

# **Births, Deaths, Marriages, and Relationships Registration Bill**

Government Bill

As reported from the Governance and Administration Committee

## **Commentary**

### **Recommendation**

The Governance and Administration Committee has examined the Births, Deaths, Marriages, and Relationships Registration Bill and recommends that it be passed with the amendments shown.

### **Introduction**

The Births, Deaths, Marriages, and Relationships Registration Bill seeks to repeal and replace the Births, Deaths, Marriages, and Relationships Registration Act 1995. The bill would re-enact the majority of the 1995 Act but in a modernised and more accessible form. It would remove some redundant provisions and also make a small number of policy changes. Some of these changes would give effect to recommendations from the Minister of Internal Affairs' review of the access provisions in the 1995 Act (the BDM access review). Other changes respond to recommendations in the Law Commission's review of burial and cremation law.

### **Proposed amendments**

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

### **Notification of births**

Under clause 12, a parent or parents are required to notify the Registrar-General of the birth of their child. We recommend inserting clause 12(2A) to allow the parent or parents to choose their status on the birth certificate as “mother”, “father”, or “parent”.

We also recommend replacing the references to “mother” in clauses 4, 11(2), and 11(3)(c) with “birth mother” to clarify which parent the provisions relate to.

### **Process for changing registered sex on the birth record**

Part 2, Subpart 7 of the bill as introduced would re-enact the equivalent provisions in the 1995 Act. It would require an individual to obtain a Family Court declaration to change the sex recorded on their birth certificate. This law was progressive in 1995 but is now outdated and inconsistent with global developments. We recommend replacing the Family Court process with an administrative process based on self-identification. To do so, we recommend deleting Subpart 7 and inserting new clauses 22A to 22J under Subpart 2, which deals with births and birth records. This would more accurately reflect where the administrative process fits within the legislation. We also recommend aligning the new clauses, as far as is practicable, with Subpart 6, which sets out the process for changing a name on the birth record.

#### **Administrative process to replace Family Court process**

Our proposed new clause 22A would set out the definitions to be used in clauses 22B to 23. We recommend defining an “eligible person” as anyone whose birth has been registered in New Zealand. We also recommend new definitions for “eligible child” and “eligible 16- or 17-year-old”.

Our proposed new clause 22B would enable an eligible adult or eligible 16- or 17-year-old to make a statutory declaration directly to the Registrar-General. New clause 22C would enable an eligible child’s guardian to complete a similar statutory declaration on the child’s behalf. New clause 22D would then require the Registrar-General to register the nominated sex if all the statutory requirements have been met.

Under the 1995 Act an individual can only nominate a change to the opposite sex (female or male). In addition to these, we recommend including the options of “inter-sex” and “X (unspecified)”. By including these as registrable options the bill would recognise non-binary sexual and gender identities.

New clause 22B would also specify that an eligible person can only change their nominated sex once, except where the Registrar-General is satisfied that special reasons exist. However, we recommend that all applicants should be able to apply to revert to the sex recorded at birth.

As part of the change to a self-identification process, we also recommend removing all references to “medical treatment”, “medical evidence”, “physical conformation”, “sexual assignment”, and “sexual reassignment” from the bill.

This proposed administrative process would allow people to have greater autonomy over their identity and would make it easier for people to change their registered sex.

#### *Application requirements*

Our proposed clause 22B(2)(b) sets out what an eligible adult or eligible 16- or 17-year-old would need to declare in their application. The minimum requirements

would help to ensure that individuals applying to change their nominated sex fully understand the consequences of the decision they are making.

However, we recommend some additional requirements for changing the nominated sex of people under 18 years old. We believe this would ensure that the best interests of children and young persons are protected.

#### *Process for eligible 16- or 17-year-olds*

In clause 22B(3) we recommend that an eligible 16- or 17-year-old should be able to complete their own application along with written consent from their guardian. This would reflect the approach taken in the Care of Children Act 2004. However, we also recommend that an application by an eligible 16- or 17-year-old should be accompanied by a recommendation from a health professional (as defined in clause 22A). The recommendation would provide independent assurance that the eligible 16- or 17-year-old and their guardian understand the consequences of the application.

#### *Process for eligible children*

We recommend that an application on behalf of an eligible child (eligible person under age 16) under new clause 22C should require joint consent from the child's guardians, if there is more than one. This is because a change of registered sex would be considered "an important matter affecting the child" under the Care of Children Act 2004. We also recommend that an application on behalf of an eligible child should be accompanied by a recommendation from a health professional.

We propose a further requirement once a child's nominated sex has been registered. We recommend under new clause 22E that an eligible child would be required to confirm their change of registered sex when they turn 18. This clause would not apply to an eligible 16- or 17-year-old as they would be considered sufficiently mature to have made the decision at the time of applying.

### **Appeals to the Family Court**

To deal with any disputes regarding an application to the Registrar-General, we recommend retaining a right of appeal to the Family Court under clause 23. The right of appeal would extend to decisions where an individual had applied to change their nominated sex a second or subsequent time.

We note the Care of Children Act 2004 enables the Family Court to consider disputes between guardians. This would include refusal of consent for an eligible 16- or 17-year-old's application under clause 22B.

### **Statutory review**

Finally, we recommend inserting clause 147A to require the Minister of Internal Affairs to conduct a review of the self-identification process after 5 years of it being implemented into law. The proposed review would provide the opportunity to consider whether the self-identification process is operating effectively and as expected. We also recommend that the Minister be required to consult the Human Rights Com-

missioner and other appropriate parties before presenting his or her report to the House of Representatives.

### **Preliminary notifications of deaths in New Zealand**

Clause 33 would enact a new provision in response to the Law Commission's review of burial and cremation law. It would require a doctor to provide a preliminary notice of death to the Registrar-General within 3 working days of certifying a death.

The Burial and Cremation Act 1964 was recently amended to allow deaths to be certified by a medical or nurse practitioner. For consistency, we recommend amending clause 33 to replace "doctor" with "medical practitioner or nurse practitioner".

### **Overseas death, divorce, or dissolution**

#### **Deaths of New Zealanders overseas**

Clauses 43 and 44 would allow the Registrar-General to receive information about New Zealanders who have died overseas. We recommend amending clause 44 to clarify the process to be taken by the Registrar-General upon receiving a death certificate under clause 43. Clause 44 would first require the Registrar-General to record receipt of the overseas death certificate in the registry. New clause 44(2) would also authorise the Registrar-General to specify if information has been received from an overseas registration authority. New clause 44A would then allow the Registrar-General to issue a written statement in respect of overseas death information if requested.

#### **Overseas divorce or dissolution**

Clauses 55 and 56 would authorise the Registrar-General to receive information about an overseas divorce or dissolution of a New Zealand marriage. We recommend amending this clause to include civil unions as well as marriages.

Clause 56 provides that the Registrar-General would not be responsible for the authenticity of an overseas divorce or dissolution certificate or the accuracy of the information received. We recommend amending clause 56 so that it also applies to divorce or dissolution information that has been received from an overseas registration authority.

We also recommend some amendments to clarify the process to be taken by the Registrar-General. Under new clause 56(1AA), the overseas divorce or dissolution would first be recorded in the registry. Clause 56A would then allow the Registrar-General to issue a written statement in relation to the overseas divorce or dissolution if requested. These amendments would be consistent with our recommendations above for overseas death information in clauses 44 and 44A.

#### *Contents of marriage or civil union certificate*

Clause 86 sets out requirements for marriage or civil union certificates. We recommend inserting clause 86(3) which would require the Registrar-General to indicate on an original marriage or civil union certificate if overseas divorce or dissolution infor-

mation has subsequently been received and recorded under clause 56. This would be consistent with clause 81(2)(c), which would also require the Registrar-General to note receipt of overseas death information on an individual's birth certificate.

### **Application for name change**

Subpart 6 as introduced (which deals with name changes) would only distinguish between an eligible adult and an eligible child (under 18 years old). We recommend amending these definitions and including a new definition for an eligible 16- or 17-year-old.

Under clause 61 as introduced, a 16- or 17-year-old would require a guardian to lodge a name change application on their behalf. We recommend inserting new clause 60A to allow an eligible 16- or 17-year-old to make a name change application to the Registrar-General with consent from their guardian. This change would be consistent with the proposed new process for eligible 16- and 17-year-olds changing their registered sex.

For consistency, we also recommend an equivalent amendment to clause 27(3) which deals with the content of an adopted person's birth certificate.

### **Simplifying access to information**

#### **Providing historical information online**

Clause 92 sets out what historical information the Registrar-General could make available to the public online. Clause 92(1)(d) would treat a historic intention to marry record in the same way as solemnised marriage records (which is a change from the 1995 Act). It would include them in the list of historical information the Registrar-General could make available. This would reflect findings from the BDM access review. We therefore recommend amending clause 93(1) to also include intended marriages in the list of searchable information.

We also recommend inserting clause 95(3). This would create an exception to the rules limiting access to source documents to allow the Registrar-General to provide access to historic intention to marry records. We recommend deleting clause 92(2) as the BDM access review did not support allowing access to source documents other than historic intention to marry records.

#### **Access for public sector agencies**

Clause 98 sets out how public sector agencies could request information. We recommend amending clause 98(1)(a) to clarify that a public sector agency should only be given access to information if it is necessary to avoid prejudicing the maintenance of the law. This would align the provision with existing clause 102 in the bill.

#### **Providing information to other authorities**

Under clause 115, the Registrar-General could share a person's information with agencies which are part of an approved information sharing agreement. As intro-

duced, the clause would restrict what information the Registrar-General could share, based on the definitions set out in clause 4. We recommend amending clause 115 to specify that the Registrar-General could share any personal information that has been recorded in the registry, other than restricted information. This would allow a wider range of information to be shared between authorities, in line with the policy intention.

We also recommend deleting clause 116 as introduced, which has become redundant, and inserting a new clause 116 which would allow the Registrar-General to disclose information, including restricted information, for law enforcement purposes.

For consistency with the proposed amendments to clause 56, we recommend two amendments to clause 117. The first would allow the Registrar-General to share information about a divorce or dissolution registered in New Zealand. The second would specify that the Registrar-General could obtain, hold, and use divorce or dissolution information relating to a New Zealand marriage or civil union that has been received from an overseas registration authority.

### **Non-disclosure directions**

Clause 106 deals with the duration of a non-disclosure direction that has been granted by the Registrar-General under clause 105. A non-disclosure direction would prevent public access to an individual's birth, marriage, civil union, or name-change record. Under the bill as introduced, a non-disclosure direction would remain in force until the expiry of the prescribed period (determined by regulation and currently set at 5 years), or until it was withdrawn by the individual or their representative.

We recommend amending clause 106 to allow the Registrar-General to withdraw a non-disclosure direction that has been obtained through fraud or misrepresentation or that was not made on one of the prescribed grounds. The 1995 Act is silent on this issue.

### **Offence to make a false statement**

Clause 141 stipulates when false statements under the bill would be an offence. We recommend adding clause 141(1)(ca) to make it an offence to make a false statement when applying for a non-disclosure direction.

### **Registrar-General's powers**

#### **Powers that could not be delegated**

Clause 129(3)(a) lists some powers the Registrar-General could not delegate. We recommend expanding this list of non-delegable powers to reflect the proposed new powers the Registrar-General would have under clauses 22B–22F.

#### **Powers of inquiry**

Under clause 130, the Registrar-General would have the power to make inquiries and request information to ensure all information relating to registrable events has been

registered. (A registrable event would mean an adoption, birth, death, marriage, civil union, or name change.) We recommend expanding clause 130 to authorise the Registrar-General to make inquiries into information that is recorded in the registry but not defined as a registrable event, such as information about an overseas death, divorce, or dissolution. This would give the Registrar-General wider powers to help maintain the integrity of the registry.

### **Declining to record certain information**

Clause 133 would require the Registrar-General to decline to record information if the information was found to be incorrect or likely to be incorrect. We recommend expanding this power to require the Registrar-General to decline to record receipt of overseas death, divorce, or dissolution information if satisfied it is incorrect or likely to be incorrect.

### **Correction or deletion of errors**

Clause 134 would allow the Registrar-General to correct or delete any information in the registry following an inquiry into the relevant information under clause 130. We recommend inserting clause 134(ba) which would require the Registrar-General to amend or delete overseas death, divorce, or dissolution information if it were found to be incorrect.

### **New Zealand National Party view**

National Party members are broadly supportive of the bill as introduced into the House in 2017, along with the technical and clarifying amendments recommended by officials.

While the National Party members do not wish to stand in the way of reform of self-identification of nominated sex on birth certificates (clauses 22A–22J and consequential amendments) serious concerns remain with respect to some aspects of the recommendations. Specifically:

- proceeding with reform before amendments to Corrections Regulations 2005 are determined
- the broad scope of the definition of health professional
- no defined criteria and/or tests to be applied to determine that a change to nominated sex for under 18 year olds is in the individual's "best interests"
- no defined test to evidence that the consequences of an application are truly understood for an eligible adult.

### **Corrections Regulations 2005**

Corrections officials acknowledged that amendments to the Corrections Regulations 2005 are likely to be required to retain current eligibility exclusions with respect to accommodating prisoners according to their nominated gender. There could potentially be other amendments necessary to ensure the safety of all prisoners.

Advice from officials that such amendments cannot be determined and drafted in time to include within this bill and that each should be proceeded with separately creates a risk that the proposed amended Corrections Regulations, when ready, may not be in line with the expectations of members of this committee as at the time of consideration of the current bill.

We note Corrections officials' confidence that risks within the prison system can be managed in the interim should these items proceed separately.

### **Health professional definition**

There is some concern that the definition of "health professional" is broader than it need be. It is questionable as to whether or not the definition need extend beyond relevant medical or health practitioners under the Health Practitioners Competence Assurance Act 2003.

### **Determining "best interests" and understanding of consequences**

There are concerns that there are no definitions or tests documented as to how these will be determined for the purposes of providing a supporting statement ("best interests") or establishing the fact thereof for a statutory declaration (understanding of consequences).

National Party members are of the view that these deserve further consideration before enactment.

### **Position**

Despite these concerns, National Party members do not wish to prevent, or impede, further consideration of the bill by members in the House. We believe that the matters we raise in this report can be considered and addressed by members across the House working constructively in the subsequent legislative stages of this bill.

Accordingly, while noting our concerns, we will not oppose amendments relating to clauses 22A–22J, and consequential amendments, and will support the amended bill returning to the House.



## **Appendix**

### **Committee process**

The Births, Deaths, Marriages, and Relationships Registration Bill was referred to the committee on 5 December 2017. The closing date for submissions was 2 March 2018. We received and considered 67 submissions from interested groups and individuals. We heard oral evidence from 26 submitters.

We received advice from the Department of Internal Affairs.

### **Committee membership**

Brett Hudson (Chairperson)

Virginia Andersen

Kanwaljit Singh Bakshi

Hon Jacqui Dean

Paul Eagle

Hon Peeni Henare

Raymond Huo

Dr Jian Yang



**Births, Deaths, Marriages, and Relationships  
Registration Bill**

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**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted by a majority

text inserted unanimously

~~text deleted unanimously~~



*Hon Tracey Martin*

# **Births, Deaths, Marriages, and Relationships Registration Bill**

Government Bill

## **Contents**

	Page
1 Title	10
2 Commencement	10
<b>Part 1</b>	
<b>Preliminary provisions</b>	
3 Purpose of this Act	10
4 Interpretation	10
5 Transitional, savings, and related provisions	15
6 Act binds the Crown	15
<b>Part 2</b>	
<b>Registration of information</b>	
Subpart 1—General provisions	
7 Definitions used in this Part	15
<i>Notification of information</i>	
8 Notifications, applications, and requests must include information required by <u>this Act and</u> regulations	16
<i>Registration of information</i>	
9 Registrar-General may register information only if requirements met	16
Subpart 2—Births	
<i>Notification of births</i>	
10 Birth in New Zealand must be notified	17
11 Preliminary notice of birth in New Zealand must be provided	17

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

---

12	Parents must notify birth in New Zealand	17
13	Notification of birth in New Zealand must include name information	18
14	Who must notify birth of child found abandoned in New Zealand	19
15	Any person may notify birth <u>that occurs outside New Zealand</u> on New Zealand ship or New Zealand aircraft	19
	<i>Registration of births</i>	
16	Registrar-General must register birth in New Zealand if notified within 2 years	19
17	<u>When Registrar-General may register birth that occurs outside New Zealand only if notified in accordance with this subpart</u>	20
18	Registrar-General may decline to register certain names	20
19	Birth record must indicate if person is New Zealand citizen by birth	20
20	Birth record must include parents' details	21
	<i>Changes to birth record: parents' marriage or civil union information</i>	
21	Parents may request that birth record include information relating to parents' marriage or civil union after child's birth	22
22	Registration of information relating to parents' marriage or civil union after birth	22
	<i>Changes to birth record: registered sex</i>	
<u>22A</u>	<u>Definitions used in this section and sections 22B to 23</u>	<u>22</u>
<u>22B</u>	<u>Application by eligible adult or eligible 16- or 17-year-old to change registered sex</u>	<u>23</u>
<u>22C</u>	<u>Application by guardian of eligible child to change registered sex</u>	<u>24</u>
<u>22D</u>	<u>Registrar-General must register nominated sex if requirements met</u>	<u>25</u>
<u>22E</u>	<u>Eligible child must confirm registered sex on turning 18 years old</u>	<u>25</u>
<u>22F</u>	<u>Registrar-General must delete registered sex from birth record on request by eligible person</u>	<u>26</u>
<u>22G</u>	<u>Registrar-General must give effect to decisions under Care of Children Act 2004</u>	<u>26</u>
<u>22H</u>	<u>Other correction powers not affected</u>	<u>27</u>
<u>22I</u>	<u>New information not to affect general law</u>	<u>27</u>
<u>22J</u>	<u>Designation of bodies for purposes of definition of health professional</u>	<u>27</u>
	<i>Appeals <del>from</del> against Registrar-General's decisions</i>	
23	Appeals <del>from</del> <u>against</u> Registrar-General's decisions	28
	Subpart 3—Adoptions	
	<i>Notification of adoption</i>	
24	Court must notify Registrar-General of New Zealand adoptions	29

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

---

	<i>Registration of adoption information in birth record</i>	
25	Registration of New Zealand adoptions	29
26	Registration of overseas adoptions	29
	<i>Changes to adoption information in birth record</i>	
27	Adopted person or adoptive parent may apply to include additional information	30
28	Registrar-General must register additional information requested by adopted person or adoptive parents	30
29	Variation or discharge of adoption order to be recorded	30
	<i>Sharing of adoption information with overseas authorities</i>	
30	Registrar-General may supply adoption information to <u>overseas registration-authorities-overseas authority</u>	31
	Subpart 4—Deaths	
31	Definitions used in this subpart	31
	<i>Notification of deaths in New Zealand</i>	
32	Deaths in New Zealand must be notified	31
33	Preliminary notice of death must be provided to Registrar-General	32
34	Registrar-General <del>to</del> <u>must</u> be notified when body disposed of or removed	32
35	High Court must notify Registrar-General if giving leave to swear to person's death	32
36	Coroner must notify Registrar-General of death reported to coroner	32
37	Other person may be authorised to notify	33
38	Person who disposes of, removes, or takes disinterred body must notify Registrar-General	33
	<i>Notification of death outside New Zealand</i>	
39	When death <u>that occurs</u> outside New Zealand may be notified	34
	<i>Registration of deaths</i>	
40	Registrar-General must register death <u>that occurs</u> in New Zealand if notified in accordance with this subpart	34
41	Registrar-General may register death <u>that occurs</u> outside New Zealand only in limited circumstances	34
42	Registrar-General must register deaths of certain service personnel	35
	<i>Overseas death certificates</i>	
43	Overseas death certificate may be provided to Registrar-General	36
44	Registrar-General <del>not responsible for authenticity of</del> <u>may record receipt of overseas death certificate information</u>	36
44A	<u>Registrar-General may issue written statement about overseas death on request</u>	37

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

---

Subpart 5—Marriages and civil unions

*Notification of marriage or civil union in New Zealand*

45	Marriage or civil union in New Zealand must be notified	37
46	Celebrant must provide marriage or civil union form to Registrar-General	37
47	Registering officer of Society of Friends or exempt religious body must provide marriage form to Registrar-General	38

*Notification of marriage outside New Zealand*

48	Person who solemnises service marriage must provide copy of marriage record to Registrar-General	38
49	Party to service marriage (or descendant) may notify service marriage to Registrar-General	39
50	Overseas ceremony attended by New Zealand representative may be notified	39

*Registration of marriage or civil union*

51	Registrar-General must register marriage or civil union if requirements met	39
----	---	----

*Change of form of relationship*

52	Registrar-General to note change of form of relationship	40
----	--	----

*Dissolution of marriage or civil union*

53	Notification of dissolution of marriage or civil union in New Zealand	41
54	Registration of dissolution of marriage or civil union	41

*Overseas divorce or dissolution certificate*

55	Overseas divorce or dissolution certificate may be provided to Registrar-General	41
56	<del>Registrar-General not responsible for authenticity of</del> <u>may record receipt of overseas divorce or dissolution certificate information</u>	42
56A	<u>Registrar-General may issue written statement about overseas divorce or dissolution on request</u>	42

*Convictions for bigamy*

57	Notification of conviction for bigamy	43
58	Registrar-General must register conviction for bigamy	43

Subpart 6—Name changes

59	Definitions used in this subpart	43
----	----------------------------------	----

*Request for name change: child 2 years old or ~~under~~ younger*

60	Guardian may request name change if child 2 years old or <del>under</del> <u>younger</u>	44
----	--	----



**Births, Deaths, Marriages, and Relationships  
Registration Bill**

---

	<i>Application for name change</i>	
60A	<u>Application for name change by eligible adult or eligible 16- or 17-year-old</u>	45
61	<u>Application for name change by guardian of eligible child</u> <i>Registration of name change in birth record or name change record</i>	46
62	<u>When Registrar-General may decline to register certain name changes register name change</u> <i>Guardianship disputes and refusal of consent</i>	47
63	<del>Registrar-General to</del> <u>must</u> give effect to decisions under Care of Children Act 2004 <i>Registration of name change in marriage and civil union record</i>	47
64	Person may request name change be included in marriage or civil union record	48
65	Registration of new names in marriage or civil union information <del>Subpart 7—Changes to birth information relating to sex</del>	48
66	Definitions used in this subpart <i>Application to change sex information</i>	48
67	<del>Eligible adult may apply to Family Court for birth certificate to show nominated sex</del>	49
68	Family Court must declare that nominated sex appear on eligible adult's birth certificate if requirements met	49
69	<del>Guardian of eligible child may apply to Family Court for nominated sex to appear on birth certificate</del>	50
70	Family Court must declare that nominated sex appear on eligible child's birth certificate if requirements met <i>Registration of nominated sex</i>	50
71	<del>Registrar-General must register nominated sex in birth record if declaration issued</del>	51
72	<del>Registrar-General may delete information where procedures not completed</del>	51
73	<del>Other correction powers not affected</del>	52
74	<del>New information not to affect general law</del> Subpart 8—Creation of records for security-related purposes <i>Requests for new identity information</i>	52
75	Minister of Police may request new identity information for certain witnesses and undercover Police officers	52
76	Director-General of intelligence and security agency may request new identity information for employee	52

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

---

*Creation of new identity information*

77	Minister may direct <u>that</u> new identity information be created for witness or undercover Police officer	53
----	--	----

**Part 3  
Certificates**

*General provisions*

78	Request for certificate	53
79	<del>Certificates must contain corrected information if registration error corrected</del>	54
80	Certificates as evidence	54

*Birth certificates*

81	Contents of birth certificates generally	54
82	Request for adopted person's birth certificate must specify most recent names	55
83	Contents of adopted person's birth certificate	55
84	Contents of birth certificate after <del>sexual assignment or reassignment</del> <u>change to registered sex</u>	56

*Other certificates*

85	Contents of death certificate	57
86	Contents of marriage or civil union certificate	57
87	Contents of name-change certificate	58

**Part 4  
Searches and disclosure of information**

88	Definitions used in this Part	58
	Subpart 1—Public access to information	

89	Definitions used in this subpart	58
----	----------------------------------	----

*Eligibility to access information*

90	Person must confirm identity to access information under this subpart	60
----	---	----

*General searches*

91	Registrar-General may make certain limited information available to search online	61
92	Registrar-General may make historical information available online	61

*Named person searches*

93	Any person may request access to information in relation to named person	62
94	Registrar-General may provide access to information or document unless restriction applies	63

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

---

95	Only certain persons may access source documents	63
96	Page of pre-1998 register <u>accessed electronically</u> may contain additional information	64
	<i>Special purpose searches</i>	
97	Non-disclosure direction does not apply to searches for certain authorised purposes	64
98	Non-disclosure direction and access register requirements do not apply to certain searches by public sector agencies	65
	<i>Searches in public interest or named person's interest</i>	
99	Certain public sector agencies may request searches in public interest or named person's interest	65
	<i>Access register</i>	
100	Registrar-General must keep access register	66
101	Individual or individual's representative may request copy of access register	67
102	Public sector agency may request copy of access register for maintenance of law	68
103	Registrar-General may comply with request if requirements met	68
	<i>Non-disclosure directions</i>	
104	Subject of information may request non-disclosure direction	68
105	Effect of non-disclosure direction	68
106	Duration of non-disclosure direction	69
107	Registrar-General may provide limited verification of <u>certain</u> information <del>that becomes publicly available while non-disclosure direction in force</del> <u>subject to non-disclosure direction</u>	70
	<i>Restricted information</i>	
108	Definitions used in sections 109 to 112	71
109	Access to restricted adoption information	72
110	Access to restricted information relating to a change or correction of <u>registered sex</u>	73
111	Access to restricted identity information	74
112	Registrar-General may provide access to restricted information on court order	75
113	Any reference to "illegitimate" deemed to be deleted	75
	Subpart 2—Disclosure and sharing of information	
	<i>Disclosure to public sector agencies</i>	
114	Registrar-General may disclose information in accordance with Schedule 2	76
115	Registrar-General may disclose information under information sharing agreement	77

