor or midwife, must notify the Registrar of a live birth from 21 days to 7 days.

Schedule 1 [3] and [4] provide that a child's primary care-giver (rather than a child's guardian) may apply for registration of a change of the child's name. The meaning of "primary care-giver" is based on the definition contained in section 3 of the *Children and Young Persons (Care and Protection) Act 1998*.

Schedule 1 [5] inserts proposed Division 5 of Part 8 into the Principal Act to enable the Registrar to collect and maintain separate records of information relating to registrable events (other than registrable information) and to allow the Registrar to provide additional information services in relation to that information or the information in the Register. A charge for such additional information services may be determined by the Registrar or fixed by, or determined in accordance with, the regulations.

Schedule 1 [6] enables regulations of a savings and transitional nature to be made as a consequence of the proposed Act. **Schedule 1 [7]** is a consequential amendment.

Schedule 1 [8] provides that the change in the required period for notifying a birth only applies to births occurring after the commencement of the proposed amendment.

First print



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New South Wales

Births, Deaths and Marriages Registration Amendment Bill 2007

No. , 2007

A Bill for

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.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Births, Deaths and Marriages Registration Amendment Act 2007</i> .	3 4
2 Commencement	5
(1) This Act commences on the date of assent to this Act, except as provided by subsection (2).	6 7
(2) Schedule 1 [2] and [8] commence on a day to be appointed by proclamation.	8 9
3 Amendment of Births, Deaths and Marriages Registration Act 1995 No 62	10
The <i>Births, Deaths and Marriages Registration Act 1995</i> is amended as set out in Schedule 1.	11 12
4 Repeal of Act	13
(1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.	14 15
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	16 17

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 6 Registrar’s general functions	3
	Insert after section 6 (a):	4
	(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	5 6 7
[2]	Section 12 Notification of births	8
	Omit “21 days” from section 12 (2) (a). Insert instead “7 days”.	9
[3]	Section 28 Application to register change of child’s name	10
	Omit “guardian” from section 28 (2). Insert instead “primary care-giver”.	11
[4]	Section 28 (6)	12
	Insert after section 28 (5):	13
	(6) In this section, <i>primary care-giver</i> , 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).	14 15 16 17 18
[5]	Part 8, Division 5	19
	Insert after Division 4:	20
	Division 5 Additional information and services	21
55A	Registrar may collect and maintain other information	22
	(1) The Registrar may collect and maintain records of information, other than registrable information, relating to registrable events.	23 24
	(2) Records maintained under this section must be kept separately from the Register.	25 26
	(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.	27 28 29 30
	(4) Sections 46 (3) and 48 apply to any records maintained under this section as if they were part of the Register.	31 32

55B	Additional information services in relation to information in Register and other information	1 2
(1)	In this section, <i>additional information services</i> 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:	3 4 5 6 7
(a)	the provision of information relating to a registrable event in the form of a decorative certificate or other document,	8 9
(b)	the provision of historical and genealogical information.	10
(2)	The Registrar may enter into an arrangement for the provision of additional information services.	11 12
(3)	The charge for providing an additional information service is:	13
(a)	except as provided by paragraph (b), the amount determined by the Registrar, or	14 15
(b)	if the regulations under section 54 so provide, the amount fixed by, or determined in accordance with, the regulations.	16 17 18
	The charge is not required to bear any relation to the cost of providing the service.	19 20
(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.	21 22 23
[6]	Schedule 3 Savings, transitional and other provisions	24
	Omit “this Act.” from clause 1 (1). Insert instead:	25
	the following Acts:	26
	this Act	27
	<i>Births, Deaths and Marriages Registration Amendment Act 2007</i>	28
[7]	Schedule 3, clause 1 (3)	29
	Omit “this Act”. Insert instead “the Act concerned”.	30

[8] Schedule 3, Part 3	1
Insert after Part 2:	2
Part 3 Provisions consequent on enactment of Births, Deaths and Marriages Registration Amendment Act 2007	3
	4
	5
16 Notification of births	6
The amendment made to section 12 (2) (a) by the <i>Births, Deaths and Marriages Registration Amendment Act 2007</i> applies only in relation to births that occur after the commencement of that amendment.	7
	8
	9
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