

Births, Deaths, Marriages, and Relationships Registration Amendment Bill

Government Bill

Explanatory note

General policy statement

This Bill amends the Births, Deaths, and Marriages Registration Act 1995 (the **Act**). The Act provides for the registration of information about births, adoptions, changes of name, sexual assignment and re-assignment, marriages, civil unions, and deaths. It also provides for public and government agency access to that information and for the issue of birth, death, marriage, and civil union certificates. These activities are administered by the Registrar-General of Births, Deaths, and Marriages, whose appointment is governed by the Act.

The Bill introduces amendments to improve the ability of the Registrar-General to collect and verify information for the purposes of the Act, regulate access to that information (incorporating appropriate privacy safeguards and recognising that there are a range of legitimate reasons why people want to access the information), and modernise the Act to take account of technological and social developments.

Collection and management of information

The Bill enhances the Registrar-General's ability to confirm the accuracy of information that is provided to him or her for registration by introducing a broader power which allows the Registrar-General to obtain evidence to determine whether a registrable event (such as a birth or a death) has occurred, and ensure that there is a true record of the event. This includes using information from other records (including updating information on the basis of information provided by the Ministry of Health). Information recorded under the Human Assisted Reproductive Technology Act 2004 will also be able to be updated, for example, when a donor or donor offspring registers a name change or dies.

The Bill provides for an information matching programme to be established to reduce the number of unregistered births. Currently there are around 6,000 births that have not been registered within 1 year of the birth. The Bill provides that the Registrar-General can obtain address information for a child's mother from the Ministry of Social Development.

A new register will be established to record name changes for people born overseas. Name change information for persons whose births have been registered in New Zealand will continue to be recorded on their birth records.

The Bill also provides the Registrar-General with powers to—

- release statistical information of interest to the public, if the Registrar-General is satisfied that the information is not otherwise readily available;
- enter into arrangements with overseas Registrars-General (or equivalent office holders) to obtain information relating to a change of name, or a death, of a New Zealand-born person in another country, or to supply name change or death information about an overseas-born person residing in New Zealand.

The penalties for offences under the Act will be increased, both to reflect the increasing seriousness with which crimes involving the misuse of personal information are regarded and to be consistent with the penalties for similar offences in the Citizenship Act 1977 and the Passports Act 1992. Those Acts are also administered by the Department of Internal Affairs and deal with the collection and use of personal identity information.

The Bill also provides that, for the avoidance of doubt, the Department of Internal Affairs is not liable for any cost to an individual incurred in supplying information required by the Act.

Access to and use of information

Currently, with few exceptions, a person can access any person's registered information. Access is granted if the applicant provides the name of the person whose record is sought. There are few safeguards to protect the privacy of individuals who do not want their personal information made available to the general public or to certain persons. Once released, the information may be used for any purpose, including intrusive or unlawful purposes or in ways that are otherwise inconsistent with the intended purposes of the collection of the information.

The Bill introduces a new framework to ensure that access to registered information incorporates appropriate privacy safeguards, and is consistent with the purposes of the registers. The Bill defines the registers' purposes as providing—

- a source of demographic information, and information about health, mortality, and other matters important for government; and
- an official record of births, deaths, marriages, civil unions, and name changes that can be used as evidence of those events taking place, and also of age, identity, descent, whakapapa, and New Zealand citizenship status.

The Bill provides that individuals will continue to be able to access their own records and the records of their immediate family members. Individuals will be able to authorise any other person to access their records (including, for example, people undertaking family history research). Access to information is also permitted for other legitimate purposes, such as for administering a deceased person's estate. It will be an offence to try to obtain information by falsely claiming to be authorised to access a person's record.

However, these restrictions will not apply to historical records (such as birth records where the person was born at least 100 years ago). The public will generally be allowed access to those records, and the Registrar-General will be able to make historical information

available for public search through an internet site under the Registrar-General's control.

