



Australian Capital Territory

# Births, Deaths and Marriages Registration Amendment Act 2019

A2019-3

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Australian Capital Territory

# **Births, Deaths and Marriages Registration Amendment Act 2019**

**A2019-3**

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An Act to amend the *Births, Deaths and Marriages Registration Act 1997* and the *Births, Deaths and Marriages Registration Regulation 1998*

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

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Births, Deaths and Marriages Registration Amendment Act 2019*.

### 2 Commencement

This Act commences on the 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* and the *Births, Deaths and Marriages Registration Regulation 1998*.

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## Part 2                      Births, Deaths and Marriages Registration Act 1997

### 4                      New section 4B

*in division 2.1, insert*

#### 4B                      Meaning of *birth parent*—pt 2

In this part:

*birth parent*, of a child, means the person who gave birth to the child.

### 5                      Notification of births Section 5 (8)

*omit*

### 6                      When registration of birth is required or authorised New section 7 (5) to (7)

*insert*

- (5) Despite subsection (1), the birth of a stillborn child need not be registered if the child showed no sign of a heartbeat before 20 weeks gestation.
- (6) Subsection (5) also applies if—
  - (a) the child was born within 6 months before the day this subsection commences (the *commencement day*); and
  - (b) immediately before the commencement day, the birth is not registered under this Act.
- (7) Subsection (6) and this subsection expire 12 months after the commencement day.

**7 Responsibility to have birth registered  
Section 8 (1)**

*after*

parents of a child

*insert*

(other than a child mentioned in subsection (1A) or (2))

**8 New section 8 (1A) and (1B)**

*insert*

- (1A) The birth parent of a stillborn child who showed no sign of a heartbeat before 20 weeks gestation—
- (a) is solely responsible for deciding whether to register the birth of the child; but
  - (b) must consult the other parent of the child before making the decision.
- (1B) However, the birth parent is not required to consult the other parent if it is not reasonably practicable or appropriate in the circumstances to consult the other parent.

**Examples**

- 1 the other parent is not contactable
- 2 the other parent's identity is not known
- 3 the terms of an agreement state that the other parent must not be contacted
- 4 there is a risk of family or personal violence against the birth parent or another person

**9 How to have the birth of a child registered**  
**Section 9 (2) (a)**

*substitute*

- (a) that is signed by only 1 of the parents, if satisfied that—
- (i) it is not practicable to obtain the signature of the other parent; or
  - (ii) the parent who signed is the birth parent of a stillborn child, who has decided under section 8 (1A) to register the birth of the child; or

**10 Dictionary, new definition of *birth parent***

*insert*

***birth parent***, of a child, for part 2 (Registration of births)—see section 4B.

**11 Dictionary, definition of *stillborn child***

*substitute*

***stillborn child*** means a child of at least 20 weeks gestation who shows no sign of respiration or heartbeat, or other sign of life, immediately after birth.

## Part 3 Births, Deaths and Marriages Registration Regulation 1998

### 12 Dictionary Section 3, note 1

*omit*

section 5 (8)

*substitute*

section 4B

### 13 Registration of births New section 5 (3) to (5)

*insert*

- (3) For subsection (1) (e), a stillborn child need not be included in a multiple birth if—
- (a) the child showed no sign of a heartbeat before 20 weeks gestation; and
  - (b) after consulting the other parent of the child, the birth parent decides not to include the child.
- (4) For subsection (1) (l), particulars of a stillborn child need not be given if—
- (a) the child showed no sign of a heartbeat before 20 weeks gestation; and
  - (b) after consulting the other parent of the child, the birth parent decides not to give those particulars.



- (5) However, for subsections (3) (b) and (4) (b), the birth parent is not required to consult the other parent if it is not reasonably practicable or appropriate in the circumstances to consult the other parent.

**Examples**

- 1 the other parent is not contactable
- 2 the other parent's identity is not known
- 3 the terms of an agreement state that the other parent must not be contacted
- 4 there is a risk of family or personal violence against the birth parent or another person

**14 Dictionary, definition of *birth parent***

*substitute*

***birth parent***—see the [Act](#), section 4B.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 29 November 2018.

**2 Notification**

Notified under the [Legislation Act](#) on 26 February 2019.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Births, Deaths and Marriages Registration Amendment Bill 2019, which originated in the Legislative Assembly as the Births, Deaths and Marriages Registration Amendment Bill 2018 and was passed by the Assembly on 14 February 2019.

Clerk of the Legislative Assembly

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