



# Birth Certificate Content Review

New South Wales Registry of Births Deaths and Marriages

2014

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## Executive Summary

The New South Wales Registry of Births Deaths and Marriages (“the Registry”) is reviewing the content of birth certificates. Birth certificates have appeared in their current format (Appendix 1) for many decades, with only minor changes to content during that time. This review is being undertaken for the following reasons:

- Changes in how birth certificates are used
- In consideration of how birth certificates can best reflect the changing composition of families in Australia
- In response to recommendations of the Senate Community Affairs Committee inquiry into the Commonwealth’s role in former adoption policies and practices.<sup>1</sup>

A birth certificate is used to establish identity and enable individuals to establish their rights and discharge their obligations in respect of services provided by the government and private sectors. A birth certificate can also establish part of a person’s genetic and family history.

Birth registration details are recorded in accordance with the *Births, Deaths and Marriage Registration Regulation 2011* (“the Regulations”) (Appendix 6), and birth certificates are issued under section 49 of the *Births, Deaths and Marriages Registration Act 1995* (“the BDMR Act”). Any amendments to the Regulations or the BDMR Act were considered to be outside the scope of this review. Rather, the review was concerned with changes to the content of birth certificates that can be implemented within the current legislative framework.

In May 2012, a notice calling for submissions was placed on the Registry’s website and the Registrar wrote to key stakeholders advising them of the review and inviting submissions. Submissions were sought from various state and federal government agencies, not for profit organisations, members of the legal and medical professions, members of the community, law enforcement agencies and other interested parties. A list of those invited to make submissions is at Appendix 2 and a list of those who made submissions is at Appendix 3.

The most common issues raised in submission related to:

- Adoptions
- Indigenous status
- Donor details
- Proof of identity
- Citizenship
- Family research.

Some submissions endorsed the current content of birth certificates. Several parties suggested that certain information appearing on birth certificates is no longer relevant, such as the marriage details and occupations of the person’s parents. Other submissions suggested that additional data be included on birth certificates, such as donor details, time of birth, all parents of a child (both adoptive and birth parents on the same certificate), parent’s full dates of birth, the full names/places of birth/dates of birth of younger and older half/full siblings, linking child/parent/sibling birth and death records, indigenous status, citizenship and/or cultural background of parents.

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<sup>1</sup> Senate Standing Committee on Community Affairs, *Commonwealth Contribution to Former Forced Adoption Policies and Practices* (February 2012)

The review examined the varied requests of interested parties, while keeping in mind the importance of the birth certificate as an identity document. Removing some of the information suggested could degrade the value of birth certificates as a proof of identity document, and the addition of some information suggested could raise privacy concerns or lead to some members of the community being identified as different or treated unfairly. Some of the suggestions would also require legislative change, and were therefore outside the scope of the review (but may be considered by Government in the future).

Taking into account these considerations, the review recommends that there be two forms of birth certificate:

- (1) a short birth certificate; and
- (2) a long form birth certificate.

The short birth certificate would be based on the current standard birth certificate but without the following information: the marriage details of the child's parents; the parents' occupation; and any other children of the relationship. These details are not considered essential to proof of identity. An example of a possible short form birth certificate is at Appendix 5. The long form certificate would include a range of other information held on the Register that is not essential for identification purposes but could serve as a useful personal record for the individual. An example of a possible long form birth certificate is at Appendix 6. Both certificates would be issued under the Registrar's seal and would be suitable to use for most official purposes.

The review also recommends that the Registrar of Births, Deaths and Marriages continue to work with other State and Territory Registrars to address recommendation 13 of the Senate Community Affairs Committee Inquiry - *Commonwealth Contribution to Former Forced Adoption Policies and Practices*. Recommendation 13 of this Inquiry was that "all jurisdictions adopt integrated birth certificates, that these be issued to eligible people upon request, and that they be legal proof of identity of equal status to other birth certificates, and jurisdictions investigate harmonisation of births, deaths and marriages register access and the facilitation of a single national access point to those registers".

## Chapter 1 - Recommendations

### **Recommendation 1**

It is recommended that the Registrar continue to work with other state and territory Registrars to address recommendation 13 of the Senate Standing Committee on Community Affairs - *Commonwealth Contribution to Former Forced Adoption Policies and Practices*.

### **Recommendation 2**

It is recommended that the Registrar introduce an additional type of birth certificate (a long-form certificate), showing additional information contained in the register. The long-form certificate could allow for information not necessary for identification/legal purposes to be available for the personal records of the subject. This certificate would be issued under the Registrar's seal, and would be suitable to use for most purposes.

### **Recommendation 3**

It is recommended that the extract certificate be replaced by the short-form certificate. The short form certificate would not include the marriage details of the person's parents, their occupations and other children of the relationship (but these could be included on the long-form certificate). It is further recommended this certificate contain the dates of birth (rather than the age) of the person's parents.

## Chapter 2 - Introduction

The Registrar registers a birth by making an entry about the birth in the Register, including the following details:

- the sex and date and place of birth of the child,
- the weight of the child at birth,
- whether or not the birth was a multiple birth,
- the full name (including, if applicable, the original surname), date of birth (or age), place of birth, occupation and usual place of residence (at the time of delivery) of each parent of the child,
- the date and place of marriage of the parents of the child (if applicable),
- the full name, sex and date of birth of any other children (including any deceased children) of either of the parents of the child,
- whether or not either of the parents of the child is of Aboriginal or Torres Strait Islander origin,
- if either parent of the child was born outside Australia, the period of residence in Australia of that parent.<sup>2</sup>

The Registrar has the power to issue a certificate certifying these particulars under section 49 of the BDMR Act. An example of a current birth certificate is at Appendix 1. Not all information held on the Register appears on a birth certificate.

Birth certificates are primarily used to establish identity. Government and non-government agencies accept birth certificates as a primary identity document, so it is important that certificates contain information relevant for this purpose. A birth certificate can also establish at least a part of a person's genetic and family history. Birth certificates also provide information to family researchers and genealogists.

This review examines what information recorded in the Register should appear on the birth certificate. Recommendations that would require amendment to the Regulations were not considered part of this review, but will be noted and may be considered by Government in the future.

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<sup>2</sup> *Births Deaths and Marriages Registration Act 1995*, s17 and *Births, Deaths and Marriage Registration Regulation 2011*, cl. 5(1).

