



Australian Capital Territory

Births, Deaths and Marriages Registration Amendment Act 2014

A2014-8

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J2012-761

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Births, Deaths and Marriages Registration Amendment Act 2014

A2014-8

An Act to amend the *Births, Deaths and Marriages Registration Act 1997*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Births, Deaths and Marriages Registration Amendment Act 2014*.

2 Commencement

This Act commences on the 30th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Births, Deaths and Marriages Registration Act 1997*.

Note This Act also amends other legislation (see sch 1).

**4 Dictionary
Section 2, note 1**

substitute

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*reviewable decision*, for part 8 (Notification and review of decisions)—see section 53.’ means that the term ‘reviewable decision’ is defined in that section for part 8.

5 Sections 9 and 10

omit

60 days

substitute

6 months

**6 Application to register change of child's name
Section 19 (5)**

omit

the child's guardian

substitute

a person with parental responsibility for the child

**7 Definitions for pt 4
Section 23**

omit

**8 Application to alter register to record change of sex
Section 24 (1) (c), except notes**

substitute

- (c) the person believes their sex to be the sex nominated in the application (the *altered sex*), and—
- (i) has received appropriate clinical treatment for alteration of the person's sex; or
 - (ii) is an intersex person.

9 Section 24 (2)

substitute

- (2) The parents of, or a person with parental responsibility for, the child may apply to the registrar-general for alteration of the record of the child's sex in the registration of the child's birth if—
- (a) the child's birth is registered in the ACT; and

- (b) the parents, or person with parental responsibility, believe on reasonable grounds that alteration of the record of the child's sex is in the best interests of the child; and
- (c) the child—
 - (i) has received appropriate clinical treatment for alteration of the child's sex; or
 - (ii) is an intersex person.

10 Section 25

substitute

25 Evidence in support of application

- (1) An application under section 24 for alteration of the record of the sex of a person who is at least 18 years old must be accompanied by—
 - (a) a statutory declaration by a doctor, or a psychologist, certifying that the person—
 - (i) has received appropriate clinical treatment for alteration of the person's sex; or
 - (ii) is an intersex person; and
 - (b) documents confirming that the person was born in the Territory or has had their birth registered in the Territory; and
 - (c) any other documents and information that are prescribed.
- (2) An application under section 24 for alteration of the record of the sex of a child must be accompanied by—
 - (a) a statement signed by the parents of, or a person with parental responsibility for, the child stating that alteration of the record of the child's sex is in the best interests of the child; and

- (b) a statutory declaration by a doctor, or a psychologist, certifying that the child—
 - (i) has received appropriate clinical treatment for alteration of the child's sex; or
 - (ii) is an intersex person; and
 - (c) documents confirming that the child was born in the Territory or has had their birth registered in the Territory; and
 - (d) any other documents and information that are prescribed.
- (3) In this section:

psychologist means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the psychology profession (other than as a student).

11 Sections 27 and 28

omit

transsexual

12 Section 29

substitute

29 Entitlement not affected by change of sex

A person who has an entitlement under a will, trust or territory law does not lose the entitlement only because the person's sex has been altered on the register, unless the will, trust or territory law provides otherwise.

13 Section 65

substitute

65 Certificate evidence

- (1) A certificate or other instrument that purports to state information obtained by the registrar-general under this Act or the repealed Act is evidence of the matters stated in it if it purports—
 - (a) to be signed and sealed by the registrar-general; or
 - (b) to have attached to it, or be otherwise authenticated by, a facsimile of the registrar-general's signature and seal produced by a stamp, machine imprint or any other method authorised by regulation.
- (2) An interstate recognition certificate is, for the purposes of any territory law, evidence that the person mentioned in it is of the sex stated in the certificate.
- (3) In this section:

interstate recognition certificate means a certificate issued under a corresponding law.

14 Dictionary, note 2

insert

- intersex person

15 Dictionary, new definition of *parental responsibility*

insert

parental responsibility, for a child or young person—see the [Children and Young People Act 2008](#), section 15.

**16 Dictionary, definitions of *sexual reassignment surgery*
and *transsexual person***

omit

Schedule 1 Other amendments

Part 1.1 Births, Deaths and Marriages Registration Regulation 1998

[1.1] Section 4 (1)

omit

section 5 (3)

substitute

section 5 (2) (a)

[1.2] Section 4 (1) (b)

substitute

(b) if the sex of the child is determinable—the sex of the child;

[1.3] Section 5 (b)

substitute

(b) if the sex of the child is determinable—the sex of the child;

[1.4] Section 7

substitute

7 Issue of birth certificates—Act, s 27 (2) (c)

The following people are specified:

- (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 (2) (a) or (b).

[1.5] Section 8

omit

Part 1.2 Legislation Act 2001

[1.6] Section 169B

substitute

169B References to *intersex people*

An *intersex person* is a person who has physical, hormonal or genetic features that are—

- (a) not fully female or fully male; or
- (b) a combination of male or female; or
- (c) not female or male.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 28 November 2013.

2 Notification

Notified under the [Legislation Act](#) on 27 March 2014.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Births, Deaths and Marriages Registration Amendment Bill 2014, which originated in the Legislative Assembly as the Births, Deaths and Marriages Registration Amendment Bill 2013 and was passed by the Assembly on 20 March 2014.

Clerk of the Legislative Assembly

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