

Australian Capital Territory

Births, Deaths and Marriages Registration Amendment Regulation 2021 (No 1)

Subordinate Law SL2021-20

The Australian Capital Territory Executive makes the following regulation under the [Births, Deaths and Marriages Registration Act 1997](http://www.legislation.act.gov.au/a/1997-112).

Dated 20 August 2021.

Andrew Barr

Chief Minister

Tara Cheyne

Minister



Australian Capital Territory

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made under the

[Births, Deaths and Marriages Registration Act 1997](http://www.legislation.act.gov.au/a/1997-112" \o "A1997-112)

1 Name of regulation

This regulation is the *Births, Deaths and Marriages Registration Amendment Regulation 2021 (No 1)*.

2 Commencement

This regulation commences on the commencement of the [Births, Deaths and Marriages Registration Amendment Act 2020](https://legislation.act.gov.au/a/2020-40/), section 3.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This regulation amends the [Births, Deaths and Marriages Registration Regulation 1998](http://www.legislation.act.gov.au/sl/1998-36).

4 New section 8

insert

8 Prescribed circumstances for consent by stated person with parental responsibility—Act, s 19A (b) (ii) (C), s 24 (1) (a) (ii) (C) and s 29A (1) (a) (ii) (C)

(1) This section applies in relation to an application mentioned in any of the following sections of the [Act](https://legislation.act.gov.au/a/1997-112/):

(a) section 19A (b) (ii) (C);

(b) section 24 (1) (a) (ii) (C);

(c) section 29A (1) (a) (ii) (C).

(2) If a circumstance mentioned in column 2 of an item in table 8 applies, the person or people mentioned in column 3 of the item must consent to the application.

Table 8

| column 1  item | column 2  prescribed circumstance | column 3  stated person with parental responsibility |
| --- | --- | --- |
| 1 | 1 person (other than a parent) has long-term care responsibility for the young person under a provision of a care and protection order  **Examples**   a long-term parental responsibility provision   an enduring parental responsibility provision | the person with long-term care responsibility |
| 2 | 2 or more people have shared long‑term care responsibility for the young person under a provision of a care and protection order | every person with shared long-term care responsibility from whom consent can practicably and reasonably be obtained |
| 3 | the appointment of a testamentary guardian for the young person is in effect under the [Testamentary Guardianship Act 1984](http://www.legislation.act.gov.au/a/1984-34) and it is not practicable or reasonable to obtain the consent of any surviving parent | the young person’s testamentary guardian |
| 4 | the appointment of 2 or more testamentary guardians for the young person is in effect under the [Testamentary Guardianship Act 1984](http://www.legislation.act.gov.au/a/1984-34) and it is not practicable or reasonable to obtain the consent of any surviving parent | every testamentary guardian of the young person from whom consent can practicably and reasonably be obtained |
| 5 | a parenting order under the [Family Law Act 1975](https://www.legislation.gov.au/Series/C2004A00275) (Cwlth), s 65D is in effect that includes parental responsibility for a person (other than a parent) to make decisions about major long-term issues for the young person | the person with parental responsibility for major long-term issues |
| 6 | a parenting order under the [Family Law Act 1975](https://www.legislation.gov.au/Series/C2004A00275) (Cwlth), s 65D is in effect that includes parental responsibility for 2 or more people to make decisions about major long‑term issues for the young person | every person with parental responsibility for major long-term issues from whom consent can practicably and reasonably be obtained |

(3) In this section:

care and protection order—see the [Children and Young People Act 2008](http://www.legislation.act.gov.au/a/2008-19), section 422.

enduring parental responsibility provision—see the [Children and Young People Act 2008](http://www.legislation.act.gov.au/a/2008-19), section 481.

long-term care responsibility, for a child or young person—see the [Children and Young People Act 2008](http://www.legislation.act.gov.au/a/2008-19), section 20.

major long-term issues—see the [Family Law Act 1975](https://www.legislation.gov.au/Series/C2004A00275) (Cwlth), section 4 (1).

testamentary guardian—see the [Testamentary Guardianship Act 1984](http://www.legislation.act.gov.au/a/1984-34), section 6.

Endnotes

1 Notification

Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 20 August 2021.

2 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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