## Chapter 3 – Summary and Analysis of Submissions

The Registrar wrote to forty key stakeholders on 21 May 2012 calling for submissions. Nineteen responses were received as a result. A further ten submissions were received from members of the public as a result of a call for submissions placed on the Registry's website. A list of all those lodging submissions is at Appendix 3.

The most common themes raised in the submissions were those relating to:

- ❖ Adoptions
- ❖ Indigenous status
- ❖ Donor details
- ❖ Proof of identity
- ❖ Citizenship
- ❖ Family research

### Adoptions

On 29 February 2012, the Commonwealth Senate Standing Committee on Community tabled a report on its Inquiry into the Commonwealth role in former adoption policies and practices. Recommendations 13 and 14 of the report relate to birth certificates. The Department of Family and Community Services' ('FACS') submission to this review highlighted these recommendations.

Recommendation 13 of the report was that:

- all jurisdictions adopt integrated birth certificates, that these be issued to eligible people upon request, and that they be legal proof of identity of equal status to other birth certificates; and
- jurisdictions investigate harmonisation of births, deaths and marriages register access and the facilitation of a single national access point to those registers.

NSW law and processes are already consistent with the first part of this recommendation. Section 49(4) of the BDMR Act provides that if requested by applicant, and authorised to do so under the *Adoption Act 2000*, the Registrar must issue an 'adopted person's birth record' containing the particulars of an applicant's birth and the registered record of their adoption. The second part of this recommendation, the harmonisation of register access, is outside the scope of this report. However, the review recommends that the NSW Registrar of BDM continue to work with other State and Territory Registrars to implement this recommendation (**Recommendation 1**).

In recommendation 14, the Senate Committee recommended that:

- All jurisdictions adopt a process for allowing the names of fathers to be added to original birth certificates of children who were subsequently adopted and for whom the fathers' identities were not originally recorded; and

- Provided that prescribed conditions are met, the process be administrative and not require an order of a court.

NSW's processes are already consistent with this recommendation. A father who was not initially included on the birth register at the time of birth of their child may subsequently apply to have their details added under section 18 of the BDMR Act. This process is generally administrative, but if the matter is disputed it may be necessary for a Court to determine the matter.

FACS provides access to its legacy records for parties to adoption and to those who were removed from their families as children and taken into out-of-home care ('care leavers'). Many of these people apply because they want to find out about family members of their birth families, generally with a view to making contact with birth family members.

FACS also suggested including the following information on the birth certificate to assist care leavers:

- The date of parents death

These dates could possibly be provided in the future with the introduction of new technology to link person-centric records.

- All children of a relationship/marriage – not just older siblings

Subsection 5(f) of the regulations states that the following particulars are required for the registration of a birth – “the full name, sex and date of birth of any other children (including any deceased children) of either of the parents of the child”

Although this is in reference to the time of registration of the child there does not appear to be any barrier to adding children born afterward to the birth registration. This would need to be completed as an amendment to an existing registration. It would rely on parents supplying such details after the birth registration has occurred.

- Half-siblings

The inclusion of half sibling details would be possible as this information is currently collected at the time of registration. However, as it is not essential to proof of identity, the review recommends that these details only be available on the long-form certificate.

- Reasons for any amendments made to birth registration

Additional information regarding reasons for an amendment is sometimes included in the Register as an endorsement.

One respondent felt the wording of the amended birth certificate issued for adoptees has been an issue since legislation introduced in 1990<sup>3</sup> caused this wording to be included. The respondent also claimed the birth certificate to be “a legal lie”, as the persons listed as the parents of the child, did not give birth to the child. In saying this, the respondent also states that adoptees do not want to be identified as different from others in the community.

The submissions clearly demonstrated that, while the current form of the amended birth certificate is not without its issues, adoptees generally did not want their birth certificate to indicate their adoptive status. They would prefer an additional “adoption certificate” be

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<sup>3</sup> *Adoption Information Act 1990* (repealed)



issued that included the names of both the birth and adoptive parents and that this would be for the adopted person's personal information.

In 2006, the NSW Committee on Adoption and Permanent Care Inc (CAPC) distributed a questionnaire seeking the views of persons affected by adoption. The following year, CAPC was requested to comment to the Minister for Community Services about the use of amended and original birth certificates in adoption.

CAPC responded using the recommendations resulting from its questionnaire<sup>4</sup>:

- When considering the birth certificate as a legal document, it is preferable to have basic, minimum information required for the purpose.
- Due to the changing composition of families, the date of the parents' marriage is no longer relevant and should not be recorded.
- Allowing all parents to choose the wording on the amended birth certificate in the same way same sex couples who adopt a child can (i.e.: mother/mother; father/father; parent/parent).
- Supplying an additional certificate of identity that provides information that is personal only to the person to whom the birth certificate applies, such as information pertaining to an adoption.
- Recording details of previous children of the father, not just the mother, as well as this information about full siblings and half siblings from each parent on the certificate of identity.
- CAPC asked if the information collected under Part 2 Clause 5 (1) can be accessed easily and whether the holder of the birth certificate is able to apply for this information. If so, this needs to be properly communicated.
- In addition to the weight of the child, other birth information (e.g. time of birth, type of delivery) should also be recorded as to give full information about the circumstances of the birth.

Recording of additional information in the Register such as time of birth and delivery type is out of scope for this review.

One respondent submitted that although much has improved in the area of adoption since the *Adoption Information Act 1991*, birth certificates issued to adopted people in NSW (and elsewhere in Australia) do not actually tell the "truth" about a child's birth. They felt that a document called a birth certificate should list birth parents and not the adoptive parents.

This respondent claimed that every citizen has a fundamental right to true and accurate information about their birth, to know who their parents are and where they have come from. He proposed that a birth certificate show both adoptive and pre-adoptive parents following an adoption.

Section 49(4) of the BDMR Act allows adopted individuals to obtain an Adopted Persons Birth Record certificate showing both their birth and adoptive parents.<sup>5</sup> Current legislation

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<sup>4</sup> Letter made in 2007 to the NSW Minister for Community Services, cited by Damon Martin, Chairperson CAPC on 8 June 2012.

<sup>5</sup> *Births, Deaths and Marriages Registration Act 1995* No 62 – Section 49 (4)

does not allow a birth certificate to record more than two parents and, in the case of adoption, the adopted parents are listed in accordance with the adoption order.

## Indigenous Status

The Indigenous status of each parent of a child is currently recorded in the Register. This information is collected for statistical purposes but does not appear on the birth certificate.