Provision is also made in the Bill for organisations to receive registered death information in order to remove deceased persons from databases (including mailing lists). The information will be provided on strict terms relating to the way it can be used, and prohibiting the publication of the information (for example, on the Internet).

The provision of public internet access to historical records and the general disclosure of information to organisations (including through information matching programmes with government agencies) replaces the production of indexes under the Act. Indexes were designed to facilitate the searching of paper-based records and are no longer appropriate for accessing the current computer-based records. The Bill creates an offence for publishing information on the Internet from indexes that were previously obtained, in order to limit the opportunity for the information to be misused.

The Bill also introduces new provisions to enhance the protection of the identities of police officers, witnesses, and officers and employees working for the New Zealand Security Intelligence Service. The current provision is no longer sufficient because it only allows concealment of a change of name. The Bill therefore provides for the Registrar-General, with ministerial approval, to be able to create completely new identity information.

Other updates to the Act

Currently, any change to the design of a form used to collect information under the Act must be accomplished by amending the related regulations. This is time-consuming and inflexible, especially in the case of minor changes. The Bill amends the Act to allow the Registrar-General to produce and amend forms, as long as they contain the information set out in regulations. This provision is supported by amendments that improve the ability to use electronic means to provide and access information under the Act.

In recognition of New Zealand's changing society, the Bill also amends the Act to remove discrimination against persons in a de facto relationship. This includes a provision to require both parents to sign their child's birth registration form, regardless of the type of the parents' relationship. This will help to ensure that both parents

check the accuracy of information provided and will reduce claims that a person was wrongly named as a parent. Provision is made for one parent to notify the birth alone in cases where it would be impossible or inappropriate to require both parents to sign the form. The Bill also changes the name of the Act to the Births, Deaths, Marriages, and Relationships Registration Act 1995 because of the extension of the registration functions under the Act relating to civil unions, de facto relationships, and donor and donor offspring information.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the principal Act amended is the Act which, up until this amendment comes into force, is called the Births, Deaths, and Marriages Registration Act 1995.

Clause 4 repeals the Long Title, which is replaced with a new purpose section (see *clause 6*).

Clause 5 changes the Title of the principal Act to the Births, Deaths, Marriages, and Relationships Registration Act 1995. References in other enactments and any other documents to the Births, Deaths, and Marriages Registration Act 1995 are to be read as references to the Births, Deaths, Marriages, and Relationships Registration Act 1995.

Clause 6 inserts a purpose section, which reflects the current Long Title but takes into account amendments made by the Bill.

Clause 7 amends the interpretation section to reflect the amendments made by the Bill.

Clause 8 substitutes *new section 4*, which provides that information must not be recorded except in accordance with the Act. Information that is already recorded may only be changed in accordance with the Act. This provision is currently section 83, which is proposed to be repealed.

Clause 9 inserts *new section 5A*, which is to the same effect as current section 4, requiring preliminary notice of births, but uses more modern language. The placement of the section makes more logical the order of the provisions relating to births. Reference to electronic

notification is removed because a more general provision authorising electronic notification is proposed (see *new section 89A*).

Clause 10 substitutes *new sections 9 and 10*. *New section 9* requires that both parents must notify a birth unless a Registrar is satisfied that one of the following exceptions applies:

- the child has only 1 parent at law; or
- the other parent is unavailable; or
- requiring the other parent to sign the form would cause unwarranted distress.

A child has only 1 parent at law if he or she is born as a result of an assisted reproduction procedure (such as donor insemination) to a mother acting alone, the donor is not the mother's partner, and the donor does not become the mother's partner between conception and notification of the birth for registration. Unavailable is defined in section 2 as meaning dead, unknown, missing, of unsound mind, or unable to act by virtue of a medical condition.

The section also provides exceptions to the requirement of notification by both parents in the case of foundlings, births on board New Zealand aircraft or ships, and when a guardian or a person authorised by the Registrar-General is entitled to make the notification instead of the parents.

