



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*.

Dated 20 August 2021.

ANDREW BARR
Chief Minister

TARA CHEYNE
Minister



Australian Capital Territory

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

Subordinate Law SL2021-20

made under the

[Births, Deaths and Marriages Registration Act 1997](#)

1	Name of regulation
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	This regulation is the <i>Births, Deaths and Marriages Registration Amendment Regulation 2021 (No 1)</i> .
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2 Commencement

This regulation commences on the commencement of the *Births, Deaths and Marriages Registration Amendment Act 2020*, section 3.

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

3 Legislation amended

This regulation amends the *Births, Deaths and Marriages Registration Regulation 1998*.

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](#):
 - (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	<p>1 person (other than a parent) has long-term care responsibility for the young person under a provision of a care and protection order</p> <p>Examples</p> <ul style="list-style-type: none"> • 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 <i>Testamentary Guardianship Act 1984</i> 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 <i>Testamentary Guardianship Act 1984</i> 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 <i>Family Law Act 1975</i> (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

column 1 item	column 2 prescribed circumstance	column 3 stated person with parental responsibility
6	a parenting order under the <i>Family Law Act 1975</i> (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*, section 422.

enduring parental responsibility provision—see the *Children and Young People Act 2008*, section 481.

long-term care responsibility, for a child or young person—see the *Children and Young People Act 2008*, section 20.

major long-term issues—see the *Family Law Act 1975* (Cwlth), section 4 (1).

testamentary guardian—see the *Testamentary Guardianship Act 1984*, section 6.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 20 August 2021.

2 Republications of amended laws

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

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