The NSW Department of Education and Communities (Education) stated in its submission that schools use birth certificates to verify a student's date of birth, age, name and place of birth. It also uses it as evidence of parentage, which assists as a starting point to determine who the parents of a student are for the purposes of the *Education Act 1990* (which defines parents as including "a guardian or other person having custody or care of a child").

The following suggestions were proposed:

- That the basic information currently included for identification purposes (see above) should continue to be included in NSW birth certificates; and
- Consideration is given to including information on the birth certificate that identifies a person's origin or cultural background; in particular, Aboriginal people could be identified on the birth certificate as an Aboriginal person.

Education raised concerns that a field identifying Aboriginality on a birth certificate may create evidentiary issues in relation to later applications for confirmation of Aboriginality. It expressed the view that there would be a need to have an evidence-based process to establish claims of Aboriginality on the birth certificate.

The New South Wales Ombudsman responded that they held no particular view regarding the content of the NSW birth certificate, but did comment on the information collected by the Registry at the time of birth.

The Ombudsman suggested that the information collected at birth:

- Be extended to better capture information in relation to cultural and language diversity.
- be expanded to ensure information about the parents' main language spoken at home, proficiency in spoken English and religious affiliation is collected. The Australian Bureau of Statistics (ABS) has developed Standards for Statistics on Cultural and Language Diversity<sup>6</sup>, which are designed to collect information considered necessary for consistent and accurate measurement of cultural diversity. The standards include a minimum core set of cultural and language Indicators, which include:
  - Country of birth of a person
  - Main language other than English spoken at home
  - Proficiency in spoken English

<sup>6</sup> Australian Bureau of Statistics - *Standards for Statistics on Cultural and Language Diversity, 1999* – <http://www.abs.gov.au/ausstats/abs@.nsf/mf/1289.0> - Accessed 27 November 2013.

- Indigenous status.

Collection of main language spoken at home, proficiency in English and religion of parents are not within the current Regulations. The Registry is of the view that the collection of data regarding language(s) spoken at home and the religion of a child's parents would have limited utility on a birth certificate. This data is already collected by other means such as the Census.

The ABS suggests the inclusion of Indigenous status on the birth certificate for the child and each parent to enhance statistical data about Aboriginal and Torres Strait Islander peoples, despite the concerns noted above.

Further, the ABS are aware that in NSW, some parents are misreporting on their child's Birth Registration Statement (BRS) as being of Torres Strait Islander origin when seeking to have their Pacific Islander heritage recorded. The ABS suggested the inclusion of a free text field for reporting other optional ethnicities (e.g. Polynesian, Tongan, Maori etc.), or for individual nations or communities within Aboriginal peoples (e.g. Gadigal, Yorta Yorta etc.).

Other submissions were also received requesting the Indigenous status of the child and/or the parent(s) to be included on the birth certificate.

The Indigenous status of parents is recorded in the Register but does not appear on the birth certificate. Indigenous status could be considered for inclusion on a long-form birth certificate, however concerns regarding discrimination based on the identification of a parent's Indigenous status on the birth certificate will need to be considered. Also instituting an evidence-based process to verify claims of Aboriginality and/or Torres Strait Islander heritage would not be feasible at this point.

The Registry is of the view that Indigenous status has limited use on a birth certificate for most purposes. It also states that it would be difficult to establish Indigenous status in a rigorous way.

The Registry may consider a review of the wording of the question regarding Torres Strait Islander origin, to help prevent any confusion by people of Pacific Islander origin (e.g. Samoan, Tongan etc.).

## Donor Information

The inclusion of donor and biological parent details on the birth register has created much debate following the District Court of New South Wales decision in the matter *AA v Registrar of Births Deaths and Marriages and BB* on 17 August 2011. This decision led to the NSW Legislative Assembly Law and Safety Committee inquiry and report *Inclusion of Donor Details on the Register of Births* (tabled 17 October 2012).

The terms of reference for that inquiry were:

*“That the Committee inquire into and report on whether there should be provision for the inclusion of donor details on the register of births maintained by the Registrar of Births, Deaths and Marriages.”*

The Committee concluded that donor details should not appear on the birth register or birth certificates. The report made six recommendations, with recommendations 2, 3 and 4 referring to the Registry:

- That the Attorney-General introduce legislation to provide that, if a birth registration statement specifies that a child was donor conceived, the Registrar of Births, Deaths and Marriages is to note that the child was donor conceived in the entry about that child's birth on the register of births.
- That the Registrar of Births, Deaths and Marriages is to issue an addendum on a separate page, indicating that further information is available, when a donor conceived individual aged 18 or over applies for a birth certificate.
- That the Registry of Births, Deaths and Marriages and the Ministry of Health inform stakeholders of the changes to birth registration statements and birth certificates, through measures including agency websites and brochures.<sup>7</sup>

The NSW Government response to the NSW Legislative Assembly Law and Safety Committee's *Inclusion of Donor Details on the Register of Births* report was released on 30 April 2013<sup>8</sup>. The Government only responded to the first recommendation. It stated that it would consider and respond to recommendations 2 to 6 of the report with its response to the second, related inquiry of the Law and Safety Committee, *Managing Donor Conception Information* (report tabled 17 October 2013). The Government must table its response to both these reports by 17 April 2014.

Various submissions to this review made suggestions in relation to recording donor details on the birth certificates of donor-conceived individuals. The review does not make recommendations in relation to this issue given that: (a) change in this area would require an amendment to the Regulations and, potentially, the BDMR Act; (b) the NSW Government has not yet responded to the reports of the Legislative Assembly Law and Safety Committee on donor conception information. However, the Registry is involved in the development of the Government response to these reports, and will implement any change in this area that is approved by Government and/or Parliament.

## Proof of Identity

Birth certificates are primarily used by people to establish their identity. Government and non-government agencies accept birth certificates as a primary identity document, so it is important that certificates continue to contain information relevant for this purpose.

The Australian Passport Office (APO) uses birth certificates to help determine the identity of individuals and suggests that the information currently shown on birth certificates be retained. In addition, they submitted that the information regarding siblings is useful to help support identity in certain circumstances. The APO submitted that the addition of the date and place of sibling/s birth would be useful.