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

---

116	<u>Registrar-General may disclose information for law enforcement purposes</u>	77
116	<del>Information matching to trace unregistered births</del>	78
	<i>Disclosure of information to overseas registration authorities</i>	
117	<del>Registrar-General may share name-change information and death certain personal</del> information with overseas registration authorities	79
118	Supply of information to overseas registration authorities must be in accordance with agreement	80
	<i>Disclosure of information to non-government organisations</i>	
119	Registrar-General may disclose death information to non-government organisations for certain purposes	80
	<i>Disclosure of information under other Acts</i>	
120	Disclosure of certain information for purposes of Identity Information Confirmation Act 2012	81
121	Access to information for purposes of Identity Information Confirmation Act 2012	82
122	Information recorded under <u>this</u> Act may be used to update information kept under Human Assisted Reproductive Technology Act 2004	82
	<i>Disclosure of statistical information</i>	
123	Registrar-General may provide information for statistical purposes or for health, historical, or demographic research	82
124	Disclosure of statistical information	84
125	Provision of information to Statistics New Zealand	84
<b>Part 5</b>		
<b>Registrar-General and registry</b>		
Subpart 1—Registry		
126	Registry established	84
Subpart 2—Offices		
127	Registrar-General	84
128	Deputy Registrar-General	84
129	Registrar-General may delegate <u>functions, duties, and powers</u> to Registrars	85
Subpart 3— <del>Duties, functions,</del> <u>Functions, duties, and powers</u>		
	<i>Registrar-General's powers of inquiry</i>	
130	Registrar-General's powers of inquiry in relation to <del>registrable events</del> <u>information recorded in registry</u>	87
131	Registrar-General's powers of inquiry in relation to information provided or verified electronically	87

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

---

132	Registrar-General's powers of inquiry in relation to statutory declarations	88
133	Registrar-General must decline to register certain information	88
	<i>Correction of errors</i>	
134	Registrar-General <del>may</del> <u>must</u> correct errors	88
135	Birth record of child conceived through assisted human reproduction procedure must specify parents as determined under Status of Children Act 1969	89
136	Family Court may consider proposed corrections in cases of difficulty or dispute	90
137	Health information may be used to correct records	90
	<i>Other powers</i>	
138	Registrars authorised to take statutory declarations	90
139	Registrar-General may specify how notifications, requests, applications, and other documents must be provided	91
	<b>Part 6</b>	
	<b>Fees, offences and penalties, regulations, and other miscellaneous provisions</b>	
	<i>Fees</i>	
140	Fees	91
	<i>Offences</i>	
141	False statements	92
142	Offences relating to the registry	92
143	Other offences	93
144	Consent of Registrar-General required for prosecution	94
145	No liability for costs incurred in supplying information	94
146	Protection from liability for supply of information	94
	<i>Regulations</i>	
147	Regulations	94
	<i><u>Review of certain provisions relating to changes to registered sex</u></i>	
<u>147A</u>	<u>Review of certain provisions relating to changes to registered sex</u>	<u>96</u>
	<i>Consequential amendments and repeals</i>	
148	Births, Deaths, Marriages, and Relationships Registration Act 1995 repealed	97
149	Consequential amendments	97
	<b>Schedule 1</b>	98
	<b>Transitional, savings, and related provisions</b>	
	<b>Schedule 2</b>	102
	<b>Disclosure of information to specified agencies</b>	

**Schedule 3  
Consequential amendments**

104

**The Parliament of New Zealand enacts as follows:**

**1 Title**  
This Act is the Births, Deaths, Marriages, and Relationships Registration Act **2017**.

**2 Commencement** 5  
This Act comes into force on the day after the date of Royal assent.

**Part 1  
Preliminary provisions**

**3 Purpose of this Act** 10  
The purpose of this Act is—

(a) to require the notification, registration, and verification of information relating to births, deaths, marriages, civil unions, name changes, adoptions, and ~~sexual assignments and reassignments~~ sex so as to provide—

(i) a source of demographic information and other important information for government about health, mortality, and other matters; 15  
and

(ii) an official record of births, deaths, marriages, civil unions, and name changes that can be used as evidence of those events and of age, identity, descent, whakapapa, and New Zealand citizenship; 20  
and

(b) to regulate access to, and disclosure of, information recorded under this Act; and

(c) to regulate the provision and effect of birth certificates, death certificates, marriage certificates, civil union certificates, and name-change certificates. 25

Compare: 1995 No 16 s 1A

**4 Interpretation**  
In this Act, unless the context otherwise requires,—

**adopted person** means a person whose birth record contains information relating to an adoption that was registered under **section 25 or 26** (other than information relating to an adoption order that has been discharged) 30

**adoption order** means an adoption order under the Adoption Act 1955

**birth** includes a stillbirth but does not include a miscarriage

- birth certificate** means, in relation to a person, a document—
- (a) issued by, and signed or sealed by or stamped with the seal of, the Registrar-General; and
  - (b) containing the person’s birth information
- birth information** means, in relation to a person, the information that is required by **sections 81, 83, and 84** (as applicable) to be contained in a person’s birth certificate 5
- (a) ~~is recorded in the registry in relation to the person; and~~
  - (b) ~~is required by this Act or the regulations to be contained in a birth certificate~~ 10
- birth record** means, in relation to a person, all the information in the registry about the person, including any information relating to any of the following:
- (a) an adoption of the person;
  - (b) a name change of the person;
  - (c) a change to the person’s registered sex 15
- child** includes a stillborn child
- civil union** means a civil union entered into under and in accordance with the Civil Union Act 2004
- civil union certificate** means, in relation to a civil union, a document—
- (a) issued by, and signed or sealed by or stamped with the seal of, the Registrar-General; and 20
  - (b) containing civil union information relating to the civil union
- civil union information** means, in relation to a civil union, the information that is required by **section 86** to be contained in a civil union certificate relating to the civil union 25
- civil union record** means, in relation to a civil union, all the information in the registry relating to the civil union
- dead foetus** means a foetus that, whether or not the umbilical cord had been severed or the placenta had detached, at no time after issuing completely from its birth mother breathed or showed any other sign of life (such as beating of the heart, pulsation of the umbilical cord, or definite movement of the voluntary muscles) 30
- death** does not include a miscarriage or a stillbirth
- death certificate** means, in relation to a person, a document—
- (a) issued by, and signed or sealed by or stamped with the seal of, the Registrar-General; and 35
  - (b) containing the person’s death information

**death information** means, in relation to a person, the information that is required by **section 85** to be contained in the person's death certificate

- (a) ~~is recorded in the registry in relation to the person; and~~
- (b) ~~is required by this Act or the regulations to be contained in a death certificate~~

5

**death record** means, in relation to a person, all the information in the registry relating to the person's death

**Deputy Registrar-General** means a Deputy Registrar-General appointed under **section 128(1)**

**Director-General of an intelligence and security agency** has the meaning set out in section 4 of the Intelligence and Security Act 2017

10

**document** includes—

- (a) a document in any form; and
- (b) any photograph, film, negative, tape, or ~~other~~ any device in, on, or from which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being stored or reproduced

15

**Family Court** means the division of the District Court known, in accordance with section 4 of the Family Court Act 1980, as the Family Court

**guardian** means a guardian within the meaning of the Care of Children Act 2004

20

**intelligence and security agency** has the meaning set out in section 4 of the Intelligence and Security Act 2017

**marriage** means a marriage solemnised under the Marriage Act 1955 and includes a service marriage

~~**marriage or civil union certificate**~~ means, in relation to a ~~marriage or civil union~~, a document—

25

- (a) issued by, and signed or sealed by or stamped with the seal of, the Registrar-General; and
- (b) ~~containing marriage or civil union information in relation to the marriage or civil union~~
- (b) containing marriage information relating to the marriage

30

~~**marriage or civil union information**~~ means, in relation to a ~~marriage or civil union~~, the information that—

- (a) ~~is recorded in the registry in relation to the marriage or civil union; and~~
- (b) ~~is required by this Act or the regulations to be contained in a marriage or civil union certificate~~

35

**marriage information** means, in relation to a marriage, the information that is required by **section 86** to be contained in a marriage certificate relating to the marriage



**marriage record** means, in relation to a marriage, all the information in the registry relating to the marriage

**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**miscarriage** means the issue from its birth mother, before the 21st week of pregnancy, of a dead foetus weighing less than 400 g

**name-change certificate** means, in relation to a person, a document—

(a) issued by, and signed or sealed by, or stamped with the seal of, the Registrar-General; and

(b) containing the person's name-change information

**name-change information** means, in relation to a person whose birth is not registered under this Act, information that is required by **section 87** to be contained in the person's name-change certificate

(a) is recorded in the registry in relation to a name change of the person; and

(b) is required by this Act or the regulations to be contained in a name-change certificate

**name-change record** means, in relation to a person, all the information in the registry relating to any changes to the person's name or names

**New Zealand** includes the Ross Dependency

**nominated sex** has the meaning set out in **section 66**

**nominated sex** means the sex or gender identity that is specified in an application made under **section 22B or 22C**

**non-disclosure direction** means a direction by the Registrar-General under **section 105**

**notify** means notify in accordance with **section 8**

**original birth record** means, in relation to a person, the information first registered under **section 16 or 17** ~~in relation relating~~ to the person's birth

**overseas registration authority** means an authority constituted in a State outside New Zealand that has the function of recording information relating to births, marriages, civil unions, name changes, or deaths for that State

**Privacy Commissioner** means ~~the Privacy Commissioner holding the person who holds~~ that office under section 12 of the Privacy Act 1993

**record** means,—

(a) in relation to a birth, all information in the registry in relation to the person born, including—

(i) any information relating to an adoption of the person; and

(ii) any information relating to the death of the person; and

- (iii) ~~any information relating to a name change of the person:~~
- (b) ~~in relation to a marriage or civil union, all information in the registry in relation to the marriage or civil union:~~
- (e) ~~in relation to a death, all information in the registry in relation to the death:~~ 5
- (d) ~~in relation to a name change, all information in the registry in relation to the name change~~
- register**, in relation to a registrable event (or information ~~in relation to a relat-~~  
~~ing to the registrable event~~),—
- (a) means to record information relating to the registrable event in the regis- 10  
try; and
- (b) includes ~~causing to cause~~ another person to register
- registered sex** means, in relation to a person, the sex that is required by **sec-**  
**tion 81 or 84** (as applicable) to appear on the person's birth certificate
- registrable event** means an adoption, birth, death, marriage, civil union, or 15  
~~or sexual assignment or reassignment~~
- Registrar** means a person for the time being holding that office under **section**  
**129(1)**
- (a) ~~means a person for the time being holding office under **section 129(1)**;~~ 20  
and
- (b) ~~includes the Registrar-General~~
- Registrar-General** means the Registrar-General appointed under **section**  
**127(1)** ~~and includes every Deputy Registrar-General~~
- registry** means the registry established under **section 126**
- regulations** means regulations made under this Act 25
- restricted information** has the meaning set out in **section 108**
- sex recorded at birth** means, in relation to a person, the sex recorded in the  
person's original birth record
- stillbirth** means the issue ~~from its mother~~ of a stillborn child from its birth  
mother 30
- stillborn child** means a dead foetus that—
- (a) weighed 400 g or more when it issued from its birth mother; or
- (b) issued from its birth mother after the 20th week of pregnancy
- working day** means a day of the week other than—
- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, 35  
Anzac Day, the Sovereign's birthday, and Labour Day; and
- (b) a day in the period commencing with 25 December in a year and ending  
with 2 January in the following year; and

- (c) if 1 January falls on a Friday, the following Monday; and
- (d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- (e) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

5

Compare: 1995 No 16 s 2

## 5 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

## 6 Act binds the Crown

10

This Act binds the Crown.

Compare: 1995 No 16 s 3

## Part 2

### Registration of information

#### Subpart 1—General provisions

15

## 7 Definitions used in this Part

In this Part,—

**celebrant** means,—

- (a) in relation to a marriage, a person who is a marriage celebrant under the Marriage Act 1955 and who solemnised the marriage; and
- (b) in relation to a civil union, a person who is a civil union celebrant under the Civil Union Act 2004 and who solemnised the civil union

20

~~**doctor** means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine~~

25

~~**medical** includes psychological and surgical~~

~~**medical practitioner** has the same meaning as in section 5 of the Health Practitioners Competence Assurance Act 2003~~

**New Zealand aircraft** means—

30

- (a) an aircraft registered in New Zealand under the Civil Aviation Act 1990; or
- (b) an aircraft of the armed forces (within the meaning of the Armed Forces Discipline Act 1971)

**New Zealand ship** means—

- (a) a New Zealand ship (~~within the meaning of~~ as defined in section 2(1) of the Maritime Transport Act 1994); or
- (b) a ship of the armed forces (within the meaning of the Armed Forces Discipline Act 1971)

5

**service marriage** has the meaning given to it by section 2(1) of the Marriage Act 1955

**unavailable** means dead, unknown, missing, of unsound mind, or unable to act by virtue of a medical condition.

Compare: 1995 No 16 s 2

10

### *Notification of information*

## **8 Notifications, applications, and requests must include information required by this Act and regulations**

- (1) A notification, application, request, or other notice required or permitted to be provided to the Registrar-General under this Part must—
  - (a) include the information required by this Act and ~~the~~ regulations; and
  - (b) be made in accordance with any directions issued by the Registrar-General under **section 139**.

15

- (2) A person may notify information under this Part only if expressly permitted to do so.

20

Compare: 1995 No 16 ss 9(3), 11, 47, 89A(1), (2)

### *Registration of information*

## **9 Registrar-General may register information only if requirements met**

- (1) The Registrar-General may register a registrable event, or register, amend, or delete information relating to a registrable event, under this Act only if—
  - (a) expressly permitted or required to do so by this Act; and
  - (b) satisfied that the requirements of the Act and ~~the~~ regulations in relation to the notification of the registrable event or the information are met.
- (2) This section is subject to **sections 130 to 133** (which provide for the Registrar-General's powers of inquiry and requirements to decline to register certain information).

25

30

Compare: 1995 No 16 s 4

## Subpart 2—Births

### *Notification of births*

#### **10 Birth in New Zealand must be notified**

- (1) A birth in New Zealand must be notified to the Registrar-General.
- (2) **Subsection (1)** does not apply to a birth on a New Zealand aircraft or a New Zealand ship that occurs outside New Zealand. 5

Compare: 1995 No 16 s 5

#### **11 Preliminary notice of birth in New Zealand must be provided**

- (1) Preliminary notice of a birth in New Zealand must be provided to the Registrar-General within 5 working days after the birth. 10
- (2) If a birth takes place during or immediately before the birth mother's admission to a hospital, the occupier of the hospital must provide the preliminary notice.
- (3) In any other case, the preliminary notice of the birth must be provided to the Registrar-General by—
- (a) a ~~doetor~~ medical practitioner who is present at the birth; or 15
- (b) if no ~~doetor~~ medical practitioner is present at the birth, a midwife who is present at the birth; or
- (c) if neither a ~~doetor~~ medical practitioner nor a midwife is present at the birth, the occupier of the premises in which the birth takes place or to which the birth mother is admitted immediately after the birth. 20
- (4) The Registrar-General must notify the Director-General of Health of all stillbirths for which a preliminary notice has been provided.
- (5) In this section,—

**hospital** means a hospital care institution as defined in section 58(4) of the Health and Disability Services (Safety) Act 2001 25

**midwife** means a health practitioner who is, or is deemed to be, registered with the Midwifery Council established by section 114(3) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of midwifery

**occupier**, in relation to any premises, means the person for the time being in charge of the premises. 30

Compare: 1995 No 16 s 5A

#### **12 Parents must notify birth in New Zealand**

- (1) Both parents of a child born in New Zealand must, as soon as is reasonably practicable after the birth,— 35
- (a) jointly notify the Registrar-General of the birth; and

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

Part 2 cl 13

- (b) inform the Registrar-General whether, to the best of their knowledge, either or both of the child’s parents are New Zealand citizens or persons legally entitled to be in New Zealand indefinitely.
- (2) However,—
- (a) 1 parent may notify a birth if— 5
- (i) the child has only 1 parent at law; or
- (ii) the other parent is unavailable; or
- (iii) it is not reasonably practicable for the other parent to jointly notify the birth because— 10
- (A) the other parent is overseas; and
- (B) the other parent cannot be contacted within a period of time that is reasonable in the circumstances; or
- (iv) requiring the other parent to jointly notify the birth would cause unwarranted distress to either of the parents:
- (b) if both parents fail or refuse to notify the birth, a guardian of the child (or another person authorised by the Registrar-General) may notify the birth. 15
- (2A) Each parent notifying the birth of a child under this section may specify whether they wish to appear on the child’s birth certificate as the child’s “mother”, “father”, or “parent”. 20
- (3) For the purposes of this section, a child has **1 parent at law** if—
- (a) the child is born as a result of a woman acting alone in a situation described in section 20(1) or 22(1) of the Status of Children Act 1969; and
- (b) the donor of the ovum, embryo, or semen (as the case may be) for the pregnancy does not become the partner of the woman after the time of conception but before the birth is notified for registration. 25

Compare: 1995 No 16 ss 9 and 10

**13 Notification of birth in New Zealand must include name information**

- (1) A person notifying a birth under **section 12** must specify 1 name as the child’s surname and 1 or more other names. 30
- (2) However, the notification may include only 1 name for the ~~person-child~~ if—
- (a) the religious or philosophical beliefs or the cultural traditions of a parent (whether living or dead) or living guardian of the child require the child to ~~bear~~have only 1 name; or 35
- (b) the birth is a stillbirth and the name included is to be registered as the child’s surname.

- (3) A name or combination of names must be treated as if it had not been notified for the purposes of **subsection (1)** if—
- (a) the Registrar-General declines to include the name or combination of names under **section 18**; and
  - (b) the Family Court has not determined that the name or combination of names should be included. 5

Compare: 1995 No 16 s 19

**14 Who must notify birth of child found abandoned in New Zealand**

- (1) A person who has charge of a child must tell a Police employee as soon as practicable if the person— 10
- (a) ~~believes that the child is recently born and was found abandoned in New Zealand; and—~~
    - (i) is recently born; and
    - (ii) was found abandoned in New Zealand; and
  - (b) is not satisfied that the Registrar-General has been notified of the birth. 15
- (2) The Police employee must notify the Registrar-General if notified of the finding of a child under **subsection (1)**.

Compare: 1995 No 16 s 7

**15 Any person may notify birth that occurs outside New Zealand on New Zealand ship or New Zealand aircraft** 20

Any person may, at any time, notify the Registrar-General of a birth that occurs outside New Zealand on a New Zealand aircraft or New Zealand ship ~~at any time~~.

Compare: 1995 No 16 s 8

*Registration of births* 25

**16 Registrar-General must register birth in New Zealand if notified within 2 years**

- (1) The Registrar-General—
- (a) must register a birth in New Zealand that was notified within 2 years after the birth; and 30
  - (b) may register a birth in New Zealand that was notified more than 2 years after the birth if satisfied the birth has not yet been registered.
- (2) If the birth is a stillbirth, the Registrar-General must clearly identify the birth as a stillbirth in the birth record.

Compare: 1995 No 16 ss 5, 12, 16 35

- 17** **When Registrar-General may register birth that occurs outside New Zealand only if notified in accordance with this subpart**
- (1) The Registrar-General may register a birth that ~~occurred~~occurs outside New Zealand only if it is notified under ~~section 14 or 15 or subpart 3~~—
- (a) if the birth is notified under **section 14 or 15**; or 5
- (b) in accordance with **section 25(2)**.
- (2) If a birth registered under **subsection (1)** is a stillbirth, the Registrar-General must clearly identify the birth as a stillbirth in the birth record.
- Compare: 1995 No 16 s 6
- 18** **Registrar-General may decline to register certain names** 10
- (1) The Registrar-General may register a name or combination of names only if, after ~~registering~~the name or combination of names is registered, the person's birth record will include—
- (a) 1 name as the person's surname and 1 or more other names; or
- (b) if the religious or philosophical beliefs, or cultural traditions, of the person or of a parent (whether living or dead) or living guardian of the person require the person to ~~bear~~have only 1 name, 1 name; or 15
- (c) if the birth is a stillbirth, 1 name as the child's surname.
- (2) The Registrar-General must, if the requirements of **subsection (1)** are met, register the name or combination of names unless the Registrar-General considers it is undesirable in the public interest for a person to ~~bear~~have the name or combination of names. 20
- (3) A person affected by a decision of the Registrar-General to decline to register a name or combination of names under **subsection (2)** may appeal against the decision under **section 23**. 25
- (4) For the purposes of this section and **sections 23 and 62**, it is **undesirable in the public interest** for a person to ~~bear~~have a name or combination of names if the name or combination of names—
- (a) might cause offence to a reasonable person; or
- (b) is unreasonably long; or 30
- (c) is, includes, or resembles an official title or rank (without adequate justification).
- Compare: 1995 No 16 s 18(1)–(5), (8)
- 19** **Birth record must indicate if person is New Zealand citizen by birth**
- (1) When the Registrar-General registers a birth, the Registrar-General must indicate in the birth record that the person born is a New Zealand citizen by birth if— 35



- (a) the Registrar-General is satisfied that the person is a New Zealand citizen by birth ~~in terms of~~ within the meaning of section 6 of the Citizenship Act 1977; or
  - (b) the chief executive or other appropriate officer of the department for the time being responsible for the administration of the Citizenship Act 1977 informs the Registrar-General that the person is a New Zealand citizen by birth. 5
- (2) In deciding for the purposes of **subsection (1)(a)** whether a person is a New Zealand citizen by birth, the Registrar-General must have regard to all of the following information that is available: 10
- (a) information provided by any guardian ~~or parent~~ of the person:
  - (b) the birth record of the person's parent or parents:
  - (c) information about the citizenship status or immigration status of the person or the person's parent or parents:
  - (d) whether the person's parent or parents have immunity from jurisdiction under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971, or are enemy aliens (within the meaning of the Citizenship Act 1977). 15

Compare: 1995 No 16 s 12A

**20 Birth record must include parents' details** 20

- (1) The Registrar-General must register information about the identity of the parent or parents who notify a birth of a child under **section 12** in the child's birth record.
- (2) The Registrar-General must register information about the identity of a parent of the child who has not notified the child's birth if— 25
  - (a) 1 parent notified the birth under **section 12(2)(a)(ii) to (iv)** and the Registrar-General is satisfied that the information relates to the other parent of the child; or
  - (b) the information relates to a man who is the child's father and—
    - (i) the Family Court or the High Court has declared the man to be the child's father; or 30
    - (ii) the Family Court has made a paternity order declaring the man to be the child's father; or
    - (iii) the man has been appointed or declared a guardian of the child under section 19 or 20 of the Care of Children Act 2004; or 35
  - (c) the information relates to a person who requests, in accordance with any directions issued by the Registrar-General, that the information be included and the Registrar-General is satisfied that either or both of the following apply:

- (i) the person making the request is a parent of the child:
  - (ii) the other parent does not dispute the accuracy of the information.
- (3) A person affected by a decision of the Registrar-General to register, or to decline to register, information under **subsection (2)(a) or (c)** may appeal against the decision under **section 23**. 5
- (4) For the purposes of this section and **sections 21 and 22**, the only information recorded under this Act in respect of an adopted person is the information in the adopted person's original birth record.
- Compare: 1995 No 16 s 15

*Changes to birth record: parents' marriage or civil union information* 10

**21 Parents may request that birth record include information relating to parents' marriage or civil union after child's birth**

- (1) A child's parents who marry or enter into a civil union with each other after the child's birth may request that information relating to the marriage or civil union be registered in the child's birth record. 15
- (2) The request must be made—
- (a) jointly by both parents; or
  - (b) if 1 parent is unavailable, by 1 parent.

Compare: 1995 No 16 s 17(1)

**22 Registration of information relating to parents' marriage or civil union after birth** 20

- (1) The Registrar-General must, if requested under **section 21**, register information relating to a marriage or civil union in a child's birth record if satisfied that the parents of the child entered the marriage or civil union after the child's birth. 25
- (2) A person affected by a decision of the Registrar-General to register, or to decline to register, information under **subsection (1)** may appeal against the decision under **section 23**.