New section 10 allows a guardian of a child, or a person authorised by the Registrar-General, to notify a birth if the parent or parents have failed or refused to do so.

Clause 11 repeals section 15 and substitutes *new sections 15 and 15A*. The new sections reflect the content of current section 15, relating to registration of parents' details and consequent rights of appeal, but take into account the amendments requiring births generally to be notified by both parents.

Clause 12 amends *section 19*, relating to the names to be specified when a birth is notified, to reflect the new requirement that generally both parents notify the birth.

Clause 13 repeals section 21 and substitutes *new sections 21 and 21A*. The new provisions provide for name changes to be registered for a person whose birth is unregistrable in New Zealand (because the person was born overseas). Consequential amendments are set out in *Schedules 1 to 4*.

New section 21 also provides that it is no longer necessary for a person whose birth is registered in New Zealand to deposit a birth certificate or other relevant evidence of birth when applying for registration of a name change.

Clause 14 amends section 24 to give an adopted person under the age of 18 years who is or has been in a de facto relationship the same right to include additional information in his or her birth information as a person under the age of 18 years who has been earlier married or in a civil union.

Clause 15 amends section 28, which allows the Family Court to make a declaration relating to the sex to be shown on a birth certificate issued for an adult. At present all applicants must be 18 years of age. The amendment allows an application to be made by a person who is younger than 18 years of age but who is, or has been, earlier married, in a civil union, or in a de facto relationship.

Clause 16 amends section 29, which allows the Family Court to make a declaration as to the appropriate gender identity for a child. At present the section does not refer to persons under 18 who are in, or have been in, a de facto relationship. The amendment provides that applications cannot be made by a guardian in respect of a person under 18 if the person has earlier been married, entered into a civil union, or been in a de facto relationship.

Clause 17 repeals sections 37 to 41. These sections set out the requirements for doctor's certificates to be provided upon death and the transfer and disposal of bodies. The provisions are moved to the Burial and Cremation Act 1964. Relevant amendments made to that Act are set out in *Schedule 3*.

Clause 18 amends section 52 to regulate access to the information set out in death certificates issued outside New Zealand that are deposited with the Registrar-General. The provisions regulating searches apply.

Clause 19 substitutes *new section 62*, which relates to the recording of new names upon marriage. The new section takes into account the proposed new provisions regarding the registration of name change information for a person whose birth is not registered in New Zealand.

Clause 20 substitutes *new section 62G*, which relates to the recording of new names upon entering a civil union. The amendment updates

the section to take into account the proposed new provisions regarding the registration of name change information for a person whose birth is not registered in New Zealand.

Clause 21 consequentially amends section 63, relating to birth certificates for adopted persons, in light of the changes made to section 21.

Clause 22 substitutes *new section 65* to enhance the protection of certain witnesses in proceedings and undercover police officers. The new section also covers officers and employees of the New Zealand Security Intelligence Service and expressly includes persons who need protection because of their relationship to a witness. At present, section 65 provides only for the concealment of a name change. In contrast, *new section 65* enables the Registrar-General to remove, change, or create birth, death, marriage, civil union, or name change information to support the person's new identity. See also section 78 (*clause 28*) for restrictions on searching records relating to new identities.

Clause 23 amends section 67, which relates to birth certificates generally. Subsections (4) to (6) are repealed because access by government agencies to registered information will be allowed through authorised information matching provisions (see section 78A (see *clause 26*) and *new Schedule 1A*) or under the new provisions regulating access to information.

Clause 24 inserts *new section 70B* to provide for name change certificates. *Schedule 4* contains consequential amendments to regulations made under the Act.

Clause 25 repeals the heading to Part 9 and substitutes a new heading.

Clause 26 substitutes *new sections 73 to 75*. It will no longer be possible to search indexes of registered information and the Registrar-General will no longer maintain the indexes.