<sup>7</sup> Quoted from Legislative Assembly of New South Wales report - *Inclusion of Donor Details on the Register of Births*, page ix, [http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/bfa08a3ff4bb5a03ca257a9a0019c457/\\$FILE/Inclusion%20of%20donor%20details%20on%20the%20register%20of%20births%20report%201-55.pdf](http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/bfa08a3ff4bb5a03ca257a9a0019c457/$FILE/Inclusion%20of%20donor%20details%20on%20the%20register%20of%20births%20report%201-55.pdf), accessed 28 March 2013

<sup>8</sup> NSW Government Response to the Legislative Assembly Committee on Law and Safety: *Inclusion of Donor Details on the Register of Births* (April 2013) [http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/bfa08a3ff4bb5a03ca257a9a0019c457/\\$FILE/Government%20Response%20-%20Inclusion%20of%20donor%20details%20on%20register%20of%20births.pdf](http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/bfa08a3ff4bb5a03ca257a9a0019c457/$FILE/Government%20Response%20-%20Inclusion%20of%20donor%20details%20on%20register%20of%20births.pdf), accessed 8 October 2013.

The date of birth of siblings is currently recorded in the Register and may be included on a long-form birth certificate. The place of birth of siblings is not currently recorded.

One submission received provided the following suggestions:

- Provide greater clarity on what is the birth registration number as compared to the document number. This may help assist other agencies, particularly when they are verifying a birth certificate on the Document Verification Service (DVS)<sup>9</sup>.
- The date of issue also needs to be clearly identified, again to assist with input in to DVS.
- The inclusion of a field to indicate if the person is deceased.
- The inclusion of a field indicating any name changes to be present on the front of the certificate.
- The inclusion of a field indicating younger siblings to added to the certificate, when re-issued.
- The inclusion of a field indicating the history of certificates being re-printed should be present on the certificate.
- The font size could be increased to improve readability. This will be more important as scanning of documents for storage increases and the quality of the document is important to allow staff to read details from the scan.
- That state and territory Registrars implement an information sharing practice providing the details of all deaths recorded within their jurisdictions. This would allow deceased details of all Australians except those who died overseas to be recorded on their various state and territory birth certificates.

Current NSW birth certificates clearly identify the registration number and date of issue of the certificate. The font size currently used to print text on birth certificates is a standard font size for this sized document although larger fonts can be used by special request.

If the subject has formally changed their name on their birth certificate, a notation indicating when the name change was recorded appears in the endorsements area at the bottom of the birth certificate. A notation is also placed here to indicate if the subject is deceased.

Younger siblings would need to be added to their older sibling's birth registration as they are born and then a new birth certificate produced each time to reflect these additional siblings.

Sharing death data with other jurisdictions is not in scope for this review. However, Queensland BDM compiles national deaths data on behalf of all Australian jurisdictions.

The NSW Police submitted that the following be included on the NSW birth certificate to assist with missing persons investigations and the identification of individuals:

1. Date of birth of the parents;
2. Address of the parents; and

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<sup>9</sup> Cth Attorney Generals Department - DVS  
<http://www.ag.gov.au/rightsandprotections/identitysecurity/pages/documentverificationservice.aspx> accessed 23 December 2013.

### 3. Aliases used by the parents.

The date of birth of parents is recorded in the Register, so could be included on the birth certificate. The address of each parent (at the time of registration) already appears on birth certificate.

The Regulations do not provide for the recording of aliases of the parents. Only the parents name at the time of the child's birth, along with the mother's maiden surname are recorded.

The NSW Office of the Privacy Commissioner acknowledged the importance of the birth certificate as "a high value proof of identity (POI) document" in their submission. But, the need for the collection of certain private information as well as details of third parties was questioned as follows:

- Individuals may not be comfortable with the viewing and possible collection of their personal information on their birth certificate but will likely expect that certain items of information will be sought, such as date and place of birth, especially where that information is required for POI or proof of age purposes.
- Some fields on the current birth certificate are irrelevant, are unreasonably intrusive or have no evidentiary value and should be removed. These are;
  - 1) Sex. The need to identify individuals as either male or female to establish their identity was questioned. The experience of trans and intersex individuals whose gender was incorrectly determined at birth was given as an example and it was pointed out that in some cases sexual identity changes over time and remains indeterminate<sup>10</sup>.
  - 2) Mother and father's occupation, their place of birth and their marriage details should be removed on the grounds that not only is it a possibility that a child's parent will not be married but also the child will not have both a mother and father and that they may in fact have two of each. In our view it is preferable that these fields should be removed rather than left blank because blank fields could raise questions on the part of third parties, such as why they do not have a father/mother or why their parents weren't married.
  - 3) Previous children of the relationship field should be removed on the grounds that it is unlikely to be required for POI or proof of age and that it involves the disclosure of personal information about third parties. Likewise, the inclusion of information about twins, triplets etc. should be removed for the same reason.

The sex of an individual and the place of birth of their parents are likely to continue to appear on the birth certificate as several organisations such as the Australian Passport Office, the Department of Education and Communities, and Transport for NSW, indicated the importance of retaining this information. Some information currently included on a standard certificate, such as marriage details of the parents and the particulars of previous issue may be removed. This information could still be available on a long-form certificate, if implemented.

Transport for NSW commented in their submission that a NSW birth certificate is a list one document in their list of acceptable proof of identity documents. The birth certificate allows a

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<sup>10</sup> See advice provided by the Human Rights and Equal Opportunity Commission on Gay, Lesbian, Bisexual, Trans and Intersex equality at: [http://www.hreoc.gov.au/human\\_rights/lgbti/index.html](http://www.hreoc.gov.au/human_rights/lgbti/index.html)

customer to commence their identity in Australia, which is one of the key requirements of the Gold Standard Enrolment Framework.

Transport for NSW submitted that the inclusion of a child's full name, sex and date of birth on the birth certificate are of particular importance. The child's full name, sex and date of birth are currently included on the birth certificate. As such the information currently included on the certificate is sufficient for their purpose.

## Citizenship

The APO uses birth certificates for a number of purposes and submitted that the information currently appearing on the certificate should be retained.

In particular, for children born in Australia after 20 August 1986 Australian citizenship is not automatically conferred. One of the parents must be an Australian citizen or permanent resident at the time of the child's birth. Information in relation to parent's occupation, place of birth and age at birth of the child helps in decisions concerning proof of citizenship.

To improve its usefulness when determining citizenship, the APO recommended the following additional information be included on the birth certificate:

- Date/s of birth of the parent/s (rather than age)
- Citizenship of the parent/s
- Date and place of birth of siblings

It would be useful if the parent's citizenship information were captured when registering the birth of a child. Verification of citizenship information by the Department of Immigration and Border Protection would also be beneficial. Treatment of dual citizens would need to be considered, though.