Compare: 1995 No 16 s 17(1)

*Changes to birth record: registered sex* 30

**22A Definitions used in this section and sections 22B to 23**

For the purposes of this section and **sections 22B to 23**,—

**eligible 16- or 17-year-old** means an eligible person who is 16 or 17 years old and has never been in a marriage, civil union, or de facto relationship

**eligible adult** means an eligible person who—

- (a) is 18 years old or older; or

(b) is less than 18 years old and is or has been in a marriage, civil union, or de facto relationship

**eligible child** means an eligible person who is less than 16 years old

**eligible person** means a person whose birth is registered under this Act

**guardian** means—

5

(a) the guardians of a person; or

(b) if a guardian is unavailable, the other guardian or guardians; or

(c) if, on the application of 1 guardian, the Family Court has consented to a change to the person’s registered sex, that guardian; or

(d) if all guardians are unavailable or, if the person only has 1 guardian, that guardian is unavailable, the chief executive of the department for the time being responsible for the administration of the Oranga Tamariki Act 1989

10

**health professional** means a person who is 1 or more of the following:

(a) a medical practitioner;

15

(b) a health practitioner who is, or is deemed to be, registered with the Psychologists Board continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of psychology;

(c) a health practitioner who is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing;

20

(d) a counsellor who is a full member of, or is represented by, the New Zealand Association of Counsellors Incorporated, the New Zealand Association of Child and Adolescent Psychotherapists Incorporated, the New Zealand Association of Psychotherapists Incorporated, the New Zealand Christian Counsellors Association, the New Zealand Psychologists Board, or a body corporate designated under **section 22J**;

25

(e) a social worker who is registered with the Social Workers Registration Board or who is a member of a body corporate designated under **section 22J**.

30

**22B Application by eligible adult or eligible 16- or 17-year-old to change registered sex**

(1) An eligible adult or eligible 16- or 17-year-old may apply to the Registrar-General for registration of their nominated sex.

35

(2) The application must—

(a) specify “female”, “male”, “intersex”, or “X (unspecified)” as the eligible person’s nominated sex; and

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

Part 2 cl 22C

- (b) include a statutory declaration verifying that the eligible person—

  - (i) identifies as a person of the nominated sex; and
  - (ii) intends to continue to identify as a person of the nominated sex; and
  - (iii) wishes the nominated sex to appear on birth certificates issued in respect of the eligible person; and 5
  - (iv) understands the consequences of the application; and
- (c) be accompanied by the prescribed fee.
- (3) An application by an eligible 16- or 17-year-old must also be accompanied by— 10

  - (a) the written consent of the eligible 16- or 17-year-old’s guardian; and
  - (b) a recommendation by a health professional that states that the health professional considers that—
  - (i) the eligible 16- or 17-year-old understands the consequences of the application; and 15
  - (ii) registration of the eligible 16- or 17-year-old’s nominated sex is in the eligible 16- or 17-year-old’s best interests.
- (4) The Registrar-General may accept an application under this section only if—

  - (a) no information has previously been registered under **section 22D** in respect of the person; or 20
  - (b) the Registrar-General is satisfied that there are special reasons making it appropriate to accept the application; or
  - (c) the application is made at the same time as a statutory declaration is provided by the eligible person in accordance with **section 22E(2)**.
- (5) The application may be made at the same time as an application for a name change is made under **section 60A**. 25

**22C Application by guardian of eligible child to change registered sex**

- (1) The guardian of an eligible child may apply to the Registrar-General for registration of the eligible child’s nominated sex.
- (2) The application must— 30

  - (a) specify “female”, “male”, or “intersex” as the eligible child’s nominated sex; and
  - (b) include a statutory declaration by the guardian of the eligible child verifying that—
  - (i) the child identifies as a person of the nominated sex; and 35
  - (ii) the guardian believes the child will continue to identify as a person of the nominated sex; and

- (iii) the guardian wishes the nominated sex to appear on birth certificates issued in respect of the child; and
        - (iv) the guardian believes it is in the child's best interests to register the child's nominated sex; and
        - (v) the guardian understands that the child must confirm the change of registered sex under **section 22E** on turning 18; and 5
      - (c) be accompanied by a recommendation of a health professional that—
        - (i) must state that the health professional considers that registration of the child's nominated sex is in the child's best interests; and
        - (ii) may include any other relevant information (including the age, views, and maturity of the child and the extent to which the child understands the consequences of the application); and 10
      - (d) be accompanied by the prescribed fee.
    - (3) The Registrar-General may accept an application under this section in respect of an eligible child only if— 15
      - (a) no information has previously been registered under **section 22D** in respect of the eligible child; or
      - (b) the Registrar-General is satisfied that there are special reasons making it appropriate to accept the application.
    - (4) The application may be made at the same time as an application for a name change is made under **section 61**. 20
  - 22D Registrar-General must register nominated sex if requirements met**
    - (1) The Registrar-General must, on an application under **section 22B or 22C**, register an eligible person's nominated sex if satisfied that the requirements of **section 22B or 22C** (as applicable) are met. 25
    - (2) A person affected by a decision of the Registrar-General to decline to register an eligible person's nominated sex under **subsection (1)** may appeal against the decision under **section 23**.
  - 22E Eligible child must confirm registered sex on turning 18 years old**
    - (1) This section applies if a nominated sex specified in an application made on behalf of an eligible person by the eligible person's guardian under **section 22C** is registered under **section 22D**. 30
    - (2) The eligible person must, within 6 months after turning 18 years old, provide to the Registrar-General a statutory declaration declaring whether the eligible person— 35
      - (a) identifies as and intends to continue to identify as a person of the nominated sex; and

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

Part 2 cl 22F

- (b) wishes the nominated sex to continue to appear on birth certificates issued in respect of the eligible person.
- (3) The eligible person may, at the same time as providing a statutory declaration under **subsection (2)**,—
- (a) request that the Registrar-General delete the eligible person’s nominated sex from the registry under **section 22F**; or 5
- (b) make an application under **section 22B** to change the eligible person’s registered sex.
- (4) The Registrar-General may, after making any inquiries that the Registrar-General considers reasonably necessary for the purpose of this Act, delete the eligible person’s nominated sex from the eligible person’s birth record if the eligible person does not provide a statutory declaration in accordance with **subsection (2)**. 10
- (5) A person affected by a decision of the Registrar-General to delete an eligible person’s nominated sex under **subsection (4)** may appeal against the decision under **section 23**. 15
- 22F Registrar-General must delete registered sex from birth record on request by eligible person**
- (1) An eligible person aged 16 or over or the guardian of an eligible person aged under 16 may, at any time, request that the Registrar-General delete any information registered under **section 22D** in the eligible person’s birth record so that the eligible person’s sex recorded at birth appears on the eligible person’s birth certificate. 20
- (2) The request must be accompanied by—
- (a) a statutory declaration that verifies that the eligible person— 25
- (i) does not identify as a person of the eligible person’s registered sex; and
- (ii) wishes the eligible person’s sex as recorded at birth to appear on birth certificates issued in respect of the eligible person; and
- (b) the prescribed fee. 30
- (3) The Registrar-General must, on an application under **subsection (1)**, delete the information requested if satisfied that the requirements of **subsection (2)** are met.
- (4) A person affected by a decision of the Registrar-General to decline to delete an eligible person’s nominated sex under this section may appeal against the decision under **section 23**. 35

**22G Registrar-General must give effect to decisions under Care of Children Act 2004**

- (1) The Registrar-General must give effect to an order under—

- (a) section 46C(1) of the Care of Children Act 2004 (which relates to reviews of a refusal by a guardian to give consent) that requires the Registrar-General to register an eligible 16- or 17-year-old's nominated sex in the eligible 16- or 17-year-old's birth record; or
- (b) section 46R(4) of the Care of Children Act 2004 (which relates to disputes between guardians) that requires the Registrar-General to register an eligible child's nominated sex in the eligible child's birth record. 5
- (2) This section is subject to **section 23** but overrides any other provision in this Part.
- 22H Other correction powers not affected** 10
- Nothing in **sections 22B to 22G** or **section 23** limits or affects the power of the Registrar-General under **section 134** to—
- (a) replace incorrect information in the registry relating to a person's sex (or information that a person is of indeterminate sex) with correct information relating to the person's sex; or 15
- (b) record correct information relating to a person's sex if no information is recorded about the person's sex in the person's birth record.
- Compare: 1995 No 16 s 32
- 22I New information not to affect general law**
- Despite **sections 22B to 22G** and **section 23**, the sex of every person must continue to be determined by reference to the general law of New Zealand. 20
- Compare: 1995 No 16 s 33
- 22J Designation of bodies for purposes of definition of health professional**
- (1) The Minister may, by notice, designate a body corporate for the purposes of **paragraph (d) of the definition of health professional in section 22A** if the Minister is satisfied that the body— 25
- (a) sets appropriate standards for counsellors; and
- (b) has reliable systems for identifying social workers who meet the standards.
- (2) The Minister may, by notice, designate a body corporate for the purposes of **paragraph (e) of the definition of health professional in section 22A** if the Minister is satisfied that the body— 30
- (a) sets appropriate standards for social workers; and
- (b) has reliable systems for identifying social workers who meet the standards. 35
- (3) A notice under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

*Appeals ~~from~~ against Registrar-General's decisions***23 Appeals ~~from~~ against Registrar-General's decisions**

- (1) A person who is affected by a decision of the Registrar-General under any of the following sections may appeal to the Family Court within 28 working days after the date of notification of on which the decision is notified: 5
- (a) **sections 18(2) and or 62(2)** (~~which relate~~ relating to decisions to decline to register names):
  - (b) **section 20(2)(a) or (c)** (~~which relate~~ relating to decisions to register, or decline to register, parents' details):
  - (c) **section 22** (~~which relates~~ relating to decisions to register, or decline to register, information about a child's parents' marriage or civil union after the child's birth): 10
  - (d) **sections 22B(4)(b) and 22C(3)(b)** (relating to decisions to accept, or to decline to accept, an application to register an eligible person's nominated sex): 15
  - (e) **section 22D** (relating to decisions to decline to register an eligible person's nominated sex):
  - (f) **section 22E(4)** (relating to decisions to delete an eligible person's nominated sex):
  - (g) **section 22F(3)** (relating to decisions to decline to delete information relating to sex). 20
- (2) The Family Court, when considering an appeal,—
- (a) must give every person who the court thinks has an interest in the matter an opportunity to be heard; and
  - (b) may receive any evidence the court thinks fit. 25
- (3) On hearing an appeal of against a decision under **subsection (1)(a)**, the Family Court must direct the Registrar-General to register the name or combination of names, unless satisfied that it is undesirable in the public interest for the person concerned to ~~bear~~ have the name or combination of names.
- (4) On hearing an appeal under **subsection (1)(b) or (c), (c), (d), (e), (f), or (g)**, the Family Court may approve the Registrar-General's decision or may give any directions or make any determination in relation to the matter that the court thinks fit. 30

Compare: 1995 No 16 ss 15A, 17(2), 18(5)–(7)



## Subpart 3—Adoptions

### *Notification of adoption*

#### **24 Court must notify Registrar-General of New Zealand adoptions**

A Registrar of a court in which an adoption order is made must, as soon as practicable after the making of the order, notify the Registrar-General of the following information (so far as it is known to the court): 5

- (a) the names (if any) of the adopted person immediately before the making of the order:
- (b) the names conferred on the person by the order:
- (c) the names of the persons who were the person’s parents immediately before the making of the order: 10
- (d) whether the adoptive parent or parents want the words “adoptive parent” or “adoptive parents” (as the case requires) to appear on the face of birth certificates relating to the person:
- (e) the date of the order: 15
- (f) the name of the court:
- (g) any information required by regulations under this Act in relation to the notification of births under **subpart 2** that would have been appropriate if the adopted person had been born to the adoptive parent or parents:
- (h) any other information required by regulations. 20

Compare: 1995 No 16 s 23

### *Registration of adoption information in birth record*

#### **25 Registration of New Zealand adoptions**

- (1) If an adoption is notified under **section 24** in respect of a person whose birth is registered under this Act, the Registrar-General must register the information in the person’s birth record. 25
- (2) If an adoption is notified under **section 24** in respect of a person whose birth is not yet registered, the Registrar-General must register the ~~information notified as birth information~~ person’s birth if satisfied that the information relating to the date and place of the person’s birth is correct or likely to be correct. 30

Compare: 1995 No 16 s 24(1), (2)

#### **26 Registration of overseas adoptions**

- (1) The Registrar-General may direct that **section 25** apply to an adoption outside New Zealand if the Registrar-General—
  - (a) is satisfied that section 17(1) of the Adoption Act 1955 or section 11 of the Adoption (Intercountry) Act 1997 applies to the adoption of a person whose birth is registered under this Act; and 35

- (b) has received any particulars that the Registrar-General requires for the purpose, and is satisfied that they are or are likely to be correct.
- (2) **Sections 25 and 29** apply, with any necessary modifications, to an adoption outside New Zealand that is subject to a direction under **subsection (1)** as if the adoption had been effected by an adoption order. 5
- Compare: 1995 No 19 s 25

*Changes to adoption information in birth record*

**27 Adopted person or adoptive parent may apply to include additional information**

- (1) The following persons may apply to include the additional information referred to in **subsection (2)** in respect of an adoption registered under **section 25**: 10
- (a) an adopted person who is ~~18 years old or more or has married, entered into a civil union, or been in a de facto relationship~~ 16 years old or older; or
- (b) the adoptive parents (if the adopted person has 2 living adoptive parents) or parent (if the adopted person has only 1 living adoptive parent) if the adopted person is less than ~~18 years old and has not married, entered into a civil union, or been in a de facto relationship~~ 16 years old. 15
- (2) The application may request that the following additional information be included in the adopted person's birth record: 20
- (a) an indication that the words "adoptive parent" or "adoptive parents" should appear (or not appear) on the adopted person's birth certificate:
- (b) any other information relating to the birth.
- (3) An application made ~~on behalf of~~ by an adopted person who is 16 or 17 years old and has never been in a marriage, civil union, or de facto relationship ~~years of age or older~~ must be accompanied by the adopted person's written consent of the person's adoptive parents (if the person has 2 living adoptive parents) or parent (if the person has only 1 living adoptive parent). 25

Compare: 1995 No 16 s 24(4), (5)

**28 Registrar-General must register additional information requested by adopted person or adoptive parents** 30

The Registrar-General must register any additional information requested in an application under **section 27** in the person's birth record.

Compare: 1995 No 16 s 24(3)

**29 Variation or discharge of adoption order to be recorded** 35

- (1) The Registrar of a court in which an adoption order is varied or discharged must, ~~as soon as practicable after the variation or discharge order is made,~~ pro-

vide a copy of the order to the Registrar-General as soon as practicable after the variation or discharge order is made.

- (2) The Registrar-General—
- (a) must register the particulars of the variation or discharge, including (where appropriate) a name or names for the person in the person's birth record; and 5
  - (b) may treat any order varying any adoption order as a new adoption order.
- (3) **Section 25** applies to an order that the Registrar-General treats as a new adoption order under **subsection (2)(b)**. 10
- Compare: 1995 No 19 s 27

*Sharing of adoption information with overseas authorities*

**30 Registrar-General may supply adoption information to overseas registration authorities overseas authority**

The Registrar-General may supply any information recorded in the registry in respect of an adoption to an ~~authority constituted in a State outside New Zealand~~ overseas registration authority if satisfied that— 15

- (a) the authority has the function of recording information relating to births in the State; and
- (b) a person who has been adopted in New Zealand was born in the State; and 20
- (c) the authority has requested the information.

Compare: 1995 No 16 s 26

Subpart 4—Deaths

**31 Definitions used in this subpart**

In this subpart, **disposal** includes burial and cremation, and **to dispose of** has a corresponding meaning. 25

*Notification of deaths in New Zealand*

**32 Deaths in New Zealand must be notified**

- (1) A death must be notified to the Registrar-General if it occurs in New Zealand.
- (2) **Subsection (1)** does not apply to— 30
  - (a) a death to which section 19(1) of the Visiting Forces Act 2004 applies; or
  - (b) a death on a New Zealand aircraft or New Zealand ship that occurs outside New Zealand.

Compare: 1995 No 16 s 34 35

- 33 Preliminary notice of death must be provided to Registrar-General** 5
- A ~~doctor~~ medical practitioner or nurse practitioner who gives a certificate of cause of death (as defined in section 2(1) of the Burial and Cremation Act 1964) in relation to a death must provide a preliminary notice of the death to the Registrar-General within 3 working days after giving the certificate.
- 34 Registrar-General ~~to~~ must be notified when body disposed of or removed**
- (1) A person must notify the Registrar-General of a death as soon as practicable after it occurs if the person—
- (a) is responsible for deciding how the body is disposed of (for example, an executor or a family member); or 10
- (b) disposes of the body.
- (2) A death must be notified under **subsection (1)** no later than 3 working days after the body is disposed of.
- (3) A death need not be notified under **subsection (1)** if the death has already been notified under **subsection (4)**. 15
- (4) A person must notify the Registrar-General of the death of a deceased person before—
- (a) removing the deceased person’s body from New Zealand; or
- (b) taking the body for anatomical examination under the Human Tissue Act 2008. 20
- Compare: 1995 No 16 ss 42, 48(1)
- 35 High Court must notify Registrar-General if giving leave to swear to person’s death**
- (1) A Registrar of the High Court must notify the Registrar-General as soon as practicable after the High Court gives leave to swear to the death of any person in a proceeding under the Administration Act 1969. 25
- (2) The Registrar-General may register the person’s death (and must, as far as possible, comply with this Act in doing so).
- Compare: 1995 No 16 s 43
- 36 Coroner must notify Registrar-General of death reported to coroner** 30
- (1) A coroner must notify the Registrar-General, within 3 working days after the completion of an inquiry relating to the death of a person whose body is destroyed, lost, or impossible or impracticable to recover, if the coroner has established—
- (a) that the person has died; and 35
- (b) the person’s identity.

- (2) A coroner must notify the Registrar-General of a death that has been reported to the coroner in any other case as soon as practicable after the coroner authorises the release of the body under section 42 of the Coroners Act 2006.
- (3) The notification must include all information known to the coroner relating to the date, place, and cause of the death and the identity of the deceased person. 5
- (4) The coroner must notify the Registrar-General of any additional information relating to the date, place, or cause of the death or the identity of the deceased person as soon as practicable after becoming aware of it.
- (5) A coroner must not ~~provide any~~ include in the information provided under **subsections (2) to (4)** any information that tends to incriminate any person of any offence. 10

Compare: 1995 No 16 ss 44, 45, 48(2)

**37 Other person may be authorised to notify**

- (1) A person who is not required under **sections 34 to 36** to notify a death may notify the death only if the person is authorised to do so— 15
- (a) by a person who is required under any of those sections to notify the death; or
- (b) by the Registrar-General (in a case where no one else has notified the death).
- (2) A person's obligation under any of **sections 34 to 36** to notify a death is satisfied if— 20
- (a) the person has authorised another person to notify the death; and
- (b) the other person has notified it.

Compare: 1995 No 16 s 46

**38 Person who disposes of, removes, or takes disinterred body must notify Registrar-General** 25

- (1) A person who disposes of a disinterred body (otherwise than by returning it to the place where it was previously interred) must, within 5 working days after doing so, notify the Registrar-General of where and how it was disposed of.
- (2) A person who removes a disinterred body from New Zealand must, as soon as practicable after removing the body, notify the Registrar-General ~~as soon as practicable after the removal~~ that the body has been removed from New Zealand. 30
- (3) A person who takes a disinterred body for anatomical examination under the Human Tissue Act 2008 must, as soon as practicable after taking the body, notify the Registrar-General ~~as soon as practicable after taking the body~~ that the body has been taken for that purpose. 35

Compare: 1995 No 16 s 51(1), (2)

*Notification of death outside New Zealand***39 When death that occurs outside New Zealand may be notified**

Any person may, at any time, notify the Registrar-General ~~at any time~~ of a death that occurs outside New Zealand if—

- (a) the death occurred on a New Zealand aircraft or New Zealand ship; or 5
- (b) the deceased person was ordinarily resident in New Zealand and the death occurred in a place where—
  - (i) there was no system for recording information relating to deaths; or
  - (ii) the system for recording information relating to deaths did not apply to the person. 10

Compare: 1995 No 16 ss 36, 48(3)(b)

*Registration of deaths***40 Registrar-General must register death that occurs in New Zealand if notified in accordance with this subpart** 15

- (1) The Registrar-General—
  - (a) must register a death that occurs in New Zealand if the Registrar-General is notified of the death in accordance with this subpart; and
  - (b) may, if the Registrar-General considers registration appropriate, register a death that occurs in New Zealand and that has been notified at any time if satisfied the death has not previously been registered. 20
- (2) The Registrar-General must register any additional information notified under **section 38** (which relates to the disposal, removal, or taking of disinterred bodies) in the person's death record.

Compare: 1995 No 16 ss 48(3)(a), 49, 51(3) 25

**41 Registrar-General may register death that occurs outside New Zealand only in limited circumstances**

- (1) The Registrar-General may register a death ~~that occurred~~ occurs outside New Zealand only if—
  - (a) the Registrar-General is notified in accordance with **section 39**; or 30
  - (b) **section 42** applies to the death.
- (2) The Registrar-General may (without limiting the generality of **section 130**) decline to register information notified under **section 39(1)(b)** if not satisfied that its registration is appropriate.

Compare: 1995 No 16 s 35 35

- 42 Registrar-General must register deaths of certain service personnel**
- (1) The Registrar-General must register the information described in **subsection (2)** in respect of each person who, in the Registrar-General’s opinion, died outside New Zealand while—
- (a) a member of, and on service with, a naval, military, or air force raised in ~~New Zealand or in—~~
    - (iaa) New Zealand; or
    - (i) any other State that was a Commonwealth country when the force was raised; or
    - (ii) any State for whose international relations New Zealand or another State that was a Commonwealth country was responsible when the force was raised; or
  - (b) an employee for the purposes of a United Nations activity within the meaning of sections 91 to 95 of the Policing Act 2008.
- (2) The information that must be registered is (~~as so~~ far as it is known to the Registrar-General)—
- (a) the person’s name and sex:
  - (b) the force or unit the person served in at the time of death, ~~and~~ the person’s rank or level of position; at the time of death, and the person’s official number: 20
  - (c) the person’s last occupation and usual place of abode before ~~departure~~ departing from New Zealand:
  - (d) the person’s birthplace and parentage:
  - (e) the person’s date of birth, or age at the date of death:
  - (f) the person’s relationship status at the date of death: 25
  - (g) the date and place of the person’s death:
  - (h) the cause of the person’s death:
  - (i) the place where the person’s body was disposed of:
  - (j) the source of information from which the particulars were obtained.
- (3) For the purpose of registering information under this section, the Registrar-General may accept any evidence the Registrar-General thinks sufficient, including, in proof of the death of any person,—
- (a) the fact that the High Court has granted probate or administration of the person’s estate; or
  - (b) the fact that the High Court has granted leave to swear to the death; or 35
  - (c) a certificate signed by an officer of the force in which the person served; or

- (d) a certificate signed by an officer of a force (being a force of another country or of the United Nations) acting in co-operation with the force in which the person served; or
- (e) a certificate signed by any person approved for the purpose by the Minister of Defence or, as the case requires, the Minister of Police. 5

Compare: 1995 No 16 s 50

*Overseas death certificates*

**43 Overseas death certificate may be provided to Registrar-General**

- (1) A person may provide a death certificate issued outside New Zealand to the Registrar-General in respect of a death that occurred outside New Zealand if the death certificate relates to a New Zealand citizen or a person ordinarily resident in New Zealand. 10
- (2) The death certificate must—
  - (a) be in the English language or accompanied by a translation of the death certificate in the English language; and 15
  - (b) be accompanied by the prescribed fee.

Compare: 1995 No 16 s 52(1), (3)

**44 Registrar-General ~~not responsible for authenticity of~~ may record receipt of overseas death certificate information**

- (1AA) The Registrar-General must, on receiving an overseas death certificate provided in accordance with **section 43**, record in the registry— 20
  - (a) that the Registrar-General has received a death certificate that was issued outside New Zealand; and
  - (b) the information contained in the death certificate.
- (1) ~~The~~ However, the Registrar-General is not responsible for the authenticity of ~~an~~ the overseas death certificate ~~provided under **section 43**~~ or for the ~~truth~~ accuracy of any information contained in it. 25
- (2) The Registrar-General may also record in the registry that the Registrar-General has received information from an overseas registration authority in respect of a death that occurred outside New Zealand, but is not responsible for the accuracy of the information. 30
- (2) ~~The Registrar-General may issue a written statement in relation to a death certificate stating—~~
  - (a) ~~that the death certificate has been provided to the Registrar-General; and~~
  - (b) ~~the information contained in it; and~~ 35
  - (c) ~~that the Registrar-General is not responsible for the authenticity of the death certificate or for the truth of any information contained in it.~~



- (3) ~~The Registrar-General must, on payment of the prescribed fee, note in the registry that the Registrar-General has received a death certificate issued outside New Zealand in respect of the person but has not authenticated it.~~
- (4) ~~Information noted under **subsection (3)** is not death information for the purposes of this Act.~~ 5
- (5) Nothing in this section limits or affects **sections 39 and 42**.  
Compare: 1995 No 16 s 52(2), (4), (6), (7)

**44A Registrar-General may issue written statement about overseas death on request**

- (1) A person may request a written statement from the Registrar-General that states whether the Registrar-General has received a certificate or information in relation to a death that occurred overseas. 10
- (2) The request must be accompanied by the prescribed fee.
- (3) The Registrar-General may issue a written statement that—
- (a) states whether the Registrar-General has received— 15
- (i) a certificate under **section 43** in relation to the death; or
- (ii) information from an overseas registration authority in relation to the death; and
- (b) provides the information contained in the certificate or received from an overseas registration authority in relation to the death; and 20
- (c) states that the Registrar-General is not responsible for—
- (i) the accuracy of the information; or
- (ii) in the case of a certificate, the authenticity of the certificate.