Under *new sections 73 and 74* the categories of persons who are entitled to obtain registered information will also be limited. In general terms, the person who is the subject of the registered information or his or her immediate family is entitled to obtain registered informa-

tion. Other persons may obtain particular types of registered information as follows:

- birth information or name change information may be obtained by any person if the person who is the subject of the information was born at least 100 years ago:
- birth information may be obtained by any person if it relates to a still-birth that occurred at least 50 years ago:
- death information may be obtained by any person if the person who is the subject of the information died at least 50 years ago or was born at least 80 years ago:
- marriage information or civil union information may be obtained by any person if the marriage or civil union occurred at least 80 years ago.

New section 74 also contains a list of the following persons who may also obtain registered information:

- a person who has been granted power of attorney or written authority to obtain the information by either the person who is the subject of the information or a person entitled to obtain the information:
- a person who requires the information for court or tribunal proceedings:
- an executor, administrator, or trustee of an estate or trust who requires the information for the administration of the estate or trust:
- a public sector agency that requires the information to avoid prejudice to the maintenance of the law:
- the New Zealand Security Intelligence Service if it requires the information for its security-related functions:
- the police so they can notify the next of kin of a person's death:
- a person who can satisfy the Registrar-General that he or she needs the information for a proper purpose related to recording information under the Act.

New section 74A sets out who may inspect source documents (for example, a Notification of Birth for Registration form). The only persons who may do so are as follows:

- the person who is the subject of the information contained in the source document:

- a person who can satisfy the Registrar-General that he or she requires the information for the maintenance of the accuracy of registered information;
- a person who can satisfy the Registrar-General that he or she requires the information for a purpose consistent with the purpose of recording information under the Act that cannot be met by obtaining a certificate or print-out.

New section 75 allows more general searches to be undertaken for gathering statistics or for historical or demographic research. The section also allows information about particular individuals to be obtained if—

- it relates to persons who are dead or were born at least 120 years ago; and
- the Registrar-General is satisfied that benefit to the public of allowing the information to be obtained outweighs the effect on individual privacy.

The section allows more general searches to be undertaken for health research. Information about particular individuals may be obtained if either—

- it relates to persons who are dead or were born at least 120 years ago; or
- the Registrar-General is satisfied that benefit to the public of allowing the information to be obtained outweighs the effect on individual privacy.

The section sets out matters that the Registrar-General must take into account when determining whether the public benefit outweighs the effect on individual privacy in a particular case.

The Registrar-General may impose conditions on the holding, use, publication, and disposal of the information in order to protect individual privacy.

Clause 27 amends section 76, which restricts searches relating to adopted persons. The changes allow a search to be made in respect of a person's status as the adoptive or natural parent of a particular adopted person. This is only for the purpose of verifying the death of the adoptive or natural parent (under subsection (3)(d) it is possible to obtain information about adoption if both the natural and adoptive parents are dead).

Clause 28 amends section 78, which sets out restrictions on obtaining information relating to new identities, so that it also covers persons who have a new identity because they are a protected witness or because of their relationship to a protected witness, undercover police officers, and employees or officers of the New Zealand Security Intelligence Service. The Registrar-General may, with the approval of the Commissioner of Police or the Director of Security (as the case may be), provide details of a person who has a new identity to a government agency that has an interest in ensuring that a person does not have more than 1 identity. The amendments also require the person who has the new identity and the Commissioner of Police or the Director of Security (as the case may be) to be notified if registered information about the person is requested.

Clause 29 amends section 78A so that it covers the disclosure of name change information to other agencies in addition to the disclosure of birth, death, marriage, and civil union information to those agencies. Schedule 1A of the Act is consequentially amended in *Schedule 1*.

Clause 30 inserts *new sections 78B to 78G*.