The dates of birth of a child's parents and siblings are currently recorded in the Register. Consideration will be given to including this information on the long-form birth certificate, if it is introduced. The place of birth of siblings and citizenship of parents is not currently recorded in the Register.

A submission was received outlining the problems a respondent had encountered by relying on the information recorded on his birth certificate regarding his father's place of birth. Their father claimed to have been born in Poland when registering the birth. The respondent relied on this information to apply for Polish citizenship by descent after moving to Poland and establishing a business. It was subsequently discovered that the information provided by his father was incorrect.

As a result of his experience, the respondent suggested that the parent's country of origin be substantiated during the registration process to prevent this situation occurring in the future.

Parents complete the Birth Registration Statement (BRS) to register the birth of their child. Information provided on the BRS is certified correct by parents. The weight, sex, date and place of birth of a child, and the mother's name are currently verified against hospital and midwife records at the time of registration. It would be difficult or impossible to verify information from foreign jurisdictions.

## Wills and Family History

Part of the role of the NSW Trustee and Guardian is to administer the estates of those who die in NSW, either with or without leaving a will. They may be required to conduct searches to locate beneficiaries and rely on the certificate evidence obtained from BDM to establish entitlement. Without the correct evidence the wrong people may benefit from an estate, or those entitled to benefit may be disadvantaged.

The NSW Trustee and Guardian submitted that the addition of the following information would greatly assist when administering estates:

1. Dates of birth of parents - to assist in identification
2. Place of birth of parents - the addition of the village/town/suburb of a large city, state and country of parents would assist identification.
3. Legal parents - a birth certificate is required as evidence to confirm the legal parents of a child for intestacy purposes.
4. Recording names of both parents - problems occur for the distribution of intestate estates if the father's name has not been recorded on the birth certificate. Unless there is evidence to support a presumption of parentage under the Status of Children Act 1996 an intestate estate will be distributed to the maternal family only if there is no father recorded on a birth certificate. The paternal family is excluded from benefiting from the estate.
5. Misspelling parents' names - check for previous children registered to identify other names or spelling of names.
6. Previous children of relationship - if the birth certificate recorded all the children born to each parent this would enable identification of all siblings entitled to an intestate estate.
7. Full name of siblings.
8. Place and date of birth of other children of the parents - if the birth certificate recorded the place of birth and date of birth this would assist identification of siblings for an intestate estate.

The date and place of birth of each parent is recorded in the Register. Consideration can be given to expanding the collection of the parents' place of birth information and including this, along with the full dates of birth of the parents on the birth certificate.

The Elder Law Group of the NSW Law Society stated that if multiple parents are included, the certificate would need to clearly indicate which parents are the legal parents therefore entitled to benefit from an intestate estate.

Current legislation allows for a maximum of two parents to be recorded on the birth certificate.

It is the responsibility of parents to register the birth of their child. Generally both parents need to sign a birth registration statement (BRS) for a father to appear on the birth certificate. When parent(s) sign the BRS they attest that the information is accurate.



The Regulations do not currently provide for the collection of places of birth of previous children of the parents.

One response commented that the current content provides all necessary “genealogical and social information” required. The respondent suggested no additions or deletions to the information currently appearing on birth certificates.

Another respondent submitted that while they understand that the purpose of a birth certificate is for personal identification, they would be disappointed if valuable genealogical data was lost from the certificates. They stated that Australian birth certificates are a great resource with the information they currently contain.

A further submission suggested that more of the information recorded on the register be printed on the birth certificate. They remarked that if the older certificates had more information on them it would make family history searches easier.

The introduction of a long-form birth certificate would allow for more registered information to appear on the birth certificate.

## **Other Comments**

One respondent submitted that the occupation of the parents should be removed. They also suggested that inclusion of the parent’s marriage particulars should be optional, as many people do not marry.

Marriage particulars are only recorded if the parents are married. The removal of parents’ occupations and marriage particulars can be considered, especially for a short-form certificate, as it is not vital for identification of the child/person.

Another response suggested the extract birth certificate be made available again as it was usually sufficient for proof of age, did not disclose any other information that may be irrelevant and was cheaper. Full certificates should be available for those who are interested in family history or have a need to know more details such as for a security clearance. She also commented that the Queensland practice of not including parents’ marriage details unless requested is “irritating”.

The Registry continues to offer extract birth certificates. The marriage particulars may only appear on long-form birth certificate if introduced, so the issue identified in relation to Queensland’s practice will be taken into consideration.

APPENDIX

1. Current Birth Certificate - Example

NEW SOUTH WALES  
BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995  
BIRTH CERTIFICATE

REGISTRATION NUMBER  
00584/2009

|                                     |  |  |
|-------------------------------------|--|--|
| 1 CHILD                             | Family Name<br>Christian or Given Name(s)<br><br>Sex<br>Date of Birth<br>Place of Birth                |  |
| 2 MOTHER                            | Family Name<br>Maiden Family Name<br>Christian or Given Name(s)<br>Occupation<br>Age<br>Place of Birth |  |
| 3 FATHER                            | Family Name<br>Maiden Family Name<br>Christian or Given Name(s)<br>Occupation<br>Age<br>Place of Birth |  |
| 4 MARRIAGE OF PARENTS               | Date of Marriage<br>Place of Marriage  |  |
| 5 PREVIOUS CHILDREN OF RELATIONSHIP |  |  |
| 6 INFORMANT(S)                      | Name<br>Address  |  |
| 7 REGISTERING AUTHORITY             | Name<br>Date   |  |
| 8 ENDORSEMENT(S)                    |  |  |

Before accepting copies, sight unaltered original. The original has a coloured background.