Compare: 1995 No 16 s 52(5)

**Subpart 5—Marriages and civil unions** 25

*Notification of marriage or civil union in New Zealand*

**45 Marriage or civil union in New Zealand must be notified**

The following relationships must be notified to the Registrar-General under this subpart:

- (a) a marriage solemnised in New Zealand: 30
- (b) a civil union entered into under the Civil Union Act 2004.

**46 Celebrant must provide marriage or civil union form to Registrar-General**

A celebrant who solemnises a marriage or civil union must,—

- (a) immediately after solemnising the marriage or civil union,—

- (i) enter the information required by regulations on both forms provided under section 12 of the Civil Union Act 2004 or section 24 of the Marriage Act 1955; and
- (ii) ensure that both forms are signed by the parties to the marriage or civil union, the celebrant, and 2 witnesses to the solemnisation; and 5
- (iii) provide 1 form to the parties; and
- (b) within 10 days of solemnising the marriage or civil union, provide the other form to the Registrar-General. 10
- Compare: 1995 No 16 ss 55(1), 62B 10
- 47 Registering officer of Society of Friends or exempt religious body must provide marriage form to Registrar-General**
- (1) This section applies to a marriage solemnised in accordance with—
- (a) the marriage regulations of the religious Society of Friends (commonly called Quakers); or 15
- (b) the rules and procedures of an exempt religious body (as defined in section 32A(5) of the Marriage Act 1955).
- (2) Each party to the marriage must, immediately after the solemnisation,—
- (a) enter on both forms provided with the licence for the marriage under section 24 of the Marriage Act 1955 the information required by regulations; and 20
- (b) ensure that both forms are signed by each ~~spouse~~ party to the marriage and 2 witnesses to the solemnisation; and
- (c) ensure that 1 form is provided to the registering officer of the Society of Friends or, as the case may require, the registering officer of the exempt religious body. 25
- (3) A registering officer of the Society of Friends or of an exempt religious body who receives a form under **subsection (2)(c)** must provide the form to the Registrar-General as soon as practicable after receiving it. 30
- Compare: 1995 No 16 s 55(2), (2A) 30

*Notification of marriage outside New Zealand*

- 48 Person who solemnises service marriage must provide copy of marriage record to Registrar-General**
- A person who solemnises a service marriage (other than a service marriage solemnised in a Commonwealth country in which information about the marriage has been recorded in accordance with that country's laws) must,— 35
- (a) immediately after the solemnisation,—

- (i) make and keep a record of information relating to the marriage in a form that as nearly as possible accords with the form that the Registrar-General provides under section 24(1)(b) of the Marriage Act 1955 to a person who gives notice of marriage; and
  - (ii) ensure that the record and 2 copies of it are signed by each ~~spouse~~ party to the marriage, the person, and 2 witnesses to the solemnisation; and
  - (iii) give 1 copy of the record to the parties; and
- (b) as soon as practicable after the solemnisation, provide the other copy of the record to the Registrar-General.

Compare: 1995 No 16 s 55(3)

**49 Party to service marriage (or descendant) may notify service marriage to Registrar-General**

- (1) Any of the following persons may notify a service marriage that occurs outside New Zealand:
- (a) a party to the service marriage;
  - (b) a descendant of the parties to the service marriage;
  - (c) a person notifying on behalf of a party or descendant.
- (2) The notification must include—
- (a) an original record of information recorded under **section 48** that relates to the service marriage and is signed by the person who solemnised it; or
  - (b) any other information relating to the marriage.

Compare: 1995 No 16 s 57(2)

**50 Overseas ceremony attended by New Zealand representative may be notified**

A New Zealand representative (as defined in section 2(1) of the Marriage Act 1955) may notify the Registrar-General of a marriage that occurs outside New Zealand and that the New Zealand representative attends by forwarding a duplicate copy of the certificate under section 43(1) of that Act.

Compare: 1995 No 16 s 58

*Registration of marriage or civil union*

**51 Registrar-General must register marriage or civil union if requirements met**

- (1) The Registrar-General must register a marriage or civil union if—
- (a) a Registrar solemnises the marriage or civil union; or
  - (b) the Registrar-General is provided with—

- (i) a form relating to the marriage or civil union under **section 46 or 47**; or
- (ii) a copy of a record relating to a service marriage under **section 48**.
- (2) The Registrar-General may also register information relating to a service marriage if the Registrar-General is satisfied ~~that—~~ 5
- (a) ~~a copy of a~~ that the record or information provided under **section 49** in respect of the marriage is authentic; ~~and or~~
- (b) if no copy of a record is provided under **section 49**, that the information is accurate and it is impracticable to produce a copy of the record or certificate. 10
- (3) The Registrar-General may also register a marriage attended by a New Zealand representative (as defined in section 2(1) of the Marriage Act 1955) if the New Zealand representative forwards a duplicate copy of a certificate under section 43(1) of that Act. 15
- (4) The Registrar-General may register any information relating to a marriage in the registry if satisfied that the information has not yet been registered under this Act,—
- (a) whether or not a form has been prepared in respect of the marriage under ~~any of **section 46 or 47** (or a part of the register or certificate has been prepared in respect of the marriage under section 11(2) or 32 of the Marriage Act 1955); and~~ 20
- (b) whether or not information to the same effect, or conflicting information, ~~was~~ is contained in any form, register, or certificate referred to in **paragraph (a)**. 25

Compare: 1995 No 16 ss 56, 57, 58, 62C

### *Change of form of relationship*

#### **52 Registrar-General to note change of form of relationship**

If the Registrar-General ~~receives information~~ is informed that the parties to a marriage or civil union have, under section 18 of the Civil Union Act 2004, changed the form of their relationship, the Registrar-General must— 30

- (a) register, in the record relating to the earlier marriage or civil union, an indication that the form of relationship has been changed and when and where the change occurred; and
- (b) register, in the record relating to the later marriage or civil union, that, on the date and at the place in which the solemnisation of the later marriage or civil union took place, the parties changed their earlier marriage or civil union into a marriage or civil union; and 35

- (c) ensure that a link is created between the record relating to the earlier marriage or civil union and the record relating to the later marriage or civil union.

Compare: 1995 No 16 s 62D

*Dissolution of marriage or civil union* 5

**53 Notification of dissolution of marriage or civil union in New Zealand**

- (1) This section applies if the Family Court makes any of the following orders under the Family Proceedings Act 1980:
  - (a) an order dissolving a marriage or civil union:
  - (b) an order declaring that a party to a marriage or civil union is presumed to be dead and that the marriage or civil union is dissolved: 10
  - (c) an order declaring that a marriage or civil union is void from the start.
- (2) A Registrar of the Family Court must notify the Registrar-General of the order as soon as practicable after the order is made.
- (3) The notification may be made by— 15
  - (a) the Registrar providing a certificate of the order; or
  - (b) the Ministry of Justice providing the information required in the certificate by electronic means.

Compare: 1995 No 16 ss 59(1), 62E(1), 89A(2A), (2B)

**54 Registration of dissolution of marriage or civil union** 20

The Registrar-General may register the information provided under **section 53** in relation to a marriage or civil union in the record for that marriage or civil union.

Compare: 1995 No 16 ss 59(2), 62E(2)

*Overseas divorce or dissolution certificate* 25

**55 Overseas divorce or dissolution certificate may be provided to Registrar-General**

- (1) A person may provide a certificate issued outside New Zealand in respect of a divorce or dissolution of a marriage or civil union that occurred outside New Zealand to the Registrar-General if the certificate relates to a New Zealand citizen or a person ordinarily resident in New Zealand. 30
- (2) The certificate must—
  - (a) be in the English language or accompanied by a translation of the divorce or dissolution certificate in the English language; and
  - (b) be accompanied by the prescribed fee. 35

**56 Registrar-General not responsible for authenticity of may record receipt of overseas divorce or dissolution certificate information**

(1AA) The Registrar-General must, on receiving an overseas divorce or dissolution certificate provided in accordance with **section 55**, record in the registry—

- (a) that the Registrar-General has received a divorce or dissolution certificate that was issued outside New Zealand; and 5
- (b) the information contained in the divorce or dissolution certificate.

~~(1) The However, the Registrar-General is not responsible for the authenticity of a certificate provided under **section 55** in relation to the dissolution of a marriage outside New Zealand or for the truth-accuracy of any information contained in it.~~ 10

(2) The Registrar-General may also record in the registry that the Registrar-General has received information from an overseas registration authority in respect of a divorce or dissolution that occurred outside New Zealand, but is not responsible for the accuracy of the information. 15

~~(2) The Registrar-General may, on payment of the prescribed fee, issue a written statement in relation to the certificate stating—~~

- ~~(a) that the certificate has been provided to the Registrar-General under this section; and~~
- ~~(b) the information contained in the certificate; and~~ 20
- ~~(c) that the Registrar-General is not responsible for the authenticity of the certificate or for the truth of any information contained in it.~~

~~(3) The Registrar-General must, on payment of the prescribed fee, note in the registry that the Registrar-General has received a divorce or dissolution certificate issued outside New Zealand in respect of a marriage but has not authenticated it.~~ 25

~~(4) Information noted under **subsection (3)** is not marriage or civil union information for the purposes of this Act.~~

**56A Registrar-General may issue written statement about overseas divorce or dissolution on request** 30

(1) A person may request a written statement from the Registrar-General that states whether the Registrar-General has received a certificate or information in relation to a divorce or dissolution that occurred overseas.

(2) The request must be accompanied by the prescribed fee.

(3) The Registrar-General may issue a written statement that— 35

- (a) states whether the Registrar-General has received—
  - (i) a certificate under **section 55** in relation to the divorce or dissolution; or

- (ii) information from an overseas registration authority in relation to the divorce or dissolution; and
- (b) provides the information contained in the certificate or received from an overseas registration authority; and
- (c) states that the Registrar-General is not responsible for— 5
  - (i) the accuracy of the information; or
  - (ii) in the case of a certificate, the authenticity of the certificate.

*Convictions for bigamy*

**57 Notification of conviction for bigamy**

- (1) This section applies if a person who is a party to a marriage or civil union is convicted of bigamy. 10
- (2) The Registrar of the court in which the conviction was entered must notify the Registrar-General of the conviction as soon as practicable after the person is convicted.
- (3) The notification may be made by— 15
  - (a) the Registrar of the Court providing a certificate of the conviction that specifies, in relation to each bigamous marriage or civil union,—
    - (i) the names of the parties to the marriage or civil union; and
    - (ii) the date and place of the marriage or civil union; and
    - (iii) the date of the conviction; or 20
  - (b) the Ministry of Justice providing, by electronic means, the information described in **paragraph (a)** ~~by electronic means~~.

Compare: 1995 No 16 ss 60, 62F(1), 89A(2A), (2B)

**58 Registrar-General must register conviction for bigamy**

The Registrar-General must register any information received under **section 57** in relation to a registered marriage or civil union in the record for that marriage or civil union. 25

Compare: 1995 No 16 ss 60, 62F(2)

**Subpart 6—Name changes**

**59 Definitions used in this subpart** 30

In this subpart,—

**eligible 16- or 17-year-old** means an eligible person who is 16 or 17 years old and has never been in a marriage, civil union, or de facto relationship

**eligible adult** means an eligible person who ~~is 18 years of age or more or is or has been in a marriage, civil union, or de facto relationship—~~ 35

- (a) is 18 years old or older; or

- (b) is less than 18 years old and is or has been in a marriage, civil union, or de facto relationship

**eligible child** means an eligible person who is less than ~~18 years of age and has never been in a marriage, civil union, or de facto relationship~~ 16 years old

**eligible person** means a person—

5

- (a) whose birth is registered under this Act; or
- (b) who is a New Zealand citizen or is legally entitled to be in New Zealand indefinitely

**guardian** means—

- (a) the guardians of a person; or
- (b) if any guardians are unavailable, the other guardian or guardians; or
- (c) if, on the application of 1 guardian, the Family Court has consented to a change in the person's name or names, that guardian; or
- (d) if all guardians are unavailable or, if the person only has 1 guardian, that guardian is unavailable, the chief executive of the department for the time being responsible for the administration of the Oranga Tamariki Act 1989

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**present registered name** means, in relation to an eligible person under this subpart, the name or combination of names that was most recently registered in—

20

- (a) the person's birth record or name change record; or
- ~~(b) a similar registry of a State other than New Zealand~~
- (b) a registry kept by an overseas registration authority

**proposed name** means the name or combination of names that is proposed, in a request under **section 60** or an application under **section 60A or 61** in relation to an eligible person, as the name or combination of names for the eligible person.

25

Compare: 1995 No 16 s 21

*Request for name change: child 2 years old or ~~under~~ younger*

**60 Guardian may request name change if child 2 years old or ~~under~~ younger** 30

- (1) A guardian of an eligible child may request that the Registrar-General—
- (a) delete, amend, or replace any name recorded in the eligible child's birth record; or
- (b) add a name or names to the eligible child's birth record.
- (2) The request must be made—
- (a) within 2 years of the eligible child's birth; and

35



- (b) if the request is made under an order of the Family Court, in accordance with the conditions of that order.
- (3) Only 1 request may be made under this section in respect of a an eligible child unless the Registrar-General is satisfied that there are special reasons making it appropriate for more than 1 request to be made under this section in respect of the eligible child. 5

Compare: 1995 No 16 s 20

*Application for name change*

**60A Application for name change by eligible adult or eligible 16- or 17-year-old**

- (1) An eligible adult or eligible 16- or 17-year-old may apply to the Registrar-General for registration of a name change. 10
- (2) The application must—
- (a) include a statement made in accordance with **subsection (3)** and verified—
- (i) electronically in a prescribed manner (see also **section 131**); or 15
- (ii) by statutory declaration (see also **section 132**); and
- (b) be accompanied by—
- (i) the prescribed fee; and
- (ii) if the application is made by an eligible 16- or 17-year-old, the written consent of the 16- or 17-year-old’s guardian. 20
- (3) The eligible person—
- (a) must declare in the statement provided under **subsection (2)(a)** that, if the application is approved, the eligible person intends to adopt the proposed name and to abandon the eligible person’s present registered name; and 25
- (b) may declare, if applicable, that the eligible person has already used the proposed name instead of the eligible person’s present registered name.
- (4) An eligible person whose birth is not registered under this Act must also provide—
- (a) the eligible person’s birth certificate; or 30
- (b) another certificate or other evidence that satisfies the Registrar-General of the date and place of the eligible person’s birth.
- (5) The Registrar-General may require the eligible person to provide any means of identification that the Registrar-General reasonably requires to confirm the identity of the eligible person. 35
- (6) The Registrar-General must, at the request of the eligible person, return or destroy the certificate or evidence provided under **subsection (4) or (5)**.

Compare: 1995 No 16 s 21A(1)–(3), (4)–(5)

**61 Application for name change by guardian of eligible child**

- (1) ~~An eligible adult or the~~ The guardian of an eligible child may apply for registration of a name change.
- (2) The application must—
- (a) include a statement ~~declaring the matters in **subsection (3)** that is~~ made in accordance with **subsection (4)** and verified—
    - (i) electronically in a prescribed manner (*see also* **section 131**); or
    - (ii) by statutory declaration (*see also* **section 132**); and
  - (b) be accompanied by—
    - (i) the prescribed fee; and
    - (ii) ~~if the application is made by an eligible child's guardian and the eligible child is 16 years of age or older, the eligible child's written consent.~~
- (b) be accompanied by the prescribed fee.
- (3) ~~An applicant who is an eligible adult—~~
- (a) ~~must declare in the statement provided under **subsection (2)(a)** that, if the application is approved, the applicant intends to adopt the proposed name and to abandon the applicant's present registered name; and~~
  - (b) ~~may declare, as the case may be, that the applicant has already used the proposed name instead of the applicant's present registered name.~~
- (4) ~~An applicant who is the~~ The guardian of an eligible child—
- (a) must declare in the statement provided under **subsection (2)(a)** that, if the application is approved, ~~the applicant guardian~~ intends to adopt the proposed name, and to abandon the present registered name, for the eligible child; and
  - (b) may declare, ~~as the case may be~~ if applicable, that the eligible child has already used the proposed name instead of the eligible child's present registered name.
- (5) ~~An eligible person whose birth is not registered (or the person's guardian)~~ The guardian must also provide—
- (a) the eligible person's child's birth certificate; or
  - (b) ~~some any~~ other certificate or other evidence that satisfies the Registrar-General of—
    - (i) the date and place of the eligible person's child's birth; and
    - (ii) ~~if the application is made by the eligible person's guardian, the~~ status of that person the guardian.
- (6) The Registrar-General may require a person applying for registration of a name ~~change the guardian~~ to provide any means of identification that is ~~reasonably~~

~~necessary~~ the Registrar-General reasonably requires to confirm the identity of the ~~guardian or the eligible person or the guardian of the eligible person, child~~ (or both).

- (7) The Registrar-General must, at the ~~option~~ request of the ~~eligible person or the guardian of the eligible person~~ child, return or destroy the certificate or evidence provided under **subsection (4) or (5) or (6)**. 5

Compare: 1995 No 16 s 21A(1)–(3), (4)–(5)

*Registration of name change in birth record or name change record*

**62** When Registrar-General may decline to register certain name changes register name change 10

- (1) The Registrar-General may register a name change only if, after ~~registering~~ the name change is registered, the person's birth record or name change record will include—

- (a) 1 name as the person's surname and 1 or more other names; or  
(b) if the religious or philosophical beliefs, or cultural traditions, of the person or of a parent (whether living or dead) or living guardian of the person require the person to ~~bear~~ have only 1 name, 1 name. 15

- (2) The Registrar-General must, if the requirements of **subsection (1)** are met, register a name change as soon as practicable after an application or request is made in accordance with **section 60, 60A, or 61** unless the Registrar-General considers that it is undesirable in the public interest for the person to ~~bear~~ have the proposed name. 20

- (3) A person affected by a decision of the Registrar-General to decline to register a ~~name or combination of names~~ name change under **subsection (2)** may appeal against the decision under **section 23**. 25

- (4) However, the Registrar-General must not register a name change in respect of an eligible adult who is abandoning a surname assumed on marriage or entry into a civil union (without a registered name change) and reverting to the person's present registered name. 30

Compare: 1995 No 16 s 21B

*Guardianship disputes and refusal of consent*

**63** Registrar-General to ~~must~~ give effect to decisions under Care of Children Act 2004

- (1) The Registrar-General must give effect to an order under section 46R(4) or 46C(1) of the Care of Children Act 2004 that requires the Registrar-General to record any names in a child's birth record. 35

- (2) This section is subject to **sections 18 and 23** but overrides any other provision in this Part.

Compare: 1995 No 16 s 22

*Registration of name change in marriage and civil union record***64 Person may request name change be included in marriage or civil union record**

- (1) **Subsection (2)** applies if, during the course of a marriage or civil union,—
- (a) the name of a person who is a party to the marriage or civil union changes; and 5
  - (b) the change is registered in the person's birth record or name change record.
- (2) The person whose name has changed (or, if the person has died, the other party to the marriage or civil union) may request the Registrar-General to register the name change in the record relating to the marriage or civil union. 10
- (3) The request—
- (a) may be made at the same time as an application for a name change is made under ~~section 64~~ **section 60A**; and
  - (b) must be accompanied by the prescribed fee (if any). 15
- Compare: 1995 No 16 ss 62(1)–(3), 62G(1)–(3)

**65 Registration of new names in marriage or civil union information**

The Registrar-General must, if a request is made to register a name change in a record relating to a marriage or civil union in accordance with **section 64**, register the name change in the record. 20

Compare: 1995 No 16 ss 62(4), 62G(4)

**Subpart 7—Changes to birth information relating to sex****66 Definitions used in this subpart**

In this subpart,—

~~eligible adult~~ means an eligible person who is 18 years of age or more or is or has been in a marriage, civil union, or de facto relationship 25

~~eligible child~~ means an eligible person who is less than 18 years of age and has never been in a marriage, civil union, or de facto relationship

~~eligible person~~ means a person—

- (a) whose birth is registered; or 30
- (b) whose birth is registrable under this Act but is not yet registered; or
- (c) who is a New Zealand citizen or is legally entitled to be in New Zealand indefinitely

~~nominated sex~~ means the sex specified in an application made under ~~section 67 or 69~~. 35

Compare: 1995 No 16 s 27A

*Application to change sex information*

- 67 Eligible adult may apply to Family Court for birth certificate to show nominated sex**
- (1) An eligible adult may apply to the Family Court for a declaration that it is appropriate for the eligible adult's birth certificate to specify that the eligible adult is of the nominated sex. 5
- (2) The Family Court must cause a copy of the application to be served on—
- (a) the Registrar General, if the applicant's birth is registered or is registrable under this Act but is not yet registered; and
- (b) any other person who, in the court's opinion, is interested in it or might be affected by the granting of the declaration. 10
- Compare: 1995 No 16-s-28(1), (2)
- 68 Family Court must declare that nominated sex appear on eligible adult's birth certificate if requirements met**
- The Family Court must, on an application under **section 67** by an eligible adult, declare that it is appropriate for the eligible adult's birth certificate to specify that the eligible adult is of the nominated sex if, and only if, the court is satisfied,—
- (a) if the eligible adult's birth is registered, that the eligible adult's birth record includes— 20
- (i) information indicating that the eligible adult is a person of the sex opposite to the nominated sex; or
- (ii) information indicating that the eligible adult is a person of indeterminate sex; or
- (iii) no information as to the eligible adult's sex; and 25
- (b) that the eligible adult—
- (i) identifies as and intends to continue to identify as a person of the nominated sex; and
- (ii) wishes the nominated sex to appear on birth certificates issued in respect of the eligible adult; and 30
- (e) either,—
- (i) on the basis of expert medical evidence, that the eligible adult—
- (A) identifies as a person of the nominated sex; and
- (B) has undergone such medical treatment as is usually regarded by medical experts as desirable to enable persons of the genetic and physical conformation of the eligible adult at birth to acquire a physical conformation that accords with a person of the nominated sex; and 35

- (C) will, as a result of the medical treatment undertaken, continue to identify, as a person of the nominated sex; or
- (ii) that the eligible adult's sexual assignment or reassignment as a person of the nominated sex has been recorded or recognised in accordance with the laws of a State for the time being recognised for the purposes of this section by the Minister by notice in the *Gazette*. 5
- Compare: 1995 No 16 s 28(3)
- 69 Guardian of eligible child may apply to Family Court for nominated sex to appear on birth certificate** 10
- (1) The guardian of an eligible child may apply to the Family Court for a declaration that—
- (a) it is in the child's best interests to be brought up as a person of the nominated sex; and
- (b) any birth certificate issued in respect of the child should contain the information that the child is a person of the nominated sex. 15
- (2) The court must cause a copy of the application to be served on—
- (a) the Registrar General, if the child's birth is registered or is registrable under this Act but is not yet registered; and
- (b) any other person who, in the court's opinion, is interested in it or might be affected by the granting of the declaration. 20
- Compare: 1995 No 16 s 29(1), (2)
- 70 Family Court must declare that nominated sex appear on eligible child's birth certificate if requirements met**
- (1) The court must, on an application under **section 69**, make the declaration applied for if, and only if, the court is satisfied,— 25
- (a) if the eligible child's birth is registered, that the child's birth record includes—
- (i) information indicating that the child is a person of the sex opposite to the nominated sex; or 30
- (ii) information indicating that the child is a person of indeterminate sex; or
- (iii) no information as to the child's sex; and
- (b) that the guardian—
- (i) intends to bring the child up as a person of the nominated sex; and 35
- (ii) wishes the nominated sex to appear on birth certificates issued in respect of the eligible child; and

- (e) ~~on the basis of expert medical evidence, that the child has undergone (or will undergo if the court grants the declaration) any medical treatment reasonably necessary to enable the child to identify, and to continue to identify, as a person of the nominated sex; and~~
- (d) ~~on the basis of expert medical evidence, that the child's physical conformation and gonadal and genital development are such that it is more likely that the child will be able (after undergoing any remaining necessary medical treatment) to identify, and continue to identify, as a person of the nominated sex than as a person of the opposite sex.~~ 5
- (2) ~~The declaration must specify (with as much particularity as is possible in all the circumstances) all medical treatment (if any) that the child has not yet undergone that in the court's opinion (reached in the light of the expert medical evidence) is reasonably necessary for the child to identify as a person of the nominated sex.~~ 10
- ~~Compare: 1995 No 16 s 29(3), (4)~~ 15

*Registration of nominated sex*

**71 Registrar-General must register nominated sex in birth record if declaration issued**

~~The Registrar-General must register an eligible person's nominated sex in the eligible person's birth record if—~~ 20

- (a) ~~a declaration issued under **section 68 or 70** is provided to the Registrar-General in respect of the person; and~~
- (b) ~~the applicant pays the prescribed fee (if any).~~

~~Compare: 1995 No 16 s 30~~

**72 Registrar-General may delete information where procedures not completed** 25

~~The Registrar-General may delete information in a person's birth record that indicates that the person is of the person's nominated sex if—~~