New section 78B allows information to be obtained from the Ministry of Social Development and matched against information held for the purposes of the Act. The purpose of the provision is to trace the mothers of children whose births are unregistered so that the births may then be registered. The information may be requested and provided only in accordance with an agreement, in accordance with section 99 of the Privacy Act 1993, between the Registrar-General and the Ministry of Social Development. Consequential amendments made to the Privacy Act 1993 and the Social Security Act 1964 are set out in *Schedule 3*.

New section 78C enables the Registrar-General to release statistical information that is of interest to the public and not readily available elsewhere.

New section 78D allows the Registrar-General to share name change information and death information with registration authorities overseas.

New section 78E allows the Registrar-General to disclose registered death information to other persons or organisations for the purpose

of removing the names of deceased persons from a database held by the person or organisation.

The disclosure must be in accordance with an agreement between the Registrar-General and the person or organisation and there must be consultation with the Privacy Commissioner. The Privacy Commissioner may require the agreement to be reviewed at least 12-monthly. The person or organisation that obtains the information must not change or manipulate the information, place it on the Internet, or otherwise make it available for public search, or use or disclose it for a purpose other than that specified in the agreement (or allow anyone else to do any of these things).

New section 78F allows the Registrar-General to make historical information available to the public on the Internet, for a fee. In general terms the information that may be made available relates to the following:

- births (excluding still-births) that occurred at least 100 years ago:
- still-births that occurred at least 50 years ago:
- marriages and, eventually, civil unions that occurred at least 80 years ago:
- name changes for a person born in another country if the person was born at least 100 years ago:
- deaths relating to people who died at least 50 years ago or who were born at least 80 years ago.

New section 78G prohibits the intentional making available of index information on the Internet. The repeal of current section 74 provides that indexes will no longer be available to members of the public (see *clause 26*).

Clause 31 amends section 81 to make it clear that Registrars may be appointed to have functions under other Acts, for example the Civil Union Act 2004.

Clause 32 substitutes a new heading to Part 11 to reflect amendments proposed in the Bill.

Clause 33 repeals sections 82 to 84 and substitutes *new sections 82 to 84A*.

New section 82 allows the Registrar-General to conduct inquiries and seek statutory declarations where necessary so that full and correct

records are kept of events that must be registered under the principal Act. The Registrar-General may delegate his or her powers under this section.

New section 83 is similar to the section it replaces (section 82) in that it allows a Registrar to decline to record information if satisfied that it is or is likely to be incorrect. However, it links into *new section 82* so that the Registrar may make any inquiries that seem appropriate before deciding whether the information is or is likely to be incorrect.

New section 84 allows the correction of errors by a Registrar. It is similar to the current section 84. However, instead of including a subsection allowing the Registrar to require evidence to ascertain whether there has been a clerical error, it links into *new section 82*.

New section 84A requires the Registrar-General to amend birth information if, after making any inquiries under *new section 82* that seem appropriate, he or she is satisfied that—

- the child to whom the birth information relates was conceived as a result of an assisted reproductive procedure; and
- the birth information does not include details of the child's parent or parents in terms of the Status of Children Act 1969 or includes details of a person as a parent who is not a parent in terms of that Act.

Clause 34 amends section 85 so that the Family Court may determine difficult cases not only relating to corrections of errors under *new section 84* but also the amending of birth information under *new section 84A*.

Clause 35 inserts *new sections 85A and 85B*.

New section 85A allows the chief executive of the Ministry of Health to advise the Registrar-General if he or she discovers an apparent omission or error so that a person's birth or death can be registered correctly.

New section 85B allows the Registrar-General to use registered information to update information kept by the Registrar-General under the Human Assisted Reproductive Technology Act 2004.

Clause 36 inserts a *new Part 11A heading*.

Clause 37 inserts *new sections 87A and 87B*. *New section 87A* makes it clear that the Act does not limit the provision of information in accordance with the Statistics Act 1975.

New section 87B allows the Registrar-General to issue standard forms for the purposes of the Act. Forms will no longer be set out in regulations, although the information to be included in forms must be prescribed. Consequential amendments are set out in *Schedules 2 and 4*.