REGISTRY OF BIRTHS  
DEATHS AND MARRIAGES

SYDNEY

6 Feb 2009

I hereby certify that this is a true copy of particulars recorded in a  
Register in the State of New South Wales, in the Commonwealth of Australia

*Cory Cherry*  
REGISTRAR

## 2. Submissions Invited - Organisations

- Commonwealth Attorney-General's Department
- NSW Police
- Department of Immigration and Citizenship
- Society of Australian Genealogists
- Australian Federation of Family History Organisations
- Director General DAGJ
- DOCS
- Anglicare
- Barnardos
- NSW Department of Education and Communities
- NSW Privacy Commissioner
- Commonwealth Privacy Commissioner
- Trustee and Guardian
- Linkup
- Post Adoption Resource Centre
- Centacare
- COAR
- Gay and Lesbian Rights Lobby
- The Fertility Society of Australia
- Legislation Policy and Criminal Law Review Division
- Transport for NSW - Roads and Maritime Services
- ABS
- Child Support Agency
- Department of Human Services - Medicare
- Centrelink
- DFAT
- NSW Bar Association
- The Law Society of NSW
- NSW Ombudsman
- Aboriginal Affairs NSW
- BDM VIC
- BDM QLD
- BDM SA
- BDM WA
- BDM TAS
- BDM NT
- BDM ACT
- BDM NZ
- BDM Norfolk Island
- BDM Fiji

### 3. Respondents

Submissions were received from the following organisations and individuals:

- **NSW Department of Family and Community Services Community Services**
- **New South Wales Committee on Adoption and Permanent Care Inc**
- **Mr Brian Fitzgerald**  
A private citizen.
- **NSW Department of Education and Communities**
- **New South Wales Ombudsman**
- **Australian Bureau of Statistics**
- **Ms Louise Clayton**  
A private citizen.
- **The Fertility Society of Australia**
- **Gay and Lesbian Rights Lobby**
- **The Law Society of New South Wales**
- **Mr Paul Clarke**  
A private citizen.
- **AA**  
The sperm donor referred to in the case in AA v Registrar of Births Deaths & Marriages and BB heard by Judge Stephen Walmsley in the District Court.
- **Department of Foreign Affairs and Trade - Australian Passport Office**
- **Department of Human Services**  
The Business Integrity Division of the Department of Human Services
- **NSW Police Force**
- **NSW Office of the Privacy Commissioner**
- **Transport for NSW**
- **Department of Foreign Affairs and Trade - Australian Passport Office**
- **Mr Szymon Gryg**  
A private citizen
- **NSW Trustee and Guardian**

- **Society of Australian Genealogists**

- **Ms Deb Humbley**

A private citizen

- **Ms Bernice Rushworth**

A private citizen

- **An anonymous citizen**

- **Ms Lyn Nunn**

A private citizen

## 4. Possible Long Birth Certificate - Example

NEW SOUTH WALES  
BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

REGISTRATION NUMBER

00584/2013

### BIRTH CERTIFICATE

|   |   |
|---|---|
| 1 CHILD                                     | Family Name<br>Christian or Given Name(s)<br><br>Sex<br>Date of Birth<br>Place of Birth   |
| 2 MOTHER                                    | Family Name<br>Family Name at Birth<br>Christian or Given Name(s)<br>Occupation<br>Date of Birth<br>Place of Birth<br>Indigenous Status |
| 3 FATHER/PARENT 2                           | Family Name<br>Family Name at Birth<br>Christian or Given Name(s)<br>Occupation<br>Date of Birth<br>Place of Birth<br>Indigenous Status |
| 4 MARRIAGE OF PARENTS                       | Date of Marriage<br>Place of Marriage   |
| 5 PREVIOUS CHILDREN OF THIS RELATIONSHIP    |   |
| 6 PREVIOUS CHILDREN OF MOTHER               |   |
| 7 PREVIOUS CHILDREN OF FATHER (or PARENT 2) |   |
| 8 INFORMANT(S)                              | Name<br>Address   |
| 9 REGISTERING AUTHORITY                     | Name<br>Date  |
| 10 ENDORSEMENT(S)                           |   |

Before accepting copies, sight unaltered original. The original has a coloured background.



REGISTRY OF BIRTHS  
DEATHS AND MARRIAGES

SYDNEY

6 Feb 2013

I hereby certify that this is a true copy of particulars recorded in a Register in the State of New South Wales, in the Commonwealth of Australia

**SAMPLE**  
*Cathy Cherry*  
Registrar

**5. Example of Possible Short Birth Certificate - Example**

**NEW SOUTH WALES**  
BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995

REGISTRATION NUMBER  
00584/2013

**EXTRACT BIRTH CERTIFICATE**

|                         |   |  |
|-------------------------|---|--|
| 1 CHILD                 | Family Name<br>Christian or Given Name(s)<br><br>Sex<br>Date of Birth<br>Place of Birth |  |
| 2 MOTHER                | Family Name<br>Family Name at Birth<br>Christian or Given Name(s)                       |  |
| 3 FATHER/PARENT 2       | Family Name<br>Family Name at Birth<br>Christian or Given Name(s)                       |  |
| 4 REGISTERING AUTHORITY | Name<br>Date  |  |
| 5 ENDORSEMENT(S)        |   |  |

Before accepting copies, sight unaltered original. The original has a coloured background.



REGISTRY OF BIRTHS  
DEATHS AND MARRIAGES

SYDNEY

6 Feb 2013

I hereby certify that this is a true copy of particulars recorded in a Register in the State of New South Wales, in the Commonwealth of Australia

*Corry Perry*  
SAMPLE

Registrar

## 6. Births, Deaths and Marriages Registration Regulation 2011

As at 1 July 2013

### Part 1 – Preliminary

#### 1 Name of Regulation

This Regulation is the *Births, Deaths and Marriages Registration Regulation 2011*.

#### 2 Commencement

This Regulation commences on 1 September 2011 and is required to be published on the NSW legislation website.

This Regulation replaces the *Births, Deaths and Marriages Registration Regulation 2006* which is repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definition

(1) In this Regulation: "**the Act**" means the *Births, Deaths and Marriages Registration Act 1995*.

(2) Notes included in this Regulation do not form part of this Regulation.

### Part 2 – Information required to be given to Registrar or noted in Register

#### 4 Notification of birth

For the purposes of section 12 of the Act, the following particulars are required:

- (a) the sex and date and place of birth of the child,
- (b) whether the child was born alive or stillborn,
- (c) the weight of the child at birth and, if the child was stillborn, the period of gestation of the child,
- (d) whether or not the birth was a multiple birth,
- (e) the full name (including, if applicable, the original surname), date of birth and usual place of residence (at the time of delivery) of the birth mother of the child,
- (f) the full name and occupation of the person giving the notice.