- (a) ~~the information was registered under **section 71** in reliance on a declaration issued under **section 70**; and~~ 30
- (b) ~~the declaration specified medical treatment that was, in the court's opinion, reasonably necessary for the person to identify, and continue to identify, as a person of the nominated sex; and~~
- (c) ~~the Registrar-General has received expert medical evidence to the effect that the person has not undergone that medical treatment or other medical treatment having the same effect.~~ 35

~~Compare: 1995 No 16 s 31~~

- 73 Other correction powers not affected** 5
- Nothing in ~~sections 67 to 72~~ limits or affects the power of the Registrar-General under ~~section 134~~ to—
- (a) ~~replace incorrect information in the registry relating to a person’s sex (or information that a person is of indeterminate sex) with correct information relating to the person’s sex; or~~
- (b) ~~record correct information relating to a person’s sex if no information is recorded about the person’s sex in the person’s birth record.~~
- Compare: 1995 No 16 s 32
- 74 New information not to affect general law** 10
- Despite this Part, the sex of every person must continue to be determined by reference to the general law of New Zealand.
- Compare: 1995 No 16 s 33
- Subpart 8—Creation of records for security-related purposes
- Requests for new identity information* 15
- 75 Minister of Police may request new identity information for certain witnesses and undercover Police officers**
- (1) The Minister of Police may make a written request to the Minister to create new identity information for the purpose of protecting a person who—
- (a) is, has been, or will be a witness in any proceeding; or 20
- (b) is, has been, or will be an undercover Police officer; or
- (c) needs protection because of the person’s relationship to someone who is, has been, or will be a witness in any proceeding.
- (2) In this section, **undercover Police officer** means a person who is a Police employee or a member of a corresponding overseas law enforcement agency and whose identity is concealed for the purpose of an undercover investigation approved by the Commissioner of Police. 25
- Compare: 1995 No 16 s 65(1)(a), (5)
- 76 Director-General of intelligence and security agency may request new identity information for employee** 30
- (1) The Director-General of an intelligence and security agency may make a written request to the Minister to create new identity information for the purpose of protecting the identity of a person who is, has been, or will be an employee.
- (2) In **subsection (1)**, **employee** has the meaning set out in section 22 of the Intelligence and Security Act 2017. 35
- Compare: 1995 No 16 s 65(1)(b), (5)



*Creation of new identity information*

- 77 Minister may direct that new identity information be created for witness or undercover Police officer**
- (1) The Minister may ~~give a direction to~~ direct the Registrar-General to create new identity information for a person if the Minister is satisfied,— 5
- (a) on receiving a request under **section 75**, that it is in the interests of justice that the new identity information be created:
- (b) on receiving a request under **section 76** and having regard to the matters set out in section 26(3) of the Intelligence and Security Act 2017 (which applies with any necessary modifications), that— 10
- (i) the person will use the new identity information appropriately; and
- (ii) it is otherwise appropriate to grant the request.
- (2) The Registrar-General may create new identity information by—
- (a) recording, amending, or deleting information in the registry (including, if necessary, to create other identities to support the person’s new identity information); and 15
- (b) creating, deleting, or amending operational or administrative information as necessary, so that it supports the information described in **paragraph (a)**. 20
- (3) The Registrar-General may delete, amend, or insert information recorded in the registry under **subsection (2)** if the Registrar-General receives notification from any of the following persons that the new identity is no longer needed or has been compromised:
- (a) the Commissioner of Police in relation to new identity information created as a result of a request under **section 75(1)**: 25
- (b) the Director-General of an intelligence and security agency in relation to new identity information created as the result of a request under **section 76(1)**. 30
- Compare: 1995 No 16 s 65(2)–(4) 30

**Part 3**  
**Certificates**

*General provisions*

- 78 Request for certificate**
- (1) Any person may request that the Registrar-General provide the person with a birth certificate, death certificate, marriage ~~or certificate~~, civil union certificate, or name-change certificate that relates to— 35

- (a) that person; or
- (b) any other person.
- (2) The request must be made in accordance with **section 93**.
- (2) ~~The request must be—~~
- (a) ~~accompanied by the prescribed fee; and~~ 5
- (b) ~~made in accordance with any directions issued by the Registrar-General.~~
- (3) ~~The Registrar-General may issue a certificate to a person under this Act only if the prescribed fee has been paid.~~
- Compare: 1995 No 16 s 72
- 79 Certificates must contain corrected information if registration error corrected** 10
- (1) ~~A certificate issued under this Part in respect of a person after a clerical error in the registry has been corrected under **section 134(a)** must contain the corrected information (as if the error had never been made).~~
- (2) ~~If a name in the person's record has changed since the correction of information relating a person's sex under **section 134(a)**, the certificate must contain the name first registered after the error was corrected as if that name had been the person's name since birth.~~ 15
- (3) ~~The information referred to in **subsections (1) and (2)** must appear as if the corrected information had always been recorded in the registry.~~ 20
- Compare: 1995 No 16 s 66
- 80 Certificates as evidence**
- A certificate issued under this Act is admissible as evidence in any legal proceedings, and the information contained in it is presumed to be true in the absence of evidence to the contrary. 25
- Compare: 1995 No 16 s 71
- Birth certificates*
- 81 Contents of birth certificates generally**
- (1) ~~A birth certificate in respect of a person must contain all of the person's birth information: that—~~ 30
- (a) is recorded in the registry in relation to the person; and
- (b) is required by regulations to be contained in a birth certificate.
- (2) The Registrar-General must also indicate on the birth certificate—
- (a) that the person was stillborn (if the Registrar-General is satisfied that the person was stillborn); or 35
- (b) that the person is deceased (if the Registrar-General is satisfied that the person is dead); or

- (e) ~~that the Registrar-General has received an overseas death certificate (if the Registrar-General has noted receipt of an overseas death certificate under **section 44(3)**):~~
- (c) that the Registrar-General has received a certificate or information relating to the death of the person outside New Zealand (if the Registrar-General has recorded the receipt of a certificate or information in relation to the death under **section 44**). 5
- (2A) If a clerical error in the information recorded in the registry in respect of a person has been corrected under **section 134(a)**, a certificate issued in respect of the person after the correction is made must— 10
- (a) contain the information that the certificate would contain if the error had never been made; and
- (b) not contain any information that indicates that a correction has been made.
- (3) **Subsection (1)** This section is subject to **sections 83 and 84**. 15  
Compare: 1995 No 16 ss 66(1), 67
- 82 Request for adopted person’s birth certificate must specify most recent names**
- A request made under **section 78** for an adopted person’s birth certificate must be made by reference to— 20
- (a) the name most recently registered for the adopted person under **section 25** or **26** (other than a name or names derived from an adoption that has been discharged); or
- (b) a name or names later registered for the adopted person under **section 62**. 25
- Compare: 1995 No 16 s 63(1)
- 83 Contents of adopted person’s birth certificate**
- (1) The Registrar-General may issue an adopted person’s birth certificate only to a person who requests the certificate in accordance with **section 82**.
- (2) The Registrar-General may issue an adopted person’s original birth certificate only if section 11(4)(a) of the Adult Adoption Information Act 1985 applies (which relates to access to an original birth certificate by a social worker). 30
- (3) A birth certificate issued to a person who requested the certificate in accordance with **section 82** must—
- (a) contain the information that the certificate would contain if— 35
- (i) the adoptive parents were the adopted person’s biological parents; and

- (ii) the name or combination of names first registered for the adopted person after the adoption had been the adopted person's registered name or names since birth; and
- (b) include (or, as the case may be, not include) an indication that the adoptive parents are adoptive parents, in accordance with the most recently registered of the following: 5
- (i) the wishes of the adoptive parents referred to in **section 24(d)**;
- (ii) an indication requested by the adopted person or the adoptive parents in an application under **section 27**.
- (4) The certificate must not contain any other information (other than any indication required by **section 81(2)(b) or (c)**). 10
- (5) In this section, **adoptive parents** means the adoptive parents who most recently adopted the adopted person (other than under an adoption order that has been discharged).
- (6) This section is subject to the Adult Adoption Information Act 1985. 15  
Compare: 1995 No 16 s 63(2)
- 84 Contents of birth certificate after ~~sexual assignment or reassignment change to registered sex~~**
- (1) This section applies to a birth certificate in respect of a person ~~whose nominated sex has been registered under **section 71**.~~ 20
- (a) ~~whose nominated sex has been registered under **section 22D**; or~~
- (b) ~~whose sex information has been corrected under **section 134**.~~
- (2) The birth certificate must contain the information that it would contain if the person had always been of ~~the nominated sex.~~ 25
- (a) ~~the nominated sex most recently registered under **section 22D**; or~~
- (b) ~~if the nominated sex referred to in **paragraph (a)** has been deleted under **section 22E or 22F**, the person's sex recorded at birth; or~~
- (c) ~~if the person's sex has been corrected under **section 134** since the most recent registration or deletion of sex information, the sex as corrected.~~
- (3) However, — 30
- (a) ~~if the person's name has changed since registration of the person's nominated sex, the name first registered for the person after registration of the person's nominated sex or names changed together with, or after, the most recent registration, correction, or deletion of sex information in respect of the person, the name first registered for the person together with, or after, the most recent registration, correction, or deletion of sex information in respect of the person must appear on the certificate as if it had been the person's name since birth:~~ 35

- (b) ~~if a name that accords with the person's nominated sex~~ sex required to be contained in the person's birth certificate under **subsection (2)** was registered for the person under **subpart 6 of Part 2** before the most recent registration, deletion, or correction of the person's ~~nominated sex information~~, the person may nominate a name (including any name, or part of a name, that is already registered) to appear on all future birth certificates in respect of the person. 5
- (4) The certificate must not contain any information that may indicate that ~~a nominated sex has been registered under **section 71**~~—
- (a) a nominated sex has been registered in respect of the person under **section 22D**; or 10
- (b) information relating to sex has been corrected under **section 134**; or
- (c) information relating to sex has been deleted under **section 22E or 22F**.
- Compare: 1995 No 16 ss 64, 66(2)

*Other certificates*

15

**85 Contents of death certificate**

A death certificate in respect of a person must contain all of the ~~person's death information; that—~~

- (a) is recorded in the registry in relation to the person; and
- (b) is required by regulations to be contained in a death certificate. 20

Compare: 1995 No 16 s 69

**86 Contents of marriage or civil union certificate**

- (1) ~~A marriage or civil union certificate in respect of a marriage or civil union must contain all of the marriage or civil union information relating to that marriage or civil union.~~ 25
- (1) A marriage certificate in respect of a marriage must contain all of the information—
- (a) that is recorded in the registry in relation to the marriage; and
- (b) that is required by regulations to be contained in a marriage certificate.
- (2) A civil union certificate in respect of a civil union must contain all of the information— 30
- (a) that is recorded in the registry in relation to the civil union; and
- (b) that is required by regulations to be contained in a civil union certificate.
- (3) If the Registrar-General has recorded the receipt of a certificate or information relating to a divorce or dissolution of the marriage or civil union outside New Zealand under **section 56**, the Registrar-General must also indicate on the 35

marriage certificate or civil union certificate that the Registrar-General has received a certificate or information relating to the divorce or dissolution.

Compare: 1995 No 16 ss 70, 70A

### 87 Contents of name-change certificate

- (1) A name-change certificate in respect of a person must contain the ~~person's name-change~~ information:— 5
- (a) that is recorded in the registry in relation to the person; and
- (b) that is required by regulations to be contained in a name-change certificate.
- (2) A name-change certificate may be issued in respect of a person only if the person's birth is not registered under this Act. 10
- Compare: 1995 No 16 s 70B

## Part 4 Searches and disclosure of information

### 88 Definitions used in this Part 15

In this Part,—

**provide access to information** ~~means~~ includes—

- (a) to permit a person to inspect a document containing any or all of the information; or
- (b) to provide a person with a printout or copy of a document containing any or all of the information; or 20
- (c) to provide a person with a ~~print out~~ printout of the information

**public sector agency** has the meaning set out in section 2 of the Privacy Act 1993.

#### Subpart 1—Public access to information 25

### 89 Definitions used in this subpart

In this subpart,—

**access register** means the access register required to be kept under **section 100**

**approved information sharing agreement** and **information sharing agreement** have the meanings given to them by section 96C of the Privacy Act 1993 30

**Chief Archivist** means the person holding that office under the Public Records Act 2005

**historical information** means information relating to—

- (a) the birth (excluding a stillbirth) of— 35

- (i) a deceased person who died 50 years ago or more or who was born 80 years ago or more; or
  - (ii) a living person who was born 100 years ago or more:
  - (b) a stillbirth that occurred 50 years ago or more:
  - (c) a marriage or civil union that occurred 75 years ago or more: 5
  - (d) an intended marriage for which a notice of intention to marry was ~~registered more than recorded~~ 75 years ago or more:
  - (e) a name change for a person whose birth is registered outside New Zealand and who was born 100 years ago or more:
  - (f) the death of a person who— 10
    - (i) died 50 years ago or more; or
    - (ii) was born 80 years ago or more
- ~~**non-disclosure direction** means a direction by the Registrar-General under section 105 that is in force~~
- personal representative**, in relation to a person, means,— 15
- (a) if the person is less than 18 years old and has not married or entered into a civil union or de facto relationship, a ~~parent or~~ guardian of the person:
  - (b) if the person is 18 years old or ~~more older~~ or has married or entered into a civil union or de facto relationship, a person acting on behalf of the person under a power of attorney or other written authority: 20
  - (c) if the person has died, the executor, administrator, or trustee of the deceased person's estate
- ~~**pre-1998 register** means a register maintained in documentary form and created before 1 January 1998 (and includes an index to a register)—~~
- (a) means a register maintained in documentary form and created before 1 January 1998 that— 25
    - (i) contains information recorded in the registry; and
    - (ii) is accessible by the Registrar-General; and
    - (iii) is under the control of—
      - (A) the Registrar-General; or 30
      - (B) a person (other than the Registrar-General) who has the function of managing, on behalf of the Registrar-General, information in the registry; or
      - (C) the Chief Archivist; and
  - (b) includes— 35
    - (i) a register of notices of intention to marry; and
    - (ii) an index to a register

~~restricted information~~ has the meaning set out in ~~section 108~~

~~source document~~ means a document that—

- (a) ~~information recorded in the registry; and~~
- (b) ~~is accessible by the Registrar-General; and~~
- (c) ~~is under the control of—~~ 5
  - (i) ~~the Registrar-General; or~~
  - (ii) ~~a person (other than the Registrar-General) who has the function of managing, on behalf of the Registrar-General, information in the registry; or~~
  - (iii) ~~the Chief Archivist.~~ 10

source document—

- (a) means a document—
  - (i) from which information recorded in the registry is sourced; and
  - (ii) that is accessible by the Registrar-General; and
  - (iii) that is under the control of— 15
    - (A) the Registrar-General; or
    - (B) a person (other than the Registrar-General) who has the function of managing, on behalf of the Registrar-General, information in the registry; or
    - (C) the Chief Archivist; and 20
- (b) includes a pre-1998 register.

Compare: 1995 No 16 ss 2, 73, 78G

### *Eligibility to access information*

#### **90 Person must confirm identity to access information under this subpart**

- (1) Only a person who confirms the person's identity in accordance with ~~regulations~~ **subsection (2)** may— 25
  - (a) search information made available by the Registrar-General under **sections 91 and-or 92**; or
  - (b) request access to information and source documents under **section 93**.
- (2) The person must— 30
  - (a) satisfy any evidence of identity requirements prescribed by regulations; and
  - (b) in respect of a request under **section 93**, provide any means of identification that the Registrar-General reasonably requires to confirm the identity of the person making the request. 35



*General searches*

- 91 Registrar-General may make certain limited information available to search online**
- (1) The Registrar-General may make the following information available to search on an Internet site maintained by, or on behalf of, the Registrar-General: 5
- (a) in respect of a birth (including a stillbirth), the year the birth was registered and the name of the person born: 5
  - (b) in respect of a marriage or civil union, the year the marriage or civil union was registered and the name of the parties to the marriage or civil union: 10
  - (c) in respect of a death, the year the death was registered and the name at death of the person who died.
- (2) The Registrar-General may also make available, in respect of a birth, marriage, ~~civil union~~, or death recorded in a pre-1998 register, the folio number for the information. 15
- (3) Information that is subject to a non-disclosure direction under **section 105** may not be made available under this section.
- 92 Registrar-General may make historical information available online**
- The Registrar-General may make any or all of the following historical information (in addition to the limited information available under **section 91**) available to search on an Internet site maintained by, or on behalf of, the Registrar-General: 20
- (a) in respect of a birth (excluding a stillbirth),—
    - (i) the name, all registered name changes, and sex of the person born: 25
    - (ii) the date of the birth: 25
    - (iii) the place of the birth or the place where it was registered, or both:
    - (iv) the name or names of the parent or parents:
    - (v) the registration number:
  - (b) in respect of a stillbirth,—
    - (i) the name and sex of the person who was stillborn: 30
    - (ii) the date of the stillbirth:
    - (iii) the place of the stillbirth or the place where it was registered, or both:
    - (iv) the name or names of the parent or parents:
    - (v) the registration number: 35
  - (c) in respect of a marriage or civil union,—
    - (i) the names of the people who married or entered into a civil union:

- (ii) the date of the marriage or civil union:
- (iii) the place of the marriage or civil union or the place where it was registered, or both:
- (iv) the registration number:
- (d) in respect of an intended marriage (whether or not it was solemnised),— 5
  - (i) the names of the people who intended to marry:
  - (ii) the date the notice of intention was registered:
  - (iii) the intended place of the marriage:
- (e) in respect of a name change,— 10
  - (i) the person’s full name before the first registered name change: 10
  - (ii) in relation to each time the person has registered a name change, the person’s new full name:
  - (iii) the date of birth of the person:
  - (iv) the place of birth of the person:
  - (v) the registration number: 15
- (f) in respect of a death,—
  - (i) the name at birth, name at death, and sex of the person who died:
  - (ii) the date of the death:
  - (iii) the place where the person died or the place where the death was registered, or both: 20
  - (iv) the date of birth of the person who died or the age of the person ~~on~~at death, or both:
  - (v) the registration number.
- (2) ~~The Registrar-General (or other person who has control over a source document) may, at the Registrar-General’s discretion, make a source document containing historical information available for inspection by the public for a prescribed fee (if any).~~ 25

Compare: 1995 No 16 s 78H

*Named person searches*

- 93 Any person may request access to information in relation to named person 30**
- (1) A person whose identity is confirmed under **section 90** may request the Registrar-General to—
    - (a) search for information relating to a named person’s birth, death, marriage (or intended marriage), civil union, or name change; or
    - (b) provide a printout or certificate of the information; or 35

- (c) permit the inspection of, or provide a copy of, a source document relating to ~~the registration of~~ a named person's birth, death, marriage (or intended marriage), civil union, or name change; or
- (d) provide electronic access to a page of a pre-1998 register that contains historical information in respect of a named person. 5
- (2) The request must—
- (a) specify the named person to whom the information or document relates; and
- (b) be made in accordance with any directions issued by the Registrar-General; and 10
- (c) be accompanied by the prescribed fee.
- (i) ~~the prescribed fee; and~~
- (ii) ~~any means of identification that are reasonably necessary to enable the identity of the person making the request and, if applicable, the person on whose behalf the request is made, to be readily ascertained.~~ 15
- (3) A person making a request on behalf of another person must—
- (a) identify the person on whose behalf the request is made; and
- (b) specify whether the person making the request is making the request in their capacity as the personal representative of the person on whose behalf the request is made; and 20
- (c) provide any means of identification that the Registrar-General reasonably requires to confirm the identity of the person on whose behalf the request is made.
- Compare: 1995 No 16 s 74 25
- 94 Registrar-General may provide access to information or document unless restriction applies**
- (1) The Registrar-General may, if satisfied that the requirements of this subpart are met, provide access to the information or document requested under **section 93**. 30
- (2) This section is subject to—
- (a) **section 95** (which restricts who may access source documents); and
- (b) **sections 104 to 113** (which provide for other restrictions on access to information under this subpart).
- 95 Only certain persons may access source documents** 35
- (1) Only the following persons may inspect or obtain a copy of a source document:
- (a) the individual who is the subject of the information contained in a source document (or the individual's personal representative):

- (b) a person who requires access for—
- (i) the maintenance of the accuracy of information recorded in the registry; or
  - (ii) a purpose consistent with the purpose of recording information under this Act that cannot be met by obtaining a certificate or printout. 5
- (2) However, a person described in **subsection (1)(a)** may not inspect or obtain a copy of a pre-1998 register under ~~this section~~ **section 94** (*but see sections 92(2) and section 96*).
- (3) Despite **subsections (1) and (2)**, the Registrar-General (or other person who has control over notices of intention to marry) may make a notice of intention to marry containing historical information available for inspection by the public for a prescribed fee (if any). 10
- Compare: 1995 No 16 s 75
- 96 Page of pre-1998 register accessed electronically may contain additional information** 15
- (1) The Registrar-General may provide electronic access to a page of a pre-1998 register requested under **section 93** only if the page contains historical information relating to the birth, death, marriage (or intended marriage), civil union, or name change of the named person specified in the request. 20
  - (2) The page may also contain other information relating to that person or another person, including either or both of the following:
    - (a) restricted information; ~~or~~
    - (b) a notation that is deemed to be deleted or expunged under **section 113**.
- Special purpose searches* 25
- 97 Non-disclosure direction does not apply to searches for certain authorised purposes**
- ~~**Section 105** (which relates to non-disclosure directions) does not apply to~~ The Registrar-General may comply with a request for access to information under **section 93** by any of the following persons even if the information is subject to a non-disclosure direction: 30
- (a) a person who requires the information for use in proceedings in a court or tribunal;
  - (b) an adopted person who is searching for information about the adopted person's birth family: 35
  - (c) an executor, an administrator, or a trustee of an estate or a trust who requires the information for the administration of the estate or trust:

- (d) a person who satisfies the Registrar-General that access to the information or a source document is required for the maintenance of the accuracy of the information:
- (e) a person who satisfies the Registrar-General that access to a source document is required for a purpose consistent with the purpose of recording information under ~~the~~this Act that cannot be met by obtaining a certificate or printout.

Compare: 1995 No 16 s 75F(1)

**98 Non-disclosure direction and access register requirements do not apply to certain searches by public sector agencies** 10

- (1) This section applies to a request for access to information under **section 93** ~~by any of the following persons:—~~
  - (a) a public sector agency ~~that requires the information, if access to the information by the public sector agency is necessary~~ to avoid prejudice to the maintenance of the law (including ~~for the~~ prevention, detection, investigation, prosecution, and punishment of offences); ~~or~~ 15
  - (b) a public sector agency ~~to whom, if disclosure of the information to the public sector agency is contemplated or authorised by any other enactment; or~~ 15
  - (c) an intelligence and security agency, if it requires the information for the performance of its functions; ~~or~~ 20
  - (d) the New Zealand Police so they can notify, for the purpose of notifying next of kin in the case of a person's death.
- (2) The following sections do not apply to a request to which this section applies:
  - (a) ~~**section 105** (which relates to non-disclosure directions);~~ 25
  - (b) ~~**section 100** (which requires the Registrar-General to record access to information under this subpart).~~
- (2) If this section applies, the Registrar-General—
  - (a) is not required to record the request in the access register under **section 100(2)**; and 30
  - (b) may comply with the request even if the information is subject to a non-disclosure direction.

Compare: 1995 No 16 s 75F(2)

*Searches in public interest or named person's interest*

**99 Certain public sector agencies may request searches in public interest or named person's interest** 35

- (1) A department or an organisation may request the Registrar-General to search for, or provide, information in the registry for a purpose—

- (a) in the public interest; or
- (b) in a named person's interest.
- (2) The request must—
- (a) specify the reasons for the request (including why it is necessary or desirable in the public interest or a named person's interest); and 5
- (b) in the case of a search in a named person's interest, name the person in whose interest the search is requested; and
- (c) be made in accordance with any directions issued by the Registrar-General.
- (3) The Registrar-General may authorise a search for, or provide access to, the information requested only if the department or organisation satisfies the Registrar-General that searching for, or providing access to, the information— 10
- (a) is required for a purpose consistent with ~~the~~ this Act's purposes; and
- (b) is necessary or desirable in— 15
- (i) the public interest; or
- (ii) the interest of the person named under **subsection (2)(b)**.
- (4) ~~**Section 105** (which relates to non-disclosure directions) does not apply to a request under this section.~~
- (4) The Registrar-General may provide access to information under **subsection (3)** even if the information is subject to a non-disclosure direction. 20
- (5) In this section,—
- department** means a government department named in Part 1 of Schedule 1 of the Ombudsmen Act 1975
- organisation** means—
- (a) an organisation named in Part 2 of Schedule 1 of the Ombudsmen Act 1975; or 25
- (b) an organisation named in Schedule 1 of the Official Information Act 1982.