Clause 38 amends section 89, which relates to offences and penalties. The main changes are—

- an offence of making a false statement for the purpose of obtaining information or a source document under the Act is added. It has a penalty, on summary conviction, of up to 3 months' imprisonment or a fine not exceeding \$10,000 (or both); and
- the maximum term of imprisonment for making a false statement in relation to a matter to be recorded or tampering with information is increased from 2 years to 5 years and the provision is amended to clarify that the offences are triable on indictment (the Summary Proceedings Act 1957 is amended in *Schedule 3* so that the offences can also be tried summarily); and
- the penalty for a breach of section 41 is removed because this section is moved to the Burial and Cremation Act 1964; and
- a maximum fine of \$50,000 is set for 2 new offences. The offences are misuse of, or permitting the misuse of, information obtained by a non-government agency (a breach of *new section 78E(7)*) and making available index information on the Internet (a breach of *new section 78G*); and
- the maximum fine for failing to notify a Registrar of the death of a person when disposing of the body is increased from \$2,000 to \$10,000; and
- the maximum fine for other breaches of the Act is increased from \$500 to \$1,000; and
- subsection (3) is clarified so that it excludes setting a fine for a breach of subsection (1)(c), which is dealt with by way of imprisonment in subsection (2). The Sentencing Act 2002 allows a court to impose a fine as an alternative to imprisonment.

Clause 39 inserts *new section 89A*, which allows the Registrar-General to authorise the provision of information by electronic means subject to any conditions he or she thinks fit. If allowing information

to be provided electronically, the Registrar-General may dispense with the requirement for a signature.

Clause 40 amends section 91(3), which provides that fees are not payable for the provision of information about a person recorded under section 50 within 10 years after his or her death. The amendment updates the provision so that it covers the provision of information electronically.

Clause 41 inserts *new section 91A*, which provides, to avoid doubt, that the Crown is not liable for the costs incurred by any person in supplying information required under the Act.

Clause 42 is a transitional provision so that applications that commence before the amendments come into force are continued and completed as if the law had not changed.

Clause 43 substitutes *new Schedule 1A* so that name change information may be shared with certain government agencies in accordance with the protections in section 78A.

Clause 44 provides that various consequential amendments are made to the Act as set out in *Schedule 2*.

Clause 45 provides that the Acts specified in *Schedule 3* are consequentially amended.

Clause 46 provides that the Births, Deaths, and Marriages Registration (Prescribed Information and Forms) Regulations 1995 are amended according to *Schedule 4*. Most of the amendments relate to *new section 87A* by removing prescribed forms and references to prescribed forms. The title of the regulations is also changed to match the new title of the Act.

Clause 47 provides that the regulations specified in *Schedule 5* are consequentially amended.

Regulatory impact statement

Statement of nature and magnitude of problem and need for government action

The Registrar-General is responsible for holding and maintaining registers that contain information about births, deaths, marriages, civil unions, and name changes. The Births, Deaths, and Marriages Registration Act 1995 governs access to information held on the registers. Under the Act, any person may obtain information from the registers (with limited exceptions) provided the person can name

the individual whose record is sought. In addition, the Registrar-General must maintain, and make available to the public, indexes to the registers. The amount of information contained in the indexes has increased over time, and the indexes are now widely available (for example, through public libraries). A policy review of public access to the registers concluded that the public access provided by the Act is inappropriate in light of current attitudes towards privacy and protection of personal information.

Statement of public policy objectives

The public policy objective is to provide a legislative regime governing access to the registers that draws an appropriate balance between protecting the privacy interests of individuals who are required to provide personal information to be held on the registers, and providing appropriate public access to the information on the registers for legitimate purposes.

Statement of feasible options

Status quo

The current legislative public access regime allows largely open access to the registers. With limited exceptions, any person can obtain information and products (such as birth certificates) from the registers about any other person. In addition, indexes to the registers contain significant amounts of personal information, and the indexes are widely available to members of the public. Retaining the status quo will not address the privacy issues raised by the review of public access to the registers.