#### 5 Registration of birth

(1) For the purposes of sections 14 and 17 of the Act, the following particulars are required:

- (a) the sex and date and place of birth of the child,
- (b) the weight of the child at birth,
- (c) whether or not the birth was a multiple birth,
- (d) the full name (including, if applicable, the original surname), date of birth (or age), place of birth, occupation and usual place of residence (at the time of delivery) of each parent of the child,
- (e) the date and place of marriage of the parents of the child (if applicable),
- (f) the full name, sex and date of birth of any other children (including any deceased children) of either of the parents of the child,
- (g) whether or not either of the parents of the child is of Aboriginal or Torres Strait Islander origin,
- (h) if either parent of the child was born outside Australia, the period of residence in Australia of that parent.

A birth registration statement given to the Registrar under section 14 of the Act



- must also state the name of the child (see section 21 of the Act).
- (2) For avoidance of doubt, the Registrar is authorised to include in the Register the registrable information about the identity of the child's parents that is required to be provided under this clause.
- (3) If the particulars supplied to the Registrar under section 14 of the Act specify that:
- (a) a parent who is the father of the child wishes to be identified in the Register as the father, or
  - (b) a parent who is the birth mother of the child wishes to be identified in the Register as the mother,
- or both, the particulars entered in the Register under section 17 of the Act must identify the parent as the father or mother, as the case requires. This subclause does not limit the particulars which may be included in the Register.

## **6 Registration of adoption**

For the purposes of section 24 of the Act, the following particulars are required:

- (a) the full name, sex and date and place of birth of the child to whom the record of adoption or discharge relates,
- (b) the full name (including, if applicable, the original surname), date of birth (or age), place of birth, occupation and usual place of residence of the child's adoptive parent or parents,
- (c) the date and place of marriage of the adoptive parents of the child (if applicable),
- (d) the full name and date of birth of any other children (whether adopted children or not and including any deceased children) of either of the adoptive parents of the child.

## **7 Registration of deceased person's former intention to adopt**

For the purposes of section 24A of the Act, the following information is required:

- (a) the full name and last residential address of the deceased person,
- (b) the date and place of death of the deceased person.

## **8 Registration of change of name**

- (1) For the purposes of section 31 of the Act, the following particulars are required:
- (a) the sex and date and place of birth of the person whose change of name is being registered,
  - (b) the full name of the person immediately before the change of name,
  - (c) the full name first given to the person after birth and any other name shown on the person's birth registration,
  - (d) any other former names of the person,
  - (e) the new full name of the person,
  - (f) the full names of the parents of the person (as at the date of the person's birth or registration of the person's birth).
- (2) In this clause, "**former name**" of a person includes:
- (a) a name acquired by the person informally by repute or usage, or
  - (b) any other name used by the person.

## **9 Application to alter Register to record change of sex**

For the purposes of section 32C (b) of the Act, the following documents are prescribed as documents that must accompany an application under section 32B of the Act:

- (a) a signed statement by each of the 2 doctors (or 2 medical practitioners) referred to in section 32C (a) of the Act declaring that the doctor or practitioner concerned sighted proof of the identity of the person the subject of the application when making the statutory declaration referred to in that paragraph,

(b) documentary proof, to the Registrar's satisfaction, of the identity of the person the subject of the application.

### **10 Application to register change of sex**

For the purposes of section 32DB (b) of the Act, the following documents are prescribed as documents that must accompany an application under section 32DA of the Act:

- (a) a signed statement by each of the 2 doctors (or 2 medical practitioners) referred to in section 32DB (a) of the Act declaring that the doctor or practitioner concerned sighted proof of the identity of the person the subject of the application when making the statutory declaration referred to in that paragraph, and
- (b) documentary proof, to the Registrar's satisfaction:
  - (i) that the person is an Australian citizen or permanent resident of Australia, and
  - (ii) that the person lives, and has lived for at least one year, in New South Wales.

### **11 Registration of relationship**

The following particulars of the registration of a relationship under the *Relationships Register Act 2010* are required to be registered in the Register:

- (a) the sex, full name, occupation and usual place of residence of each party to the relationship,
- (b) the date and place of birth of each party to the relationship,
- (c) the full names (including, if applicable, the original surname) of the parents of each party to the relationship.

### **12 Information concerning human remains**

For the purposes of section 41 (1) (d) of the Act, the following information is required from a funeral director or other person who arranges for the disposal of human remains:

- (a) the date and place of death of the deceased,
- (b) the sex, date of birth (or age at death) and place of birth of the deceased,
- (c) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death,
- (d) the date of disposal of the remains of the deceased,
- (e) the full name and business address of the funeral director or other person who arranged for the disposal of the remains,
- (f) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death,
- (g) whether or not the deceased was of Aboriginal or Torres Strait Islander origin,
- (h) whether, immediately before death, the deceased was married, divorced, widowed or in a de facto relationship or had never married,
- (i) if the deceased had married, the date of marriage (or age of the deceased at the date of marriage), the place of marriage and the full name (including, if applicable, the original surname) of his or her spouse (and such information in relation to each marriage of the deceased if the deceased had married more than once),
- (j) the full name (including, if applicable, the original surname) of any de facto partner of the deceased,
- (k) the full names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (l) the full name (including, if applicable, the original surname) and occupation of each parent of the deceased.

### **13 Information concerning human remains removed from the State**

For the purposes of section 41 (2) (b) of the Act, the following information is required from a funeral director or other person who arranges for the removal of human remains (other than cremated remains) from the State:

- (a) the full name and last residential address of the deceased,
- (b) the date and place of death of the deceased,
- (c) whether or not the death was reported to a coroner,
- (d) the sex, date of birth (or age at death) and place of birth of the deceased,
- (e) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death,
- (f) the date of disposal of the remains of the deceased,
- (g) the full name and business address of the funeral director or other person who arranged for removal of the remains,
- (h) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death,
- (i) whether or not the deceased was of Aboriginal or Torres Strait Islander origin,
- (j) whether, immediately before death, the deceased was married, divorced, widowed or in a de facto relationship or had never married,
- (k) if the deceased had married, the date of marriage (or age of the deceased at the date of marriage), the place of marriage and the full name (including, if applicable, the original surname) of his or her spouse (and such information in relation to each marriage of the deceased if the deceased had married more than once),
- (l) the full name (including, if applicable, the original surname) of any de facto partner of the deceased,
- (m) the full names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (n) the full name (including, if applicable, the original surname) and occupation of each parent of the deceased.