*Access register*

- 100 Registrar-General must keep access register** 30
- (1) The Registrar-General must ensure that an access register is kept for the purposes of this Act.
- (2) The access register must—
- (a) record, as a separate entry, every request under **section 93(1)(b) or (c) or 99(1)** for access to information or source documents relating to the registration of a person's birth, marriage (or intended marriage), civil union, name change, or death; and 35

- (b) set out the following information under each entry:
  - (i) the name of the person who made the request and, if applicable, the person on whose behalf the request was made; and
  - (ia) any information provided under **section 93(3)(a) or (b)** by the person who made the request; and 5
  - (ii) the date on which the request was made; and
  - (iii) whether the Registrar-General complied with the request.
- (3) ~~**Subsection (2)(a)** does not apply to requests to which **section 98** (which relates to searches by certain public sector agencies for certain authorised purposes) applies.~~ 10
- (3) **Subsection (2)(a)** does not apply to—
  - (a) a request to which **section 98** (which relates to searches by certain public sector agencies for certain authorised purposes) applies; or
  - (b) a request for access to historical information or a source document containing historical information. 15

Compare: 1995 No 16 s 75D

#### 101 Individual or individual's representative may request copy of access register

- (1) The following persons may request the Registrar-General to provide a copy of all entries made in the access register in relation to information in the registry about an individual's birth, death, marriage (or intended marriage), civil union, or name change: 20
  - (a) the individual who is the subject of the information:
  - (b) the individual's personal representative.
- (2) The request must— 25
  - (a) be made in accordance with any directions issued by the Registrar-General; and
  - (b) be accompanied by—
    - (i) the prescribed fee (if any); and
    - (ii) any means of identification that ~~is reasonably necessary to enable~~ the Registrar-General reasonably requires to confirm the identity of the person making the request ~~to be readily ascertained.~~ 30
- (3) An individual's personal representative who makes an application on behalf ~~on~~ of the individual under **subsection (1)(b)** must have the written authority of, or be otherwise properly authorised by, the individual to make the request. 35

Compare: 1995 No 16 s 75A(1), (2)(a), (3), (4)

**102 Public sector agency may request copy of access register for maintenance of law**

A public sector agency may request the Registrar-General to provide a copy of all entries made in the access register in relation to any person if it is necessary to avoid prejudice to the maintenance of the law (including for the prevention, detection, investigation, prosecution, and punishment of offences). 5

Compare: 1995 No 16 s 75E

**103 Registrar-General may comply with request if requirements met**

- (1) The Registrar-General may provide a copy of entries in an access register to a person only if satisfied that the requirements of **section 101 or 102** are met. 10
- (2) The Registrar-General must adopt appropriate procedures to ensure that **section 101(3)** is complied with.
- (3) The Registrar-General must comply with a request by a public sector agency in accordance with **section 102** as soon as practicable after the request is made.

Compare: 1995 No 16 ss 75A(5), 75E(2)

15

*Non-disclosure directions***104 Subject of information may request non-disclosure direction**

- (1) An individual, or an individual's personal representative, may request the Registrar-General to direct that information in the individual's birth record, marriage record, civil union record, or name-change record not be disclosed to the public. 20
- (2) The request must be—
  - (a) made—
    - (i) on 1 or more prescribed grounds; and
    - (ii) in accordance with any directions issued by the Registrar-General; 25
  - (b) accompanied by—
    - (i) the prescribed fee (if any); and
    - (ii) any means of identification that ~~is reasonably necessary to enable~~ the Registrar-General reasonably requires to confirm the identity of the person making the request ~~to be readily ascertained~~. 30

Compare: 1995 No 16 s 75A(1), (2)(b), (3), (4)

**105 Effect of non-disclosure direction**

- (1) The Registrar-General must, if satisfied that the requirements of **section 104** are met, ~~direct that the requested information not be disclosed to the public under this subpart.~~ 35



- (a) direct that the requested information not be disclosed to a person under **section 91 or 94**; and
- (b) record the non-disclosure direction in the registry.
- (2) The Registrar-General may comply with a request under **section 93** to access an individual's information that is subject to a non-disclosure direction only if— 5
- (a) the request is made—
- (i) by the individual who is the subject of that information; or
- (ii) by that individual's personal representative; or
- (iii) by a person described in **section 97 or 98**; or 10
- (b) the information that is subject to the non-disclosure direction is withheld from the information provided or made available.
- (3) The Registrar-General must withhold any information that is subject to a non-disclosure direction from information provided or made available to any other person under **section 91 or 94**. 15
- (4) The Registrar-General must inform a person who makes a request for information that is withheld under this section ~~that—~~
- (a) that the information exists; but
- (b) that the information cannot be disclosed because of a non-disclosure direction ~~that is in force~~. 20
- (5) ~~This section is subject to **sections 97 to 99** (which permit the Registrar-General to provide access to information that is subject to a non-disclosure direction for certain purposes):~~
- Compare: 1995 No 16 s 75B(1), (2), (6)
- 106 Duration of non-disclosure direction** 25
- (1) A non-disclosure direction is in force from the date on which the Registrar-General gives the direction and continues in force until the earlier of—
- (a) the expiry of the prescribed period; and
- (b) the date on which the Registrar-General directs that the direction be withdrawn ~~in accordance with a request under **subsection (2)**—~~ 30
- (i) in accordance with a request under **subsection (2)**; or
- (ii) in accordance with **subsection (2A)**.
- (2) An individual who is the subject of the information to which a non-disclosure direction relates or the individual's personal representative may, at any time, request the Registrar-General— 35
- (a) to withdraw the direction; or

- (b) on 1 or more prescribed grounds, to reinstate the direction after it has been withdrawn or after the prescribed period referred to in **subsection (1)(a)** has expired.
- (2A) The Registrar-General must withdraw a non-disclosure direction if—
- (a) the person who requested the direction is convicted of an offence under **section 141(ca)**; or 5
- (b) the Registrar-General, after making any inquiries that the Registrar-General considers reasonably necessary for the purpose of this Act, is satisfied that the request was not made on any grounds referred to in **section 104(2)(a)(i)**. 10
- (3) **Section 104(2)** applies with any necessary modifications to a request under **subsection (2)**.
- Compare: 1995 No 16 s 75B(3)–(5)
- 107 Registrar-General may provide limited verification of certain information that becomes publicly available while non-disclosure direction in force subject to non-disclosure direction** 15
- (1) This section applies if a person who is the subject of information that is subject to a non-disclosure direction ~~makes any part of that information, or any information corresponding to that part of the information, publicly available. publicly available—~~ 20
- (a) any part of the information that is subject to the non-disclosure direction; or
- (b) any information corresponding to any part of the information that is subject to the non-disclosure direction.
- (2) Any person may request the Registrar-General to verify whether the information that has become publicly available matches, or is consistent with, the information that is subject to a non-disclosure direction. 25
- (3) The request must be—
- (a) made in accordance with any directions issued by the Registrar-General; and 30
- (b) accompanied by—
- (i) a copy of the information that has become publicly available or any other details that are sufficient, in the Registrar’s opinion, to confirm that the information is publicly available; and
- (ii) the prescribed fee (if any); and 35
- (iii) any means of identification that ~~is reasonably necessary to enable the Registrar-General reasonably requires to confirm~~ the identity of the person making the request (and if applicable, the identity of

the person on whose behalf the request is made) ~~to be readily ascertained.~~

Compare: 1995 no 16 s 75C

*Restricted information*

<b>108</b>	<b>Definitions used in sections 109 to 112</b>	<b>5</b>
	In <b>sections 109 to 112</b> ,—	
	<b>restricted adoption information</b> means, in respect of an adopted person, information registered under <b>section 25, 26, or 28</b>	
	<b>restricted correction information</b> means—	
	(a) information in a person’s birth record that relates to the person’s sex and that has been deleted or replaced under <b>section 134</b> ; and	10
	(b) information relating to the correction under <b>section 134</b> of information in a person’s birth record relating to the person’s sex	
	<b>restricted identity information</b> means any information <del>that—</del>	
	(a) <u>is</u> in the birth record, death record, marriage or civil union record, or name change record of a person who has had a new identity created under <b>section 77</b> ; and	15
	(b) <del>any information relating</del> <u>relates</u> to the acquisition of new identity information by the person	
	<b>restricted information</b> means—	20
	(a) restricted correction information; and	
	(b) restricted name-change information; and	
	(c) <del>restricted sexual assignment or reassignment</del> <u>sex</u> information; and	
	(d) restricted identity information	
	<b>restricted name-change information</b> means,—	25
	(a) in respect of a person whose sex information has been corrected under <b>section 134</b> , information that—	
	(i) specifies the name recorded in the person’s birth record before the information relating to the person’s sex was corrected (if a name change was registered in respect of the person after the correction of the person’s sex information); <del>and</del> <u>or</u>	30
	(ii) otherwise relates to the registration of the first name change for the person after the correction of the person’s sex information:	
	(b) in respect of a person whose nominated sex has been registered under <del>section 71</del> <b>section 22D</b> , information that—	35
	(i) specifies the name or names that were registered for the person before registration of the person’s nominated sex (if a name	

- change was registered after the person's nominated sex was registered); or
- (ii) otherwise relates to the registration of the first name change for the person after the person's nominated sex was registered;
- (c) in respect of a person whose nominated sex has been deleted under **section 22E or 22F**, information that— 5
- (i) specifies the name or names that were registered for the person before the person's nominated sex was deleted (if a name change was registered after the person's nominated sex was deleted); or
- (ii) otherwise relates to the registration of the first name change for the person after the person's nominated sex was deleted 10
- restricted sexual assignment or reassignment sex information** means information in respect of a person whose nominated sex has been registered under ~~section 71~~ **section 22D** that—
- (a) indicates that— 15
- (i) ~~the person is or was of indeterminate sex; or~~
- (ii) the person's birth record at one time did not include any information relating to the person's sex; or
- (iii) the person is or was of a sex other than the ~~nominated sex~~ person's registered sex; or 20
- (b) otherwise relates to the registration of the person's nominated sex or the deletion of the person's nominated sex under **section 22E or 22F**.

Compare: 1995 No 16 ss 76(1), 77(2)–(4)

### **109 Access to restricted adoption information**

- The Registrar-General may provide a person with access to restricted adoption information only— 25
- (a) if satisfied that the person is—
- (i) an executor, an administrator, or a trustee of an estate or a trust who wishes to access the information for a purpose ~~connected to administering in connection with the administration of the estate~~ 30
- (ii) a celebrant who wishes to access the information for the purpose of investigating forbidden degrees of relationship under the Marriage Act 1955 or Civil Union Act 2004; or
- (b) if satisfied that section 11(4)(a) of the Adult Adoption Information Act 1985 authorises access to the information (but in that case the Registrar-General may permit access only to the extent authorised by that section); or 35
- (c) if satisfied that all of the following persons are dead:

- (i) the adopted person who is the subject of the information; and
  - (ii) the adoptive parent or parents of the adopted person; and
  - (iii) the biological parent or parents of the adopted person (if information in respect of the biological parents is registered in the adopted person's birth record); or 5
  - (d) if satisfied that 120 years has passed since the birth of the adopted person; or
  - (e) in accordance with **section 112 or 116**.
- (2) ~~No other person may provide access to restricted adoption information.~~  
Compare: 1995 No 16 s 76 10
- 110 Access to restricted information relating to a change or correction of registered sex**
- (1) The Registrar-General may provide access to restricted correction information, restricted name-change information, or restricted sex information only in accordance with this section or section 112 or 116. 15
  - (2) The Registrar-General may provide access to restricted name-change information in respect of a person whose registered sex has been corrected under **section 134** only if satisfied that—
    - (a) the person requesting the information is the subject of the information; or 20
    - (b) 120 years has passed since the birth of the person who is the subject of the information.
  - (3) The Registrar-General may provide access to restricted ~~sexual assignment or reassignment sex~~ sex information or restricted name-change information in respect of a person whose nominated sex has been registered under ~~section 71 section 22D~~ to a person only if satisfied that—
    - (a) the person is the subject of the information; or
    - (b) the person is an executor, an administrator, or a trustee of an estate or a trust who wishes to access ~~to the information for a purpose connected to administering in connection with~~ the estate or trust (and the information is material to that purpose); or 30
    - (c) 120 years has passed since the birth of the person who is the subject of the information.
  - (4) However, the Registrar-General may notify a government agency that has an interest in ensuring that people do not have more than 1 identity of— 35
    - (a) the fact that a correction or change to a person's birth information relating to sex has been registered; and
    - (b) the person's names at the time of the correction or change; and
    - (c) any new names later adopted by the person.

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

Part 4 cl 111

- (5) ~~No other person may provide access to restricted correction information, restricted name change information, or restricted sexual assignment or reassignment information.~~  
Compare: 1995 No 16 s 77
- 111 Access to restricted identity information** 5
- (1) The Registrar-General may provide access to restricted identity information only—
- (a) if satisfied that the person requesting access is the subject of the information; or
  - (b) if satisfied that the person who is the subject of the information— 10
    - (i) has given the Registrar-General written consent to provide access to the person requesting the information; or
    - (ii) is dead; or
    - (iii) was born more than 120 years ago; or
  - (c) in accordance with **subsection (4) or section 112 or 116.** 15
- (2) The Registrar-General must, as soon as practicable after a person requests access to information in the registry in respect of a person for whom a new identity has been created,—
- (a) notify the person who has the new identity that the information has been requested (if the Registrar-General has the person's latest contact details); and 20
  - (b) notify—
    - (i) the Commissioner of Police (if the new identity was created as a result of a request by the Minister of Police); or
    - (ii) the Director-General of an intelligence and security agency (if the new identity was created as a result of a request by the Director-General of an intelligence and security agency). 25
- (3) The Registrar-General may also inform the person who has the new identity and the Commissioner of Police or the Director-General of an intelligence and security agency (whichever is notified under **subsection (2)**) of the following information: 30
- (a) the date and time of the request:
  - (b) the name, address, and contact details (if known) of the person who made the request:
  - (c) the information requested: 35
  - (d) the information (if any) provided to the person as a result of the request.
- (4) ~~However, the~~ The Registrar-General may—

- (a) notify a government agency that has an interest in ensuring that people do not have more than 1 identity that a new identity has been created for the person under **section 77**; and
- (b) provide details about the person (such as the person’s date of birth, former name, and new name) to that agency ~~with the written approval of—~~ 5
- (i) ~~the Commissioner of Police (if the new identity was created as a result of a request by the Minister of Police); or~~
- (ii) ~~the Director-General of an intelligence and security agency (if the new identity was created as a result of a request by the Director-General of an intelligence and security agency).~~ 10
- (5) However, the Registrar-General may do so only with the written approval of—
- (i) the Commissioner of Police (if the new identity was created as a result of a request by the Minister of Police); or
- (ii) the Director-General of an intelligence and security agency (if the new identity was created as a result of a request by the Director-General of an intelligence and security agency). 15
- (5) No other person may provide access to restricted identity information.  
Compare: 1995 No 16 s 78
- 112 Registrar-General may provide access to restricted information on court order** 20
- The Registrar-General may provide access to restricted information on the order of the Family Court, the District Court, or the High Court—
- (a) for the purposes of a prosecution for making a false statement; or
- (b) in the event of any question as to the validity of—
- (i) any interim order or adoption order (if the order relates to adoption information); or 25
- (ii) a marriage or civil union (if the order relates to new identity information); or
- (iii) any information recorded under ~~section 74~~ **section 22D** (if the order relates to restricted correction information, restricted name-change information, or restricted ~~sexual assignment or reassignment~~ sex information); or 30
- (c) on any other special ground.  
Compare: 1995 No 16 ss 76(4), 77(8)
- 113 Any reference to “illegitimate” deemed to be deleted** 35
- (1) All entries in any register made ~~pursuant to~~ under section 25 of the Births and Deaths Registration Act 1924 or the corresponding provision of a former Act are deemed to be expunged and deleted.

- (2) The Registrar-General must ensure that any reference to the word “illegitimate” (or any equivalent expression) is deleted from any information or print-out provided or made available under **section 94 or 99(3)**.
- (3) This section is subject to **section 96** (which permits electronic access to pre-1998 registers containing original historical information). 5
- Compare: 1995 No 16 s 86

## Subpart 2—Disclosure and sharing of information

### *Disclosure to public sector agencies*

- 114 Registrar-General may disclose information in accordance with Schedule 2** 10
- (1) The purpose of this section is to authorise the disclosure of the following information to certain specified agencies for certain purposes:
- (a) birth information, death information (including information recorded under **section 44**), marriage information and civil union information (including information recorded under **section 56**), and name-change information: 15
- (b) information received from an overseas registration authority under **section 117**.
- ~~(a) birth information, death information, marriage or civil union information, or name-change information; and~~ 20
- ~~(b) information in a statement issued by the Registrar-General under **section 44 or 56** (in relation to overseas death certificates and overseas divorce or dissolution certificates).~~
- (2) The Registrar-General and the chief executive of a specified agency listed in the first column of **Schedule 2** may enter into an agreement for the disclosure by the Registrar-General to the chief executive of any information described in the second column of that schedule in relation to the specified agency only for the purpose described in the third column of that schedule in relation to the information. 25
- (3) An agreement entered into under **subsection (2)** may be varied by the Registrar-General and the chief executive. 30
- (4) The Registrar-General may disclose birth information, death information, marriage ~~or information~~, civil union information, and name-change information to the chief executive under this section only in accordance with **Schedule 2** and an agreement entered into under **subsection (2)**. 35
- (5) In this section, **specified agency** has the meaning set out in section 97 of the Privacy Act 1993.
- (6) In this section, a reference to the **chief executive of a specified agency** means, in the case of the Government Superannuation Fund Authority or the National



Provident Fund, a reference to the ~~Board~~board of the Government Superannuation Fund Authority or, as the context requires, the Board of Trustees of the National Provident Fund.

Compare: 1995 No 16 s 78A

**115 Registrar-General may disclose information under information sharing agreement** 5

(1) The Registrar-General may share the following personal information about an identifiable individual under an approved information sharing agreement:

(a) personal information recorded in the registry (other than restricted information): 10

(b) personal information received from an overseas registration authority under **section 117**.

~~(a) birth information, death information, marriage or civil union information, or name change information:~~

~~(b) information in a statement issued by the Registrar-General under **section 44 or 56** (in relation to overseas death certificates and overseas divorce or dissolution certificates).~~ 15

(2) This section and **section 114** do not limit each other, and **section 114** does not prevent the Registrar-General from entering into an information sharing agreement with any agency to share information of the kind specified in **subsection (1)**. 20

~~(3) In this section, **approved information sharing agreement** and **information sharing agreement** have the meanings given to them by section 96C of the Privacy Act 1993.~~

Compare: 1995 No 16 s 78AA 25

**116 Registrar-General may disclose information for law enforcement purposes**

(1) This section applies if a specified agency has reason to suspect that a particular individual—

(a) is, or is liable to be, detained under an enactment:

(b) is, or is liable to be, arrested under a warrant issued by a court or any Registrar: 30

(c) is contravening, or is about to contravene, an enactment or a court order:

(d) is liable to be prosecuted for an offence punishable by imprisonment:

(e) is, or is liable to be, detained or arrested in respect of a traffic offence:

(f) is endangering, or is threatening to endanger, the life, health, or safety of a person or group of persons: 35

(g) is injured or dead.

- (2) If this section applies, the Registrar-General may, despite the existence or absence of an approved information sharing agreement, share the following personal information about the particular individual with the specified agency:
- (a) personal information recorded in the registry (including restricted information): 5
  - (b) personal information received from an overseas registration authority under **section 117**.
- (3) This section does not limit **section 114 or 115**.
- (4) For the purposes of this section, **specified agency** means any of the following:
- (a) the Department of Corrections: 10
  - (b) the Department of Internal Affairs:
  - (c) the part of the Ministry of Business, Innovation, and Employment that administers the Immigration Act 2009:
  - (d) the Ministry of Justice:
  - (e) the Ministry of Transport: 15
  - (f) the New Zealand Customs Service:
  - (g) the New Zealand Police:
  - (h) the New Zealand Transport Agency.
- Compare: 1995 No 16 s 78AB
- 116 Information matching to trace unregistered births** 20
- (1) ~~The purpose of this section is to authorise the Registrar-General to obtain information from the department for the time being responsible for the administration of the Social Security Act 1964 (the **department**) in order to assist in locating and contacting the mothers of children whose births are unregistered so that their births may be registered.~~ 25
- (2) ~~The Registrar-General may request the department to supply the postal address and residential address (if different from the postal address) of a person—~~
- (a) ~~in respect of whom that information is held for the purposes of the Social Security Act 1964; and~~
  - (b) ~~who the Registrar-General has grounds to believe may be the mother of a child whose birth is unregistered.~~ 30
- (3) ~~The request may be made only if—~~
- (a) ~~there is an agreement between the department and the Registrar-General in accordance with section 99 of the Privacy Act 1993; and~~
  - (b) ~~the request is made in accordance with the agreement.~~ 35

- (4) ~~The Registrar-General may cause a comparison to be made between information supplied as a result of a request under this section and other information held by the Registrar-General for the purposes of this Act.~~

Compare: 1995 No 16 s 78B

*Disclosure of information to overseas registration authorities* 5

**117 Registrar-General may share name-change information and death certain personal information with overseas registration authorities**

- (1) The Registrar-General may supply a person's name-change information or death information to an overseas registration authority if the person's birth is registered in the State in which the overseas registration authority has jurisdiction. 10
- (2) The Registrar-General may decide not to supply name-change information under **subsection (1)** if the person who is the subject of the name-change information satisfies the Registrar-General that the name-change information should not be supplied because of exceptional circumstances of a humanitarian or another nature relating to that person. 15
- (3) The Registrar-General may obtain, hold, and use information from an overseas registration authority relating to a name change or death in the State in which the overseas registration authority has jurisdiction if the information relates to a person— 20
- (a) whose birth is registered under this Act; or
- (b) who is a New Zealand citizen or is legally entitled to be in New Zealand indefinitely.
- (4) ~~In this section and **section 118**, overseas registration authority means an authority constituted in a State outside New Zealand that has the function of recording information relating to name changes or deaths for that State.~~ 25
- (4) The Registrar-General may supply information recorded in the registry about the dissolution of a marriage or civil union to an overseas registration authority if the person's marriage or civil union is registered in the State in which the overseas registration authority has jurisdiction. 30
- (5) The Registrar-General may obtain, hold, and use information from an overseas registration authority relating to a divorce or dissolution of a marriage or civil union in the State in which the overseas registration authority has jurisdiction if the information relates to a marriage or civil union that is registered in New Zealand. 35

Compare: 1995 No 16 s 78D

- 118 Supply of information to overseas registration authorities must be in accordance with agreement**
- (1) The supply of information under **section 117** must be in accordance with a written agreement between the Registrar-General and the overseas registration authority concerned. 5
- (2) The agreement must state—
- (a) the purpose of the agreement; and
  - (b) the information that can be supplied; and
  - (c) the method by which, and the form in which, the information may be supplied; and 10
  - (d) how the overseas registration authority will use the information (including the limits on any further disclosure by the overseas registration authority); and
  - (e) the fees (if any) payable for the supply of the information.
- (3) An agreement may be varied by the Registrar-General and the overseas registration authority. 15
- (4) The Registrar-General must consult ~~with~~ the Privacy Commissioner before entering into or varying an agreement.
- (5) The Privacy Commissioner may require the Registrar-General to review an agreement, and report on the outcome of the review to the Privacy Commissioner, at intervals not shorter than 12 months. 20

Compare: 1995 No 16 s 78E

*Disclosure of information to non-government organisations*

- 119 Registrar-General may disclose death information to non-government organisations for certain purposes** 25
- (1) The Registrar-General may disclose death information to an appropriate non-government organisation, private sector agency, or person (the **other party**) for the purpose of removing or suppressing the names of deceased persons from a database held by the other party.
- (2) The Registrar-General may not disclose information that is protected by ~~any of~~ **sections 79, 83, and section 83 or 84.** 30
- (3) No disclosure may be made unless—
- (a) there is an agreement between the Registrar-General and the other party that states—
    - (i) the purpose of the agreement; and 35
    - (ii) the information that can be disclosed; and
    - (iii) the method and form of the disclosure; and

- (iv) how the other party will use the information (including the limits on any further disclosure by the other party); and
  - (v) the fees (if any) payable for disclosure of the information; and
  - (b) the disclosure is made in accordance with the agreement.
  - (4) An agreement may be varied by the Registrar-General and the other party. 5
  - (5) The Registrar-General and the other party must consult ~~with~~ the Privacy Commissioner before entering into or varying an agreement.
  - (6) The Privacy Commissioner may require the Registrar-General and the other party to review the agreement, and report on the outcome of the review to the Privacy Commissioner, at intervals not shorter than 12 months. 10
  - (7) The other party that obtains information under this section must not intentionally do, or permit another person to do, any of the following:
    - (a) change or manipulate the information into a form different from the form in which it was provided:
    - (b) place the information on an Internet site or otherwise make it available for public search: 15
    - (c) use or disclose the information for a purpose other than the purpose specified in the agreement.
  - (8) **Subsection (7)(b)** does not prevent the other party that obtains information under this section from placing the information on an Internet site that is not generally available to members of the public if the Registrar-General so agrees. 20
- Compare: 1995 No 16 s 78F

*Disclosure of information under other Acts*

- 120 Disclosure of certain information for purposes of Identity Information Confirmation Act 2012** 25
- (1) Any information specified in **subsection (2)** in relation to an individual about whom an identity information check was carried out under section 9 of the Identity Information Confirmation Act 2012 may be disclosed to an agency or intermediary (within the meaning of that Act) if the check indicates that death information or name-change information is recorded for that individual. 30
  - (2) The information referred to in **subsection (1)** is as follows:
    - (a) that the individual is dead:
    - (b) that name-change information in relation to the individual exists.
- Compare: 1995 No 16 s 78K

**121 Access to information for purposes of Identity Information Confirmation Act 2012**

Nothing in this Act limits access to information that is recorded under this Act if the access is for the purposes of, and in accordance with, the Identity Information Confirmation Act 2012.

