



# Changes to the *Registration of Births, Deaths and Marriages Act 1963* (NI)

Changes have been made to the *Registration of Births, Deaths and Marriages Act 1963* (NI) (the Act). The Act is a continued law of Norfolk Island.

The changes create a simpler process for registration of changes of name, allow for the Registrar to refuse a prohibited name and set out the requirements for registration of a birth or death.

The changes will come into effect on 1 January 2021.

## What changes have been made?

The key changes are:

### **Allowing registration of a married person's reassignment of sex, in line with the *Sex Discrimination Act 1984* (Cth)**

Following changes to the *Sex Discrimination Act 1984* (Cth) as part of the Commonwealth's marriage equality reforms in 2017, it is unlawful to refuse to register a reassignment of sex on the grounds that the person is married. The restriction on registering a reassignment of sex where the person is married has been removed from the Act.

### **Updating the process for registering a change of name for adults and children, and creating a contemporary Register of Changes of Name (in line with other Australian jurisdictions)**

#### *Change of name by an adult*

Previously under the Act, an adult who wished to change their name legally had to sign a prescribed form, deposit it with the Registrar and publish a notice of the change in the Gazette. This process, sometimes known as a 'deed poll', was widely used in the past but is no longer accepted practice in other Australian jurisdictions. The 'deed poll' has been replaced with a straightforward name registration process that promotes the maintenance of proper historical records and helps to prevent people from evading justice simply by declaring a new legal name.

#### *Change of a child's name*

The new 'change of name by registration' process in the Act also facilitates the changing of a child's name, noting that if a child is at least 12 years of age but less than 18 years of age the child must consent to the change of name, unless the child is unable to understand the meaning and implications of the change of name.

## **Allowing the Registrar to refuse to register a 'prohibited name', either at birth or when changing a name (in line with other Australian jurisdictions)**

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In other Australian jurisdictions, the Registrar has the discretion to refuse to register a 'prohibited name', that is, a name that is obscene or offensive, is too long, includes symbols without phonetic significance (such as ? or #), includes or resembles an official title or rank, or is otherwise contrary to the public interest. The Act has been amended to enable the Registrar to refuse a prohibited name. The Registrar's decision to refuse a name is reviewable by the Administrative Review Tribunal.

## **Setting out the types of personal information required for registration, similar to the data collected in other Australian jurisdictions**

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Some information is fundamental to the maintenance of proper records such that the requirements should be spelt out in legislation. This also ensures standardisation across Australian jurisdictions. In particular, the Act prescribes the particulars that must be provided for:

- Registration of a birth,
- Registration of a death,
- Registration of a reassignment of sex, and
- Coroner's permit, where a death has been reported to the Coroner, for the body to be taken out of the Territory for burial or cremation.

## **Allowing the Registrar to determine forms and notices to be used to supply other information for the purposes of the Act**

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The Act enables the Registrar to determine the content and wording of administrative forms. The Registrar will be best placed to make the decision about the forms and will be able to promptly amend the forms if necessary, rather than pursuing legislative change which is a much lengthier process.

## **Consultation**

The Norfolk Island Registrar of Births, Deaths and Marriages and the Coroner were consulted during development of the amendments. The Norfolk Island community was also invited to make submissions to a consultation paper in March 2019. No submissions were made.

## **Where can I get further information?**

You can contact the Registrar of Births, Deaths and Marriages at the Norfolk Island Regional Council for more information:

Phone: (+6723) 22001 (ext. 120)

Email: Registrar@BDM.gov.nf

Website: [www.norfolkisland.gov.nf/services/local-services/registry/births-deaths-and-marriages](http://www.norfolkisland.gov.nf/services/local-services/registry/births-deaths-and-marriages)