



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.

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**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.