5

Compare: 1995 No 16 s 87AB

**122 Information recorded under this Act may be used to update information kept under Human Assisted Reproductive Technology Act 2004**

(1) The Registrar-General may use birth information, death information, or name-change information recorded under this Act to update information kept by the Registrar-General under Part 3 of the Human Assisted Reproductive Technology Act 2004.

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(2) However, the Registrar-General may do so only if the Registrar-General is satisfied that—

(a) the information relates to a donor, donor offspring, or donor offspring's guardian; and

15

(b) information about that donor, donor offspring, or donor offspring's guardian is kept under Part 3 of the Human Assisted Reproductive Technology Act 2004.

(3) In this section,—

20

**donor** has the meaning set out in section 5 of the Human Assisted Reproductive Technology Act 2004

**donor offspring** has the meaning set out in section 5 of the Human Assisted Reproductive Technology Act 2004

**guardian** has the meaning set out in section 5 of the Human Assisted Reproductive Technology Act 2004.

25

Compare: 1995 No 16 s 85B

*Disclosure of statistical information***123 Registrar-General may provide information for statistical purposes or for health, historical, or demographic research**

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(1) A person acting on behalf of a government agency, a body, or a person may request that the Registrar-General ~~cause a search to be made~~ search for or provide information for the purpose of—

(a) gathering statistics; or

(b) historical research; or

35

(c) demographic research; or

(d) health research.

- (2) ~~The Registrar-General may cause the search to be made or provide the information requested only if—~~
- ~~(a) information relating to particular individuals is not sought and will not be retained; or~~
  - ~~(b) the information relating to particular individuals that is sought—~~ 5
    - ~~(i) relates to persons who are dead or were born at least 120 years ago; and~~
    - ~~(ii) the Registrar-General is satisfied that, in causing the search to be made, or providing the information, the public benefit outweighs the effect on individual privacy.~~ 10
- (2) The Registrar-General may search for or provide the information requested only if—
- (a) the request does not relate to particular individuals and the person will not retain any information relating to particular individuals; or
  - (b) the information relates to particular individuals who are dead or were born at least 120 years ago; or 15
  - (c) the Registrar-General is satisfied that, in searching for or providing the information, the public benefit outweighs the effect on individual privacy.
- (3) For the purposes of **subsection (2)(b)(ii)(c)**, the Registrar-General must take into account the following matters: 20
- (a) the number of individuals whose privacy will be affected:
  - (b) the degree to which each individual’s privacy will be affected:
  - (c) whether an ethics review committee or a similar body has considered and approved the research and, if so, the persons making up the committee or body and the type of work it undertakes: 25
  - (d) how the agency, body, or person undertaking the research proposes to hold, use, and, if relevant, dispose of the information obtained.
- (4) The Registrar-General may impose any conditions on the holding, use, publication, and disposal of information provided under this section that the Registrar-General considers appropriate to prevent or minimise ~~an~~ any effect on individual privacy. 30
- (5) Before exercising any powers under this section for the purposes of **subsection (2)(b)(ii)**, the Registrar-General must—
- (a) consult, and invite comments from, the Privacy Commissioner; and 35
  - (b) take those comments into account.

Compare: 1995 No 16 s 75G

**124 Disclosure of statistical information**

The Registrar-General may publish or otherwise disclose statistical information obtained from information in the registry if the Registrar-General considers that the statistical information may be of interest to the public and is not readily available elsewhere. 5

Compare: 1995 No 16 s 78C

**125 Provision of information to Statistics New Zealand**

This Act does not limit the provision of information under the Statistics Act 1975.

Compare: 1995 No 16 s 87A 10

**Part 5  
Registrar-General and registry**

Subpart 1—Registry

**126 Registry established**

- (1) A registry called the registry of births, deaths, and relationships is established. 15
- (2) The registry may include information and documents in both electronic and documentary form.
- (3) The Registrar-General may—
  - (a) record, amend, or delete information in ~~a~~the registry only as permitted by this Act: 20
  - (b) make information in ~~a~~the registry available to the public only as permitted by this Act.

Subpart 2—Offices

**127 Registrar-General**

- (1) There must be a Registrar-General appointed under the State Sector Act 1988. 25
- (2) The Registrar-General is responsible for the general administration of this Act.  
Compare: 1995 No 16 s 79

**128 Deputy Registrar-General**

- (1) ~~There must~~ One or more Deputy Registrars-General may be appointed under the State Sector Act 1988 ~~1 or more Deputy Registrars-General~~ as may be desirable for the effective and efficient administration of this Act. 30
- (2) Subject to the control of the Registrar-General, a Deputy Registrar-General has and may ~~exercise and perform~~ and exercise any of the functions, duties, and powers, ~~functions, and duties~~ of the Registrar-General.



- (3) If for any reason the office of the Registrar-General is vacant or the Registrar-General is absent (temporarily or permanently) from the office for any reason, ~~a~~ the Deputy Registrar-General has and may ~~exercise and perform~~ and exercise all the functions, duties, and powers, ~~functions, and duties~~ of the Registrar-General. 5
- (4) **Subsection (3)** applies to—
- (a) the Deputy Registrar-General if there is only 1; or
  - (b) a Deputy Registrar-General authorised for that purpose by the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act (before, on, or after the occurrence of the vacancy or absence) in every other case. 10
- (5) The fact that a Deputy Registrar-General exercises or performs any power, function, or duty of the Registrar-General is conclusive evidence of the Deputy Registrar-General's authority to do so. 15
- (6) No authority given to or act done by a Deputy Registrar-General under this section may be questioned in any proceedings on the ground that—
- (a) the occasion for the giving of the authority had not arisen or had ceased; or
  - (b) the act was contrary to a direction of the Registrar-General. 20

Compare: 1995 No 16 s 80

**129 Registrar-General may delegate functions, duties, and powers to Registrars**

- (1) There must be appointed the number of persons as Registrars as is necessary for the purposes of this Act or any other Act under which Registrars exercise functions. 25
- (2) Appointments under **subsection (1)** must,—
- (a) in the case of persons who on their appointment will become employed in the Public Service, be made in accordance with the State Sector Act 1988; and 30
  - (b) in every other case, be made by the Registrar-General; specifying—
    - (i) the name of the person appointed; or
    - (ii) an office whose holder for the time being is to hold the appointment.
- (3) The Registrar-General may, either generally or particularly, delegate to any Registrar, in writing, any of the Registrar-General's functions, duties, and powers under this Act or any other Act other than any of the following powers: 35
- (a) ~~any power under—~~

- (i) ~~section 16(1)(b)~~ (the power to register births notified more than 2 years after birth); and
- (ii) ~~section 134(b) and (c)~~ (the power to correct errors in the registry other than clerical errors); and
- (a) a power under **section 16(1)(b)** to register births notified more than 2 years after birth: 5
- (aa) a power under **section 18(2) or 62(2)** to decline to register certain names:
- (ab) a power under **section 22B(4)(b) or 22C(3)(b)** to accept an application to register an eligible person's nominated sex: 10
- (ac) a power under **section 22D** to decline to register an eligible person's nominated sex if not satisfied certain requirements are met:
- (ad) a power under **section 22E(4)** to delete an eligible person's nominated sex from the eligible person's birth record:
- (ae) a power under **section 22F(3)** to decline to delete a person's nominated sex if not satisfied certain requirements are met: 15
- (af) a power under **section 99(3)** to authorise a search for, or provide access to, information requested by a department or an organisation if it is in the public interest or a named person's interest:
- (ag) a power under **section 109, 110, or 111** to provide access to restricted information in certain circumstances: 20
- (ah) a power under **section 134(b), (ba), or (c)** to correct errors in the registry other than clerical errors:
- (b) a power to delegate under this section.
- (4) A Registrar to whom a duty or power is delegated may perform the duty or exercise the power in the same manner and with the same effect as if the duty or power had been conferred directly by this Act, subject to any general or special directions given by or conditions imposed by the Registrar-General. 25
- (5) A Registrar who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary. 30
- (6) Any reference in this Act or ~~the Regulations~~ regulations to the Registrar-General includes a reference to the delegate in respect of anything delegated to that person.

Compare: 1995 No 16 ss 79(3), 81

Subpart 3—~~Duties, functions,~~ Functions, duties, and powers

*Registrar-General's powers of inquiry*

**130 Registrar-General's powers of inquiry in relation to ~~registrable events~~  
information recorded in registry**

- (1) The Registrar-General may, if the Registrar-General considers it reasonably necessary for the purposes of this Act, make inquiries— 5
- (a) to determine whether a registrable event has occurred; or
  - (b) to collect details of a registrable event; or
  - (c) to ensure that there is a correct record of a registrable event; ~~or~~
  - (d) to determine whether any other information recorded in the registry is correct, including— 10
    - (i) information recorded under **section 44 or 56** in relation to a death, divorce, or dissolution of a marriage or civil union that occurred outside New Zealand; and
    - (ii) any information relating to a request for a non-disclosure direction. 15
- (2) The Registrar-General may also require a person who provides information under this section to—
- (a) make a statutory declaration to verify the information on a form provided by the Registrar-General; or 20
  - (b) provide other evidence in support of the information provided.

Compare: 1995 No 16 s 82

**131 Registrar-General's powers of inquiry in relation to information provided or verified electronically**

- (1) The Registrar-General may, if the Registrar-General considers it reasonably necessary for the purposes of this Act, the Marriage Act 1955, or the Civil Union Act 2004, make inquiries to satisfy himself or herself that— 25
- (a) any information verified electronically under any of the following provisions is true:
    - (i) **sections 60A(2)(a) and 61(2)(a)** of this Act: 30
    - (ii) section 11 or Schedule 1 of the Civil Union Act 2004:
    - (iii) sections 9, 10, 23, 32B, ~~or~~ and 42 of the Marriage Act 1955:
  - (b) an application, a statement, or a certificate approved electronically under any of the following provisions is approved by the required persons:
    - (i) clause 1 of Schedule 1 of the Civil Union Act 2004: 35
    - (ii) sections 9, 10, ~~or~~ and 32B of the Marriage Act 1955.

- (2) The Registrar-General may also require a person who verifies information or a statement electronically under any of the following provisions to make a statutory declaration in support of the information or statement:
- (a) **sections 60A(2)(a) and 61(2)(a)** of this Act:
  - (b) clause 1 of Schedule 1 of the Civil Union Act 2004: 5
  - (c) sections 9, 10, ~~or~~ and 32B of the Marriage Act 1955.
- (3) The Registrar-General may also require a person who verifies information electronically under section 11 of the Civil Union Act 2004 or section 23 or 42 of the Marriage Act 1955 to appear personally before the Registrar-General to make a statutory declaration in support of the information. 10

**132 Registrar-General's powers of inquiry in relation to statutory declarations**

The Registrar-General may require a person before whom a statutory declaration referred to in **section 22B(2)(b), 22C(2)(b), 60A(2)(a)(ii), 61(2)(a)(ii), or 131(2)(a)** ~~or section 131(2)(a)~~ is made—

- (a) to verify the identity of the eligible person or the guardian of the eligible person, or both, in a manner specified by the Registrar-General; and 15
- (b) to state whether the person is satisfied of the identity of the eligible person or the guardian of the eligible person, or both.

Compare: 1995 No 16 s 21A(3A)

**133 Registrar-General must decline to register certain information** 20

- (1) If the Registrar-General is satisfied (on reasonable grounds), after making any inquiries under **section 130(1)** that the Registrar-General considers appropriate, that birth information, death information, marriage ~~or~~ information, civil union information, or name-change information is or is likely to be incorrect, the Registrar-General must decline to record the information. 25

(1A) If the Registrar-General is satisfied (on reasonable grounds), after making any inquiries under **section 130(1)** that the Registrar-General considers appropriate, that any of the following information is or is likely to be incorrect, the Registrar-General must decline to record the receipt of the information:

- (a) information in a certificate received under **section 43 or 55**; or 30
- (b) information received from an overseas registration authority.

- (2) This section overrides anything in this Act to the contrary ~~and is in addition to the powers of the Registrar-General under **sections 25(2), 26, 28 and 72**.~~

Compare: 1995 No 16 s 83

*Correction of errors* 35

**134 Registrar-General ~~may~~ must correct errors**

The Registrar-General must, after making any inquiries under **section 130** that the Registrar-General considers appropriate,—

- (a) correct any information in the registry that the Registrar-General is satisfied contains a clerical error; and
- (b) delete any information from the registry that the Registrar-General is satisfied is incorrect (or replace the information with information in the Registrar-General's possession that the Registrar-General is satisfied is correct); and 5
- (ba) delete any information from the registry recorded under **section 44 or 56** in respect of the receipt of a certificate or information relating to a death, divorce, or dissolution of a marriage or civil union outside New Zealand, if the Registrar-General is satisfied that the information received or contained in the certificate received is incorrect; and 10
- (c) register any information in the Registrar-General's possession that is not registered and that the Registrar-General is satisfied is correct and should be registered.

Compare: 1995 No 16 s 84 15

**135 Birth record of child conceived through assisted human reproduction procedure must specify parents as determined under Status of Children Act 1969**

- (1) **Subsection (2)** applies if the Registrar-General is satisfied, after making any inquiries under **section 130(1)** that the Registrar-General considers appropriate, that— 20
  - (a) a person was conceived as a result of an AHR procedure to which Part 2 of the Status of Children Act 1969 applies; and
  - (b) the person's birth record—
    - (i) does not include information about a parent of the person as determined under that Act; or 25
    - (ii) includes information about a person who is not a parent in terms of that Act.
- (2) The Registrar-General must amend the person's birth record by doing either or both of the following: 30
  - (a) adding information about a parent of the person as determined under ~~that Act~~ the Status of Children Act 1969;
  - (b) deleting any information about a person who is not a parent in terms of that Act.
- (3) In this section, **AHR procedure** has the same meaning as in section 15 of the Status of Children Act 1969. 35

Compare: 1995 No 16 s 84A

- 136 Family Court may consider proposed corrections in cases of difficulty or dispute** 5
- (1) If the Registrar-General is uncertain as to any matter in respect of which the Registrar-General is required to be satisfied for the purposes of **section 134 or 135**, the Registrar-General may apply to the Family Court to have the matter determined. 5
- (2) Any person who wishes the Registrar-General to act under **section 134 or 135** in respect of any matter may apply to the Family Court to have the matter determined.
- (3) The Family Court, when considering an application under **subsection (2)**,— 10
- (a) must give every person the court thinks has an interest in the matter an opportunity to be heard; and
- (b) may receive any evidence the court thinks fit; and
- (c) must determine whether the Registrar-General should act under **section 134 or 135**. 15

Compare: 1995 No 16 s 85

**137 Health information may be used to correct records**

- (1) The chief executive of the department for the time being responsible for administering the New Zealand Public Health and Disability Act 2000 may— 20
- (a) advise the Registrar-General of an apparent omission or error if ~~that the~~ the chief executive believes on reasonable grounds that a person's birth or death has not been registered under this Act or has been registered incorrectly; and
- (b) provide to the Registrar-General sufficient information to enable the error or omission to be corrected. 25
- (2) The Registrar-General may correct birth information or death information in accordance with information provided under this section.

Compare: 1995 No 16 s 85A

*Other powers*

**138 Registrars authorised to take statutory declarations** 30

- (1) Every Registrar must, in respect of any statutory declaration made for the purposes of this Act, the Marriage Act 1955, or the Civil Union Act 2004, be treated as ~~duly~~ authorised to take and receive a statutory declaration under section 9 of the Oaths and Declarations Act 1957.
- (2) For the purposes of this section, a Registrar includes the Registrar-General and every Deputy Registrar-General. 35

Compare: 1995 No 16 s 87

- 139 Registrar-General may specify how notifications, requests, applications, and other documents must be provided**
- (1) The Registrar-General may issue directions specifying the manner in which a person may notify or request information, make an application, or otherwise provide information or documents for the purposes of this Act and the regulations, including specifying— 5
- (a) how the information or document may be notified or provided; and
  - (b) the form or other format and medium that must be used in connection with the notification or provision of the information or document; and
  - (c) requirements in connection with the use of an approved form or format and medium. 10
- (2) The Registrar-General may refuse to perform or exercise a function, duty, or power, ~~or duty~~ in relation to the document or information if—
- (a) a direction under **subsection (1)** is not complied with; or
  - (b) the requirements of ~~the this~~ Act or ~~the~~ regulations have otherwise not been complied with (for example, where the information required by regulations has not been provided). 15
- (3) The information required in a form or format and medium specified in directions issued under **subsection (1)(b)** must be prescribed by regulations. 20
- Compare: 1995 No 16 ss 87B, 89A

## Part 6

### Fees, offences and penalties, regulations, and other miscellaneous provisions

#### *Fees*

- 140 Fees** 25
- (1) If empowered by this Act or any other Act to ~~do~~ perform any act for which a fee is payable, the Registrar-General may refuse to ~~do~~ perform the act until the fee is paid.
- (2) Despite anything in this Act, the Registrar-General may—
- (a) dispense with the payment of all or any part of any fee payable under this Act; or 30
  - (b) refund all or any part of any fee paid under this Act.
- (3) Despite anything in this Act, a fee is not payable, within 10 years after the death of a person, for providing access to information registered under **section 42** in respect of a person. 35
- Compare: 1995 No 16 s 91

*Offences***141 False statements**

- (1) A person commits an offence if the person—
- (a) knowingly makes, or causes to be made, any statement that is false in relation to any matter required to be notified or registered under this Act for the purpose of the registration of any information: 5
  - (b) verifies a statement under **section 60A or 61** that the person knows to be false and intends to be misleading:
  - (c) makes a written or an oral statement, knowing that it is false or being reckless as to whether it is false, for the purpose of obtaining a source document, or a copy of a source document, or information recorded under this Act: 10
  - (ca) knowingly makes, or causes to be made, any statement that the person knows to be false and intends to be misleading in connection with a request for a non-disclosure direction under **section 104**: 15
  - (d) for a purpose contemplated by this Act, provides any means of identification knowing that it is false or having reason to suspect that it has been forged or falsified.
- (2) A person who commits an offence against **subsection (1)(a)** is liable on conviction to imprisonment ~~to~~ for a term not exceeding 5 years. 20
- (3) ~~A person who commits an offence against **subsection (1)(b) or (c)** is liable, on conviction, to a term of imprisonment not exceeding 3 months or a fine not exceeding \$10,000, or both.~~
- (4) A person who commits an offence against **subsection (1)(d)(b)** is liable, on conviction, to a term of imprisonment for a term not exceeding 3 years. 25
- (5) A person who commits an offence against **subsection (1)(c), (ca), or (d)** is liable on conviction to—
- (a) imprisonment for a term not exceeding 3 months; or
  - (b) a fine not exceeding \$10,000; or
  - (c) both. 30

Compare: 1995 No 16 s 89(1)(a), (g), (h), (i), (2)–(2AB)

**142 Offences relating to the registry**

- (1) A person (other than a Registrar) with control of or access to a device on which registered information is stored electronically commits an offence if the person knowingly and without the consent of a Registrar (whether directly or by alteration of or damage to the device, its programming, any other device, the programming of any other device, or any electronic storage medium)— 35
- (a) deletes or alters any information stored on the device; or



- (b) allows any information stored on the device to be deleted or altered; or
  - (c) stores any information (whether correct or incorrect) on the device; or
  - (d) allows any information (whether correct or incorrect) to be stored on the device.
- (2) A Registrar ~~comments~~ commits an offence if the Registrar— 5
- (a) knowingly (whether directly or by alteration of or damage to the device, its programming, any other device, the programming of any other device, or any electronic storage medium) does any of the following ~~other~~ otherwise than in accordance with this Act:
    - (i) deletes or alters any registered information that is stored electronically on any device ~~otherwise than in accordance with this Act~~. 10
    - (ii) allows any registered information that is stored electronically on any device to be deleted or altered ~~otherwise than in accordance with this Act~~. 5
    - (iii) stores any information (whether correct or incorrect) on a device on which registered information is stored electronically by or on behalf of the Registrar-General ~~otherwise than in accordance with this Act~~. 15
    - (iv) allows any information (whether correct or incorrect) to be stored on a device on which registered information is stored electronically by or on behalf of the Registrar-General ~~otherwise than in accordance with this Act~~; or 20
  - (b) negligently loses or damages a document containing information recorded under this Act, or any part of such a document; or
  - (c) negligently allows it to be damaged; or 25
  - (d) negligently does any act referred to in **paragraph (c) (a)**.
- (3) A person who commits an offence against **subsection (1) or (2)(a)** is liable on conviction to imprisonment ~~to~~ for a term not exceeding 5 years.
- (4) A Registrar who commits an offence against **subsection (2)(b), (c), or (d)** is liable, on conviction, to a fine not exceeding \$1,000. 30
- (5) For the purposes of this section, a Registrar includes the Registrar-General and every Deputy Registrar-General.

Compare: 1995 No 16 s 89(1)(b), (c), (f), (2), (3)(c)(ii)

### 143 Other offences

- (1) A person commits an offence if the person— 35
- (a) acts in contravention of, or fails to comply, with any provision of this Act (other than a provision requiring the person to give ~~any~~ a notice or provide information):

- (b) having had the relevant provision of this Act drawn to the person's attention, fails or refuses to provide any information required by this Act to be provided.
- (2) A person who commits an offence against **subsection (1)(a) or (b)** is liable, on conviction, to a fine not exceeding \$1,000. 5
- (3) A person who commits any other offence against this Act is liable, on conviction, to a fine not exceeding—
- (a) \$50,000, for a contravention of, or failure to comply with, **section 119(7) or clause 12 of Schedule 1**;
- (b) \$10,000, for a contravention of or failure to comply with **section 34**: 10
- (c) \$1,000, for a contravention of, or failure to comply with, a provision of this Act other than **section 34, or 119(7) or clause 12 of Schedule 1**.
- (4) Nothing in this section ~~derogates from~~ limits or affects section 150 of the Crimes Act 1961. 15  
Compare: 1995 No 16 s 89(1)(d), (e), (3), (4)
- 144 Consent of Registrar-General required for prosecution**
- No prosecution for an offence against this Act may be commenced without the consent of the Registrar-General. 20  
Compare: 1995 No 16 s 90
- 145 No liability for costs incurred in supplying information**
- To avoid doubt, the Crown is not liable for the costs incurred by a person in supplying information required by this Act.  
Compare: 1995 No 16 s 91A
- 146 Protection from liability for supply of information** 25
- No action may be brought against the Registrar-General or a delegate of the Registrar-General for the disclosure or supply of information in good faith in the performance or exercise (or intended performance or exercise) of a function, duty, or power under this Act. 30  
Compare: 1995 No 16 s 91B

### *Regulations*

- 147 Regulations**
- (1) The Governor-General may, by Order in Council, make regulations to do 1 or more of the following:

*Requirements for giving of information and notices*

- (a) prescribe the information to be provided in, or in connection with, notifications, applications, requests, or other notices required or permitted to be provided to the Registrar-General under this Act:
- (b) prescribe how information may or must be notified to the Registrar-General under this Act and other matters relating to that procedure (including when the information is treated as received, or as having been provided, for the purposes of this Act and ~~the~~ regulations):

5

*Verification of information*

- (c) prescribe, for the purposes of **section 60A(2)(a)(i) or 61(2)(a)(i)**, the manner in which information may be verified electronically, including—
  - (i) when and how the information must be verified:
  - (ii) what evidence must be provided to verify the information:
  - (iii) requirements with which evidence must comply:

10

*Information in certificates*

15

- (d) prescribe the information that birth certificates, death certificates, marriage ~~or certificates,~~ civil union certificates, and name-change certificates must contain:

*~~Access to electronic register~~ Evidence of identity requirements for purposes of section 90*

20

- (e) ~~prescribe the way or ways in which a person's identity must be confirmed~~ evidence of identity requirements for the purposes of **section 90** (which may include requiring a person to have an electronic identity credential within the meaning of section 8 of the Electronic Identity Verification Act 2012):

25

*Non-disclosure directions*

- (f) specify the grounds on which a request for a non-disclosure direction may be made to the Registrar-General under **section 104**:
- (g) specify the grounds on which a request for the reinstatement of a non-disclosure direction may be made to the Registrar-General under **section 106(2)(b)**:
- (h) prescribe the period referred to in **section 106(1)(a)** for which a non-disclosure direction under **section 105** remains in force, including the conditions subject to which any such direction ceases to be in force:
- (i) ~~provide for any other matters contemplated by or necessary for giving full effect to this Act and for its due administration:~~

30

35

*Fees*

- (j) prescribe fees and charges payable in respect of any matter under this Act or the manner in which fees and charges may be calculated.:

*Other matters*

- (k) provide for any other matters contemplated by or necessary for giving full effect to this Act and for its administration.
- (2) Regulations made under **subsection (1)** may require the giving and collection of information for the purpose of statistics, including matters to be notified, or matters to be registered, or both. 5
- (3) Regulations made under **subsection (1)(e)** may provide differently for different types of searches or requests in different circumstances.

