

Registration of Births Deaths and Marriages (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 is the purpose of the Act.

Clause 2 is the usual commencement provision.

Clause 3 is the title of the Principal Act.

Clause 4 (1) Consequential amendments within the Principal Act.

(2) inserts definitions for “Change”, “Child”, “Family Name”, “Given Name” and “Names”.

Replaces “Government Statist” with “Registrar”.

“Tribunal” is the Administrative Appeals Tribunal.

Clause 5 makes provision for Objects of the Principal Act.

Clause 6 Amendments to PART II. of the Principal Act.

(a), (b) It is proposed to replace all Schedules to the Act with forms in regulations.

(c) confines late registrations of a birth to the County Court.

(d) makes provision for the registration of the Family Name of a child in the Family Name of either or both parents. Makes provision for the resolution of naming disputes between parents.

(e), (f), (g), (h), (i) It is proposed to replace all Schedules to the Act with forms in regulations.

(j) makes provision for a declaration of paternity pursuant to the *Status of Children Act 1974* or a Court Order and other circumstances dispensing with the mother’s consent to enable registration of the father of a child when the parents are not married.

(k) it is proposed to replace all Schedules to the Act with forms in regulations.

(l) is a consequential amendment.

Amendments to PARTS III. and IV. of the Principal Act

Clause 7 is a consequential amendment.

Amendments to PARTS V. and VI. of the Principal Act

Clause 8 New Part V. makes provision for the change of name of a person over the age of 18 or less than 18 if married or has been married. Provision is also made for the parent of a child to apply for change of name of the child under certain conditions and to protect the rights of both parents and the child. If the child is 12 years or above the consent of the child must be obtained. Change of name in the case of a child is limited to once only, except where the Registrar is satisfied that the child’s welfare and interests are not detrimentally affected.

Transfers the documents for change of names under the *Property Law Act 1958* from the Registrar-General to the Registrar of Births, Deaths, Marriages and Names and establishes a “Register of changes of name”.

New Part VI. makes provision for the Administration of this Act including the office of Registrar, Correction of Entries by cancellation of the original entry and replacement with a new entry, allows the Registrar to refuse to register names considered to be obscene, offensive, frivolous or contrary to the public interest or if he or she has reason to believe that the application is made to facilitate an unlawful or fraudulent purpose.

Provision is also made for a review of decisions of the Registrar by the Administrative Appeals Tribunal.

Amendments contained in "PART VII.—GENERAL" replace those of PART VI.—GENERAL of the Principal Act.

Provision is made to enable a registration officer to provide certified copies of registers or entries in registers that will be received as *prima facie* evidence in any Court.

Clause 9 repeals the Schedules to the Principal Act.

Clause 10 are consequential amendments to other Acts, due mainly to the change of title of the principal officer to Registrar. They include an amendment to the *Constitution Act 1975* protecting the voting rights of a person who has had a change of name, as well as obliging the Registrar to notify the Chief Electoral Officer for Victoria of changes of names pursuant to *The Constitution Act Amendment Act 1958*.