**14 Information concerning human remains not disposed of within 30 days after death**

For the purposes of section 41 (3) (c) of the Act, the following information is required from a funeral director or other person who has custody of human remains that have not been disposed of within 30 days after the date of death:

- (a) the date and place of death of the deceased,
- (b) the sex, date of birth (or age at death) and place of birth of the deceased,
- (c) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death,
- (d) the full name and business address of the funeral director or other person who has custody of the remains of the deceased,
- (e) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death,
- (f) whether or not the deceased was of Aboriginal or Torres Strait Islander origin,
- (g) whether, immediately before death, the deceased was married, divorced, widowed or in a de facto relationship or had never married,
- (h) if the deceased had married, the date of marriage (or age of the deceased at the date of marriage), the place of marriage and the full name (including, if applicable, the original surname) of his or her spouse (and such information in relation to each marriage of the deceased if the deceased had married more than once),
- (i) the full name (including, if applicable, the original surname) of any de facto partner of the deceased,
- (j) the full names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (k) the full name (including, if applicable, the original surname) and occupation of each parent of the deceased.

## 15 Registration of death

For the purposes of section 42 of the Act, the following particulars are required:

- (a) the date and place of death of the deceased,
- (b) the sex, date of birth (or age at death) and place of birth of the deceased,
- (c) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death,
- (d) the date of disposal of the remains of the deceased,
- (e) the full name and business address of the funeral director or other person who arranged for the disposal of the remains,
- (f) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death,
- (g) whether or not the deceased was of Aboriginal or Torres Strait Islander origin,
- (h) whether, immediately before death, the deceased was married, divorced, widowed or in a de facto relationship or had never married,
- (i) if the deceased had married, the date of marriage (or age of the deceased at the date of marriage), the place of marriage and the full name (including, if applicable, the original surname) of his or her spouse (and such particulars in relation to each marriage of the deceased if the deceased had married more than once),
- (j) the full name (including, if applicable, the original surname) of any de facto partner of the deceased,
- (k) the full names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (l) the full name (including, if applicable, the original surname) and occupation of each parent of the deceased.

## Part 3 – Miscellaneous

### 16 Persons who may apply for old birth certificate

(1) For the purposes of section 32F of the Act, the following persons are prescribed as persons who may apply to the Registrar for a birth certificate that shows the sex of a transgender person before the record of the transgender person's sex was altered under Part 5A of the Act:

- (a) the executor or administrator of the transgender person's estate,
- (b) a parent of the transgender person,
- (c) a spouse or de facto partner (or former spouse or de facto partner) of the transgender person,
- (d) an officer or person acting on behalf of any of the following law enforcement agencies:
  - (i) the NSW Police Force, or the police force of another State or a Territory,
  - (ii) the Australian Federal Police,
  - (iii) the New South Wales Crime Commission,
  - (iv) the Australian Crime Commission,
  - (v) the Office of the Director of Public Prosecutions of this State, of another State or a Territory, or of the Commonwealth,
  - (vi) the Independent Commission Against Corruption.

(2) In this clause, "**transgender person**" means a person:

- (a) who has undergone a sex affirmation procedure, and
- (b) the record of whose sex has been altered under Part 5A of the Act.

### 16A Exemptions from certain provisions of Division 3 of Part 5 of the Act

(1) For the purposes of section 31B of the Act, persons who are inmates, parolees, periodic detainees, forensic patients or correctional patients, or are subject to a

supervision order, solely because of one or more of the following reasons are prescribed as not being a class of restricted person:

- (a) because of the commission or alleged commission of an offence under a law of the Commonwealth,
  - (b) because the person is the subject of a warrant under section 170 (1) (a) of the *Defence Force Discipline Act 1982* of the Commonwealth by which an authorised officer under that Act has committed the person to a correctional centre pursuant to a punishment of imprisonment imposed under that Act,
  - (c) because the person is a detainee within the meaning of the *Migration Act 1958* of the Commonwealth and who is held in a correctional centre as referred to in paragraph (b) (ii) of the definition of "**immigration detention**" in section 5 of that Act,
  - (d) because the person is in the keeping of a correctional officer under section 250 of the *Crimes (Administration of Sentences) Act 1999*.
- (2) A person is exempt from section 31F of the Act if the person is a former serious offender only because of the commission or alleged commission of an offence under a law of the Commonwealth.
- (3) In this clause, terms defined in Part 5 of the Act have the same meanings as they have in that Part.

#### **17 Recognition of change of sex--interstate laws**

- (1) For the purposes of section 32I of the Act, the following laws are prescribed:
- (a) *Births, Deaths and Marriages Registration Act 1997* of the Australian Capital Territory,
  - (b) *Births, Deaths and Marriages Registration Act* of the Northern Territory,
  - (c) *Births, Deaths and Marriages Registration Act 2003* of Queensland,
  - (d) *Sexual Reassignment Act 1988* of South Australia,
  - (e) *Births, Deaths and Marriages Registration Act 1999* of Tasmania,
  - (f) *Gender Reassignment Act 2000* of Western Australia,
  - (g) *Births, Deaths and Marriages Registration Act 1996* of Victoria.
- (2) For the purposes of section 32J of the Act the *Gender Reassignment Act 2000* of Western Australia is prescribed.

#### **18 Fees**

For the purposes of section 54 of the Act, the fee for a service provided by the Registrar (other than a service that is fee exempt under clause 19) is the amount set out opposite the service concerned in Schedule 1.

#### **19 Temporary fee exemption for marriage and relationship certificates**

- (1) The following services are fee exempt for the period commencing on 1 September 2011 and ending on 13 February 2012 (the "**fee exempt period**"):
- (a) the issue of a marriage certificate in respect of a marriage that occurs during the relevant period,
  - (b) the issue of a relationship certificate in respect of a relationship that is registered under the *Relationships Register Act 2010* during the relevant period.
- (2) Accordingly, no fee is payable for the issue of such a marriage certificate or relationship certificate during the fee exempt period.
- (3) This clause does not apply to any other service provided in connection with the issue of a marriage certificate or relationship certificate.
- (4) In this clause: "**marriage certificate**" means a certificate certifying particulars contained in an entry in the Register about a marriage registered under the Act. "**relationship certificate**" means a certificate certifying particulars contained in an entry in the Register about a relationship registered under the *Relationships Register Act 2010*. "**relevant period**" means the period commencing on 14 February

2011 and ending on 13 February 2012.

**20 Savings**

Any act, matter or thing that, immediately before the repeal of the *Births, Deaths and Marriages Registration Regulation 2006*, had effect under that Regulation continues to have effect under this Regulation.