

Australian Capital Territory
Legislative Assembly

**Births, Deaths and Marriages Registration
Amendment Bill 2023**

Amendments to be moved by Laura Nuttall

1

Clause 2

Page 2, lines 6, 10, 15 and 19—

omit

4 to 7 and 20

substitute

4 to 7, 11A, 18D and 20

2

Proposed new clause 11A

Page 5, line 20—

insert

**11A Change of name entries in register
New section 21 (4)**

insert

- (4) Also, a birth certificate issued by the registrar-general for the person must not show the person's former name if—
- (a) the person's name was changed under subsection (2) (a) (i) (A);
- and

- (b) any of the following people requests, in writing, that the person's former name not be shown:
 - (i) the person;
 - (ii) if the person is a child—a parent of, or a person with parental responsibility for, the person;
 - (iii) a person prescribed by regulation; and
- (c) the registrar-general is satisfied that the request is made to protect a person's privacy; and
- (d) for a request that relates to a child who is at least 14 years old—the registrar-general is satisfied that the child either consents to the request or cannot understand the meaning or implications of the request.

Note Section 27 deals with showing a person's sex on a birth certificate.

3
Proposed new clauses 12A and 12B
Page 5, line 26—

insert

12A Section 24 (1) (c), except notes

substitute

- (c) the person believes their sex to be the sex nominated in the application.

12B Section 24 (2) (c)

omit

4
Proposed new clause 14A
Page 6, line 14—

insert

14A **Section 25**

substitute

25 **Evidence in support of application**

An application under section 24 must be accompanied by—

- (a) documents confirming that the person was born in the ACT or has had their birth registered in the ACT; and
- (b) for an application under section 24 (2)—a statement that the applicant believes that altering the record of the child’s sex is in the best interests of the child; and
- (c) any other documents and information prescribed by regulation.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

5
Clause 15
Page 6, line 15—

omit clause 15, substitute

15 **Section 27**

substitute

27 **Showing information about sex on birth certificate**

- (1) The registrar-general may issue a birth certificate for a person that includes information about the person’s sex.
- (2) However, information about a person’s sex must not be included on a birth certificate if—

- (a) any of the following people requests, in writing, that the information not be included on the certificate:
 - (i) the person;
 - (ii) a parent of, or a person with parental responsibility for, the person; and
 - (b) for a request that relates to a child who is at least 14 years old—the registrar-general is satisfied that the child either consents to the request or cannot understand the meaning or implications of the request.
- (3) If the registrar-general issues a birth certificate that includes information about the sex of a person whose record of sex has been altered, the birth certificate—
- (a) must show the person’s record of sex as altered; and
 - (b) must not show any word or statement to the effect that the person’s record of sex has been altered.
- (4) However, the registrar-general may issue a birth certificate that includes information about a person’s sex before, or both before and after, the alteration of the person’s record of sex if any of the following people requests, in writing, that the information be included:
- (a) the person;
 - (b) a child of the person;
 - (c) a person prescribed by regulation.

Note Section 21 deals with showing a person’s former name on a birth certificate after registering a change of name.

6
Clause 16
Page 6, line 21—

[oppose the clause]

7
Clause 17
Page 7, line 1—

[oppose the clause]

8
Proposed new clauses 18A to 18D
Page 7, line 11—

insert

18A Section 29A (1) (d)

substitute

- (d) the person believes their sex to be the sex nominated in the application.

18B Section 29A (2) (d)

omit

18C Section 29B

substitute

29B Evidence in support of application for recognised details certificate

An application under section 29A must be accompanied by—

- (a) documents confirming that—
- (i) the person to whom the application relates is domiciled or resident in the ACT; and
 - (ii) the person's birth is registered in a place other than the ACT; and
- (b) for an application under section 29A (2)—a statement signed by the parents of, or a person with parental responsibility for, the child stating that a recognised details certificate for the child is in the best interests of the child; and

(c) any other documents and information prescribed by regulation.

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see Criminal Code, pt 3.4).

18D New division 4.3

insert

Division 4.3 Nominating sex in applications under this part

29DA Nominating sex in applications under this part

- (1) A person making an application under this part (an *applicant*) may nominate the sex of a person in the application by stating the nominated sex using any term other than a prohibited sex descriptor.
- (2) The registrar-general must ensure an application allows an applicant to state the nominated sex of a person using any term other than a prohibited sex descriptor.

Examples

- 1 an electronic interactive form used for altering the record of a person's sex shows a blank space in which the person may state their nominated sex
 - 2 a paper form used to apply for a recognised details certificate includes an open-text field in which the applicant may state their nominated sex
- (3) In this section:

prohibited sex descriptor means a term describing a person's sex that—

- (a) is obscene or offensive; or
- (b) could not practically be established by repute or usage—
 - (i) because it is too long; or
 - (ii) because it consists of or includes symbols without phonetic significance in the English language; or
 - (iii) for any other reason.

9
Proposed new clause 19A
Page 7, line 18—

insert

19A Dictionary, definition of *birth certificate*

omit

section 27 (2)

substitute

section 27

10
Clause 21
Page 8, line 9—

omit clause 21, substitute

21 Section 7

substitute

**7 Showing information about sex on birth certificate—Act,
s 27 (4) (c)**

The following people are prescribed:

- (a) a parent of, or person with parental responsibility for, the person;
- (b) an executor or administrator of the estate of the person;
- (c) a lawyer authorised by a person mentioned in—
 - (i) paragraph (a) or (b); or
 - (ii) the Act, section 27 (4) (a) or (b).