Legislative amendment

As the Births, Deaths, and Marriages Registration Act 1995 governs access to information held on the registers, changes to the access regime require legislative amendment. Introducing a new legislative regime to allow public access to the information where authorised by the subject of the record or where there is a justifiable reason for accessing the information that is related to the purpose of the registers is considered the best option for meeting the public policy objective.

***Statement of net benefit of proposal, including
total regulatory costs and benefits of proposal***

The key benefit of the proposals to restrict public access to the registers is that personal information held on the registers will, as a general rule, only be available to people who have a genuine reason for requiring the information. This will provide enhanced privacy protection for people whose personal information is held in the registers. In addition, restricting public access to the registers is likely to make it more difficult for certain types of identity fraud to be committed.

The costs of the proposals to restrict public access to the registers include the extra steps people will be required to go through to obtain information from the registers and potentially increased fees for products from the registers. It is likely that, under the proposals, people requesting a certificate or print-out of information from the registers will have to sign a declaration as to their identity and/or their purpose for seeking access to the information and they may require the written consent of the person whose information they wish to obtain. The need for a declaration would mean that customers could no longer order certificates or print-outs over the telephone (currently approximately 20% of certificates and print-outs are the result of phone orders). This may be less convenient for some people and/or could result in short delays in obtaining the information required (which would be a problem for persons needing certificates urgently, for example, to prove entitlement to a benefit). In addition, the cost of certificates and print-outs may need to be increased to offset the reduction in volumes of certificates and print-outs ordered and the additional resources that may be required to verify that people seeking access to information are entitled to receive the information.

The proposals to restrict public access to information from the registers will impact on family historians and genealogists, and are likely to be contentious. These groups currently purchase the majority of the print-outs obtained from the registers. Under the proposals, genealogists will require the consent of persons who are entitled to obtain information from the registers before access will be permitted. However, historical information will be more readily available, especially to those genealogists who have access to the Internet.

Business compliance costs

The proposals to permit the Registrar-General to enter into written agreements with private sector organisations to disclose information from registers for specified purposes will involve business compliance costs. Businesses will need to invest resources (both financial and people resources) when negotiating the agreements (although it is likely that standard form agreements will develop over time which will reduce these compliance costs). In addition, new offence provisions restricting what businesses can do with the information disclosed pursuant to an agreement may expose some businesses to the risk of prosecution if they fail to comply with the requirements.

Currently, direct marketing firms and financial institutions purchase indexes to the death registers in order to update their mailing lists. It is likely that these types of businesses will be interested in entering into disclosure agreements with the Registrar-General. Entering into such agreements will, of course, be voluntary, and businesses will be able to weigh up any costs against the benefits of accessing the relevant information.

Statement of consultation undertaken

The proposals to introduce a new regime governing public access to the registers were developed in consultation with a working group consisting of representatives from the Ministry of Justice, the Office of the Privacy Commissioner, and the Department of the Prime Minister and Cabinet. In addition to these agencies, the following government agencies were consulted on the proposals: Ministries of Health, Social Development, Economic Development, Pacific Island Affairs, and Women's Affairs; Department of Labour; Child, Youth and Family; Inland Revenue Department; Statistics New Zealand; New Zealand Police; New Zealand Customs Service; the Treasury; Te Puni Kōkiri; New Zealand Security Intelligence Service; and State Services Commission. Public consultation has not been undertaken.

Hon Rick Barker

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Births, Deaths, Marriages, and Relationships
Registration Amendment Act **2006**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which
it receives the Royal assent.
- 3 Principal Act amended** 10
This Act amends the Act that was previously called the Births,
Deaths, and Marriages Registration Act 1995.