Compare: 1995 No 16 s 88

*Review of certain provisions relating to changes to registered sex* 10**147A Review of certain provisions relating to changes to registered sex**

- (1) The Minister must, as soon as practicable after the expiry of 5 years from the commencement of this Act,—
- (a) commence a review of the operation of the following provisions since the commencement of this Act: 15
- (i) **section 22A** (relating to definitions of terms used in **sections 22A to 23**):
- (ii) **sections 22B(2)(a) and (b) and 22C(2)(a) and (b)** (relating to content requirements for statutory declarations):
- (iii) **sections 22B(3) and 22C(2)(c)** (relating to a requirement for a recommendation by a health professional for applications by eligible persons under 18 who have never been in a marriage, civil union, or de facto relationship): 20
- (iv) **sections 22B(4) and 22C(3)** (relating to the restrictions on when the Registrar-General may accept an application): 25
- (v) **section 22E** (relating to a requirement for an eligible person to confirm their registered sex on turning 18 years old):
- (vi) **section 22F** (relating to applications to delete an eligible person's nominated sex):
- (vii) **section 22G** (relating to disputes between guardians and refusals of consent by guardians): 30
- (viii) **section 22J** (relating to the power of the Minister to designate a body corporate for the purposes of **paragraphs (d) and (e) of the definition of health professional in section 22A**):
- (ix) **section 23(1)(d) to (g)** (relating to appeal rights against decisions by the Registrar-General relating to sex); and 35
- (b) prepare a report on that review.

- 
- (2) The Minister must consult the Human Rights Commissioner and any other persons and organisations that the Minister considers appropriate during the preparation of the report.
- (3) The Minister must present a copy of the report to the House of Representatives as soon as practicable after it has been completed. 5
- (4) This section is repealed on the date that is 6 years after the commencement of this Act.

*Consequential amendments and repeals*

- 148 Births, Deaths, Marriages, and Relationships Registration Act 1995 repealed** 10  
The Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16) is repealed.
- 149 Consequential amendments**  
The enactments set out in **Schedule 3** are consequentially amended as set out in that schedule. 15

## Schedule 1

### Transitional, savings, and related provisions

s 5

#### Part 1

#### Provisions relating to this Act as enacted 5

##### 1 Definitions used in this Part

In this Part, unless the context otherwise requires,—

**1995 Act** means the Births, Deaths, Marriages, and Relationships Registration Act 1995

**former Act** means the 1995 Act, the Births and Deaths Registration Act 1951, ~~and~~ or the provisions of the Marriage Act 1955 or any Act relating to the registration of births and deaths or marriages that was repealed on or before 1 September 1995 10

**former Adoption Act** means the Infants Act 1908 or the Maori Land Act 1931 or the Maori Affairs Act 1953 or any Act relating to the adoption of children that was repealed on or before 1 September 1995. 15

##### 2 Registered information

A reference to registered information or information in a record or the registry includes information that was recorded under a former Act.

##### 3 Record of citizenship only required in birth record for persons born on or after 1 January 2006 20

**Section 19** applies only in relation to a birth on or after 1 January 2006.

Compare: 1995 No 16 s 12A

##### 4 Registration of stillbirths that occurred after 24 July 1991 ~~and but~~ before the commencement of this Act 25

(1) A stillbirth that occurred after 24 July 1991 ~~and but~~ before 1 September 2005 is registrable to the same extent, and in the same manner, as if it had occurred after the commencement of this Act.

(2) Nothing in **subsection (1)** requires any person to notify the Registrar-General of a stillbirth to which this clause applies. 30

Compare: 1995 No 16 s 13

##### 5 Māori custom marriages

(1) The Registrar-General must not include any information relating to a Māori custom marriage entered into after 31 March 1952 in a person's birth record.

- (2) The Registrar-General must clearly identify any information in the registry relating to a Māori custom marriage entered into before 31 March 1952 as a Māori custom marriage.  
Compare: 1995 No 16 s 14
- 6 Application for registration of name change made by deed poll before 1 September 1995** 5
- ~~Section 61(2)(a)~~ ~~Section 60A(2)(a)~~** is satisfied if the application includes—
- (a) a deed poll executed before 1 September 1995; evidencing any change in the eligible person’s names; or
- (b) a copy of a deed poll executed and filed in an office of the High Court before 1 September 1995 and certified by a Registrar of the court in which it was filed. 10
- Compare: 1995 No 16 s 21A(2)(c)(ii), (iii)
- 7 References to information notified, recorded, or registered under this Act include information notified, recorded, or registered under former Acts or a former Adoption Act** 15
- (1) This section applies to information recorded under a former Act or a former Adoption Act.
- (2) On and from the commencement of this section, adoption information recorded under a former Act or a former Adoption Act must be treated as if it were registered under **section 25 or 26**. 20
- (3) A reference to information notified by a court under **section 24** of this Act includes a notice under section 23 of the 1995 Act or section 21 of the Births and Deaths Registration Act 1951 or a notice of the adoption under a former Adoption Act. 25
- Compare: 1995 No 16 ss 24, and 25
- 8 Deaths outside New Zealand before commencement of this Act**
- Section 44** applies in respect of a death ~~outside New Zealand~~ of a New Zealand citizen or of a person ordinarily resident in New Zealand that occurred outside New Zealand before the commencement of this Act as if the death had occurred after the commencement of this Act. 30
- Compare: 1995 No 16 s 52
- 8A Application of Act to information received before commencement about overseas deaths, divorces, and dissolutions of marriages and civil unions**
- (1) The Registrar-General may do either of the following in respect of a certificate received before the commencement of this Act as if the certificate had been received under **section 43 or 55**: 35
- (a) record the receipt of the certificate in the registry under **section 44 or 56**:

- (b) issue a written statement under **section 44A or 56A**.
- (2) The Registrar-General may do any of the following in respect of information received from an overseas registration authority before the commencement of this Act:
- (a) record the receipt of the information in the registry under **section 44 or 56**: 5
- (b) issue a written statement under **section 44A or 56A**:
- (c) hold and use the information under **section 117**.
- 9 Form prepared under section 46, 47, or 48 includes equivalent documents under former Acts** 10
- A reference to a form or record prepared under **section 46, 47, or 48** includes a document prepared under an equivalent provision of a former Act.
- Compare: 1995 No 16 ss 55, 57
- 10 Dissolution of marriage in New Zealand under former Act may be recorded under this Act** 15
- The Registrar-General may register any marriage information contained in an order or decree made under the Family Proceedings Act 1980 or any other former divorce enactment that is equivalent to an order described in **section 53** in the record relating to that marriage.
- Compare: 1995 No 16 s 59(2) 20
- 11 Surnames on birth certificates in relation to births registered before 1 January 1972**
- Section 81** applies in relation to a birth registered under a former Act before 1 January 1972, as if the following information had been registered under this Act: 25
- (a) if it is recorded in respect of the birth of a person that the parents of the person were married to each other, that the person had the surname of the person's father:
- (b) in every other case, that the person had the surname of the person's mother. 30
- Compare: 1995 No 16 s 68
- 12 Persons other than Registrar-General may not generally publish index information**
- (1) A person must not ~~publish~~make index information obtained under section 74(2) of the 1995 Act before the commencement of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 or section 39B(2) of the Births and Deaths Registration Act 1951 available on an Internet site unless— 35



- 
- (a) the information is in a form that could not reasonably be expected to identify any particular person; or
- (b) the person who makes the information available—
- (i) is the subject of the information; or
  - (ii) has been granted power of attorney or given written authority to make the information available by the person who is the subject of the information; or
- (c) the information is historical information.
- (2) Information may be made available on an Internet site under **subsection (1)(b)(ii)** only to the extent that the power of attorney or written authority does not prohibit making the information available on the Internet. 5
- (3) In this section, **Internet site** includes part of an Internet site that is not generally accessible to members of the public.
- Compare: 1995 No 16 s 78I
- 13 ~~Pre-2009 name~~ Name change documents are source documents** 15
- ~~For the avoidance of~~ To avoid doubt, any documents provided to the Registrar-General in support of name-change information under this Act or a former Act must be treated as source documents for the purpose of this Act (whether or not the person's birth is registered under this Act).
- 13A Notices of intention to marry are source documents** 20
- To avoid doubt, any notices of intention to marry provided to the Registrar-General between 1856 and 1956 under a former Act must be treated as source documents for the purpose of this Act (whether or not the marriage was solemnised).
- 14 Corrections** 25
- References in **section 108** to things done under **section 134** include things done under a corresponding provision of a former Act before the commencement of this Act.
- Compare: 1995 No 16 ss 52, 77
- 15 Regulations continued in force** 30
- The following regulations continue in force and are treated as if they were made under **section 147** and may be amended or revoked accordingly:
- (a) Births, Deaths, Marriages, and Relationships Registration (Fees) Regulations 1995:
  - (b) Births, Deaths, Marriages, and Relationships Registration (Non-Disclosure Direction) Regulations 2008: 35
  - (c) Births, Deaths, Marriages, and Relationships Registration (Prescribed Information) Regulations 1995.

## Schedule 2

### Disclosure of information to specified agencies

s 114

Specified agency	Type of information	Purpose
Accident Compensation Corporation	Birth information and name-change information	To verify the identity of a claimant; and a claimant's eligibility or continuing eligibility for a benefit
	Marriage or civil union information and name-change information	To verify a claimant's change of name
	Death information	To identify deceased claimants
Board of Trustees of National Provident Fund	Birth information, marriage- <del>or</del> <u>information</u> , civil union information, name-change information, and death information	To verify the identity of a member or beneficiary of the National Provident Fund; and the eligibility or continuing eligibility of a member or beneficiary for payments under the Fund
Department of Internal Affairs	Birth information, marriage- <del>or</del> <u>information</u> , civil union information, name-change information, and death information	To verify whether a person is eligible— (a) to hold a New Zealand passport; (b) for New Zealand citizenship
	Death information	To identify deceased holders of New Zealand travel documents
Government Superannuation Fund Authority	Birth information, marriage- <del>or</del> <u>information</u> , civil union information, name-change information, and death information	To verify the identity of a member or beneficiary of the Government Superannuation Fund and the eligibility or continuing eligibility of a member or beneficiary for payments under the Fund
Inland Revenue Department	Birth information, marriage- <del>or</del> <u>information</u> , civil union information, and name-change information	To verify the identity of a person to establish— (a) the tax file number of the person; (b) the details of an applicant for child support; (c) for child support purposes, details of the parentage, birth, and death of qualifying children or dependent children
	Death information	To identify deceased taxpayers and verify their details
Ministry of Business, Innovation, and Employment	Birth information and name-change information	To— (a) verify a person's citizenship status; (b) verify a person's entitlement to reside in New Zealand; (c) update and verify immigration records
	Marriage information and civil union information	To verify that a person is married to, or in a civil union with, a New Zealand citizen
	Death information	To identify deceased holders of temporary entry class visas

**Births, Deaths, Marriages, and Relationships  
Registration Bill**

Schedule 2

<b>Specified agency</b>	<b>Type of information</b>	<b>Purpose</b>
Ministry of Education	Birth information, name-change information, and death information	To verify and update information on the National Student Index
Ministry of Health	Birth information, name-change information, and death information	To verify and update health information on the National Health Index
	Birth information and death information	To compile mortality statistics
Ministry of Justice	Marriage information and civil union information	To verify a fine defaulter's name change
	Death information	To— (a) remove the names of deceased persons from jury lists: (b) remit or enforce payment of fines owed by deceased persons
Ministry of Justice (Māori Land Court Unit)	Death information	To identify deceased Māori landowners
Ministry of Social Development	Birth information, marriage <del>information</del> , or civil union information, name-change information, and death information	To— (a) verify a person's eligibility or continuing eligibility for benefits, war pensions, grants, loans, or allowances: (b) verify a person's eligibility or continuing eligibility for a community services card or a card the availability of which is based principally on the age and residence of a person, or of the person's spouse or civil union partner or former spouse or civil union partner: (c) identify debtors, including any person no longer in receipt of a benefit, war pension, grant, loan, or allowance
New Zealand Transport Agency	Birth information and name-change information	To verify details supplied by an applicant for a driver licence
	Marriage information and civil union information	To verify the name change of the holder of a driver licence
	Death information	To identify deceased holders of driver licences

## Schedule 3

### Consequential amendments

s 149

#### Part 1

#### Amendments to Acts

5

##### **Adoption Act 1955 (1955 No 93)**

In section 23(2)(a), replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

##### **Adult Adoption Information Act 1985 (1985 No 127)**

10

In section 2, definition of **adoption order**, replace “section 25 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 26** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 2, definition of **original birth certificate**, replace “1995” with “**2017**”.

In section 2, definition of **Registrar-General**, replace “1995” with “**2017**”.

15

In section 5(1) and (2), replace “section 63 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 83** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 6, replace “section 63 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 83** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

20

In section 11(4)(a), replace “section 63 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 83** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

##### **Burial and Cremation Act 1964 (1964 No 75)**

25

In section 2(1), definition of **dead foetus**, replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 2(1), definition of **stillborn child**, replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

30

In section 46A(1)(b), replace “1995” with “**2017**”.

In section 46F(1)(b):—

- (a) delete “, in the standard form,”; and

**Burial and Cremation Act 1964 (1964 No 75)—continued**

- (b) replace “section 42 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 34** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

Replace section 46F(5) with:

- (5) A notice under subsection (1)(b) must be provided in accordance with any directions issued by the Registrar-General under the Births, Deaths, Marriages, and Relationships Registration Act **2017**. 5

**Care of Children Act 2004 (2004 No 90)**

In section 8, definition of **Registrar-General**, replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 10

After section 16(2)(a), insert:

- (aa) the child’s registered sex under the Births, Deaths, Marriages, and Relationships Registration Act **2017** (and any changes to it); and

In section 18(1), replace “section 9 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 12** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 15

**Child Protection (Child Sex Offender Government Agency Registration) Act 2016 (2016 No 42)**

In section 52, replace “1995” with “**2017**”. 20

In section 53, replace “1995” with “**2017**”.

**Child Support Act 1991 (1991 No 142)**

In section 7(1)(a), replace “Register of Births pursuant to the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “child’s birth record under the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 25

**Citizenship Act 1977 (1977 No 61)**

In section 26A(5A), replace “section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 127(1)** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In Schedule 4, item relating to the Registrar-General, replace “section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 127(1)** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 30

**Civil Union Act 2004 (2004 No 102)**

In section 3, definition of **Registrar** and **Registrar-General**, replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 35

**Civil Union Act 2004 (2004 No 102)**—*continued*

In section 4(3), replace “Part 7A of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**subpart 5 of Part 2** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 15(3), replace “section 62B of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 46** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 5

In section 16(2), replace “section 62B of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 46** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 26(2)(b), replace “1995” with “**2017**”. 10

**Coroners Act 2006 (2006 No 38)**

In section 9, definition of **body**, paragraph (b), replace “still-born child (as those terms are defined in section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995)” with “stillborn child (as those terms are defined in **section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**)”. 15

In section 68(4), replace “sections 44 and 45 of the Births, Deaths, Marriages, and Relationships Registration Act 1995 (which require” with “**section 36** of the Births, Deaths, Marriages, and Relationships Registration Act **2017** (which requires”.

**Criminal Records (Clean Slate) Act 2004 (2004 No 36)**

In section 4, definition of **criminal record**, replace paragraph (b)(ii) with: 20

- (ii) does not include details in a marriage certificate or civil union certificate of a conviction for bigamy registered under **section 58** of the Births, Deaths, Marriages, and Relationships Registration Act **2017** (or any corresponding provision of an earlier enactment) and included in the certificate under regulations made under **section 147(1)(d)** of that Act 25

**Electoral Act 1993 (1993 No 87)**

In section 3(1), definition of **Registrar of Births and Deaths**, replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 30

In section 92(1) and (2), replace “section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 127(1)** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 93(1), replace “section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 127(1)** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 35

In section 93(2), replace “under Part 7 of the Births, Deaths, Marriages, and Relationships Registration Act 1995, or the registration of a civil union under Part 7A of that

**Electoral Act 1993 (1993 No 87)**—*continued*

Act” with “or a civil union under **subpart 5 of Part 2** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 94(1), replace “section 21B of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 60A or 61** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

5

In section 94(2), replace “section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 127(1)** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 145(2)(a), replace “thereto under section 20 of the Births, Deaths, Marriages, and Relationships Registration Act 1995 or an earlier corresponding provision” with “to it under **section 60** of the Births, Deaths, Marriages, and Relationships Registration Act **2017** (or an earlier corresponding provision)”.

10

In section 145(2)(d), replace “section 21B of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 62** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

15

**Electronic Identity Verification Act 2012 (2012 No 123)**

In section 7, definition of **identity-related information**, paragraph (a)(i), replace “1995” with “**2017**”.

In section 7, definition of **Registrar-General**, replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

20

In section 9(2), table, item relating to full name, paragraph (d), replace “section 21B of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 62** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

25

In section 9(2), table, item relating to sex, after paragraph (a), insert:

(ab) the individual’s registered sex (as defined in **section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**):

In section 9(2), table, item relating to sex, paragraph (b), ~~replace delete~~ “(for example, a declaration of the Family Court under section 28 or 29 of the Births, Deaths, Marriages, and Relationships Registration Act 1995)” with “~~**section 68 or 70**~~ of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

30

In section 12(1), replace “section 65 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**sections 75 and 76** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

35

In section 13(1), replace “section 65 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**sections 75 to 77** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

**Family Court Act 1980 (1980 No 161)**

In section 16A(4)(b), replace “1995” with “**2017**”.

**Family Proceedings Act 1980 (1980 No 94)**

In section 145D(1)(d), replace “pursuant to the Births, Deaths, Marriages, and Relationships Registration Act 1995 in the Register of Births” with “in the registry under the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 5

**Friendly Societies and Credit Unions Act 1982 (1982 No 118)**

In section 45(1)(a), replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 10

**Health Practitioners Competence Assurance Act 2003 (2003 No 48)**

In section 67(b)(i), replace “1995” with “**2017**”.

In section 100(2)(a)(i), replace “1995” with “**2017**”.

In section 143(1), replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 15

**Human Assisted Reproductive Technology Act 2004 (2004 No 92)**

In section 5, definition of **Registrar-General**, replace “section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 127(1)** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 20

In section 5, definition of **still-born child**, replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

**Identity Information Confirmation Act 2012 (2012 No 124)**

In section 5, definition of **applicable database**, paragraph (a), replace “1995” with “**2017**”. 25

In section 5, definition of **Registrar-General**, replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 9(5)(a), replace “section 78K of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 120** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 30

In section 10(2)(a), replace “1995” with “**2017**”.

In section 20(2)(b), replace “1995” with “**2017**”.

In section 21(1)(a), replace “1995” with “**2017**”. 35



**Identity Information Confirmation Act 2012 (2012 No 124)**—*continued*

In section 21(2), replace “sections 76, 77, and 86 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**sections 109, 110, and 113** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

Replace section 21(3) with:

- (3) The following provisions of the Births, Deaths, Marriages, and Relationships Registration Act **2017** apply for the purposes, and in connection with the operation, of the confirmation service: 5
- (a) **clause 11 of Schedule 1**; and
  - (b) **section 111(2) to (4)**.

**Intelligence and Security Act 2017 (2017 No 10)** 10

In section 135(c), replace “section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 127(1)** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 262(2), new section 12(9), definition of **undercover Police officer**, replace “section 65(5) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 75(2)** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 15

In Schedule 2, note, definitions of **birth information, civil union information, death information, marriage information, name-change information, and Registrar-General**, replace “civil union information, death information, marriage information, name-change information, and Registrar-General have the meanings given to them by section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “death information, marriage information, civil union information, name-change information, and Registrar-General have the meanings given to them by **section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 20 25

**Land Transport Act 1998 (1998 No 110)**

In section 200(2A3)(a)(i), replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 30

**Local Electoral Act 2001 (2001 No 35)**

Replace section 56(b) with:

- (b) the name registered for the candidate under **subpart 6 of Part 2** of the Births, Deaths, Marriages, and Relationships Registration Act **2017** at least 6 months before nomination day; or 35

**Marriage Act 1955 (1955 No 92)**

In section 2(2), replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In section 11(3)(b), replace “1995” with “**2017**”.

5

**Privacy Act 1993 (1993 No 28)**

In section 2(1), definition of **personal information**, replace “pursuant to the Births, Deaths, Marriages, and Relationships Registration Act 1995 or any former Act (as defined by the Births, Deaths, Marriages, and Relationships Registration Act 1995)” with “under the Births, Deaths, Marriages, and Relationships Registration Act **2017** or any former Act (as defined in **Schedule 1** of that Act)” in each place.

10

In section 97, definition of **specified agency**, paragraph (gd), replace “section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 127(1)** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

15

In Schedule 2, Part 1, replace the item relating to the Births, Deaths, Marriages, and Relationships Registration Act 1995 with:

Births, Deaths, Marriages, and Relationships Registration Act **2017**      **Sections 9, 16, 17, 25, 26, 28, 40, 41, 51, and 62**

In Schedule 3, Part 1, replace the item relating to the Births, Deaths, Marriages, and Relationships Registration Act 1995 with:

Births, Deaths, Marriages, and Relationships Registration Act **2017**      **Sections 114 and 116**  
**Section 114**

**Referenda (Postal Voting) Act 2000 (2000 No 48)**

20

In section 3(1), definition of **Registrar of Births and Deaths**, replace “1995” with “**2017**”.

**Sale and Supply of Alcohol Act 2012 (2012 No 120)**

In section 274(4)(b)(i), replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

25

**Social Security Act 1964 (1964 No 136)**

In section 61D(1), definition of **child**, replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

30

In section 126AB(1), replace “section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 127(1)** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

**Social Workers Registration Act 2003 (2003 No 17)**

In section 128(1), replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

**Status of Children Act 1969 (1969 No 18)**

5

In section 8(1)(a), replace “1995 or the corresponding provision of any former Act (within the meaning of that Act)” with “**2017** or the corresponding provision of any former Act (as defined in **Schedule 1** of that Act)”.

In section 8(1), replace “Register of Births” with “child’s birth record”.

In section 9(4), replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

10

**Veterinarians Act 2005 (2005 No 126)**

In section 17(2), replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

15

**Visiting Forces Act 2004 (2004 No 59)**

In section 4(1), definition of **Registrar**, replace “section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 4** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

20

In section 19(4)(a), replace “Births, Deaths, Marriages, and Relationships Registration Act 1995, other than section 42(2)(a)” with “Births, Deaths, Marriages, and Relationships Registration Act **2017**, other than **section 34(4)(a)**”.

In section 19(5), replace “1995” with “**2017**”.

**Part 2**

25

**Amendments to legislative instruments**

**Adoption Regulations 1959 (SR 1959/109)**

In regulation 5(1), replace “1995” with “**2017**”.

In regulation 8(2)(a), replace “register of births” with “birth record”.

**Civil Union (Prescribed Information, Fees, and Forms) Regulations 2005 (SR 2005/81)**

30

In regulation 6(e), replace “section 62B of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 46** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

**Civil Union (Prescribed Information, Fees, and Forms) Regulations 2005 (SR 2005/81)—continued**

In regulation 6(f), replace “section 62B and 62D of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**sections 46 and 52** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

**Domestic Violence (Public Registers) Regulations 1998 (SR 1998/342)**

In regulation 2(1), definition of **Registrar-General**, replace “1995” with “**2017**”. 5

In regulation 10(2), replace “1995” with “**2017**”.

In the heading to Part 3, replace “**1995**” with “**2017**”.

~~Repeal/Revoke~~ regulation 13.

In the heading to regulation 14, replace “1995” with “**2017**”.

In regulation 14(1), replace “information to which section 76(1) or section 77(4) of the Births, Deaths, Marriages, and Relationships Registration Act 1995 applies” with “**section 109 or 110** restricted adoption information or restricted sex information (as those terms are defined in **section 108** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**)”. 10

In Schedule 1, replace the item relating to the Births, Deaths, Marriages, and Relationships Registration Act 1995 with: 15

Births, Deaths, Marriages, and Relationships Registration Act **2017**      **Sections 9, 16, 17, 25, 26, 28, 40, 41, 51, and 62**

**Family Court Rules 2002 (SR 2002/261)**

In rule 7(1)(a), replace “1995” with “**2017**”.

In rule 28(2)(a), replace “section 15A(2), section 17(2), or section 18(5) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 23** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”. 20

Replace clause 38(a) with:

- (a) Births, Deaths, Marriages, and Relationships Registration Act **2017** (see, for example, **sections 23(2)(a), 67(2), 69(2), and 136(3)(a)** of that Act): 25

In rule 130(4)(b), replace “1995” with “**2017**”.

In rule 425(1), replace “1995” with “**2017**”.

In Schedule 2, form A 4, replace “register of births” with “birth record”.

**Land Transfer Regulations 2002 (SR 2002/213)**

In Schedule 2, form 23, under the heading “Grounds for application”, replace “1995” with “**2017**”. 30

In Schedule 2, form 23, under the heading “Evidence to support application”, replace “1995” with “**2017**”.

**Marriage (Forms) Regulations 1995 (SR 1995/184)**

In regulation 3(d), replace “section 56(1)(a) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 46 or 47** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

In regulation 3(da), replace “section 56(1)(a) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” with “**section 46 or 47** of the Births, Deaths, Marriages, and Relationships Registration Act **2017**”.

**Legislative history**

10 August 2017  
5 December 2017

Introduction (Bill 296–1)  
First reading and referral to Governance and Administration  
Committee