

**2003**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**REGISTRATION OF DEEDS AMENDMENT BILL 2003**

**EXPLANATORY STATEMENT**

**Circulated by authority of the  
Attorney General  
Mr Jon Stanhope MLA**

## REGISTRATION OF DEEDS AMENDMENT BILL 2003

### EXPLANATORY STATEMENT

This explanatory statement relates to this Bill as introduced into the ACT Legislative Assembly.

### OUTLINE

This Bill amends the *Registration of Deeds Act 1957* (the Act) so that the definition of 'deed' in the Act does not include a document that evidences or purports to evidence a change of the name of a person.

### BACKGROUND

The *Registration of Deeds Act 1957* (the Act) establishes a General Register of Deeds and allows for the registration of a wide range of documents. There are problems associated with the registration of a change of name by deed poll under the Act. The registration of a deed poll provides the appearance of official recognition without providing any control over the change process. In addition, because the Register is an open one, any person can, by searching it, find the personal details of the person who has changed his or her name.

The Registration of Deeds Amendment Bill 2003 amends the *Registration of Deeds Act 1957* to prevent a person registering a deed poll under the Act in order to record a change of name. The effect of the amendment is to restrict the registration of names to the process provided under the *Births, Deaths and Marriages Registration Act 1997*.

The *Births, Deaths and Marriages Registration Act 1997* has a monitoring process designed to reduce fraud and the use of undesirable or offensive names. In addition, the *Births, Deaths and Marriages Registration Act 1997* process results in a record being kept of all previous names. Other controls include: the prevention of registration of undesirable names; permitting changes of names only to persons resident in the ACT; refusing the change of name where it is suspected that the change is being made for a fraudulent purpose; providing for the notation of the person's birth certificate in the state of birth; and the establishment of mechanisms linking birth and death records around Australia. Better protection of personal privacy is provided because access to birth records, where changes of name are recorded, is restricted in accordance with a policy that allows only limited categories of persons with a genuine interest to examine a birth record.

## DETAILED EXPLANATION

### Formal Clauses

**Clause 1** refers to the title of the Act.

**Clause 2** refers to the commencement of the Act. The Act is to commence on the day after its notification day.

**Clause 3** refers to the amendment of the *Registration of Deeds Act 1957*.

### Definition Clause

**Clause 4** amends the Act through the omission of the phrase *who has not attained the age of 18 years*. This change excludes a document that evidences or purports to evidence a change of the name of a person from the definition of a *deed* for the purpose of the Act.