Part 1
Amendments to principal Act

- 4 Title repealed**
The Title is repealed.
- 5 Name of principal Act changed** 5
(1) After the commencement of this section,—
(a) the principal Act is called the Births, Deaths, Marriages,
and Relationships Registration Act 1995; and
(b) every reference in any enactment and in any document
to the principal Act must, subject to the other provisions 10
of this Act and unless the context otherwise provides, be
read as a reference to the Births, Deaths, Marriages, and
Relationships Registration Act 1995.
(2) Section 1(1) is consequentially amended by omitting “Births,
Deaths, and Marriages Registration Act 1995” and substitut- 15
ing “Births, Deaths, Marriages, and Relationships Registration
Act 1995”.
- 6 New section 1A inserted**
The following section is inserted before section 2:
- “1A Purpose** 20
The purposes of this Act are—
“(a) to require the recording and verification of information
relating to births, deaths, marriages, civil unions, name
changes, adoptions, and sexual assignments and reas-
signments, so as to provide— 25
“(i) a source of demographic information, and infor-
mation about health, mortality, and other matters
important for government; and
“(ii) an official record of births, deaths, marriages, 30
civil unions, and name changes that can be used
as evidence of those events and of age, identity,
descent, whakapapa, and New Zealand citizen-
ship; and
“(b) to regulate access to, and disclosure of, information
recorded in respect of these matters; and 35

“(c) to regulate the provision and effect of certificates relating to information recorded in respect of births, deaths, marriages, civil unions, and name changes.”

7 Interpretation

- (1) The definitions of **adoption information, birth information, civil union information, coroner’s order, death information, funeral director, give a doctor’s certificate, marriage information, and to record** in section 2 are repealed. 5
- (2) The definitions of **doctor’s certificate**, and **register** in section 2 are repealed and the following definitions substituted: 10
“**doctor’s certificate**, in relation to a death or a body, means a doctor’s certificate referred to in **section 46B and 46C** of the Burial and Cremation Act 1964 relating to the cause of death or, as the case may be, the cause of death of the person whose body it is 15
“**register** means that a Registrar records (in a manner authorised by the Registrar-General) information under this Act, or a former Act or a former Adoption Act”.
- (3) Section 2 is amended by inserting the following definitions in their appropriate alphabetical order: 20
“**coroner’s authorisation**, in relation to a body, means an authorisation by a coroner under section 42 of the Coroners Act 2006 for the release of the body
“**Director of Security** means the Director of Security holding office under the New Zealand Security Intelligence Service 25 Act 1969
“**foreign 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 within that State 30
“**immediate family member**, in relation to a person,—
“(a) means the person’s mother, father, son, daughter, sister, brother, grandparent, grandchild, spouse, civil union partner, or de facto partner; and
“(b) to avoid doubt, does not include— 35
“(i) a stepparent, stepchild, stepgrandparent, stepgrandchild, or stepsibling of the person; or

“(ii) a former spouse, former civil union partner, or former de facto partner of the person

“**name change certificate** means—

“(a) a document—

“(i) issued by, and signed or sealed by, or stamped with the seal of, a Registrar; and 5

“(ii) containing registered name change information; and

“(b) in relation to a person, a document within the meaning of **paragraph (a)** that contains registered name change information relating to each of the person’s name changes 10

“**record** includes to cause to be recorded

“**source document** means a document (other than a register) that— 15

“(a) contains information recorded under this Act or a former Act; and

“(b) is accessible by the Registrar-General or a Registrar; and

“(c) is under the control of— 20

“(i) the Registrar-General or a Registrar; or

“(ii) a person (other than the Registrar-General or a Registrar) who has the function of managing, on behalf of the Registrar-General, information recorded under this Act or a former Act; or 25

“(iii) the Chief Archivist

“**standard form** means the relevant form issued by the Registrar-General under **section 87B**”.

8 New section 4 substituted

Section 4 is repealed and the following section substituted: 30

“4 No information to be recorded or altered except in accordance with Act

“(1) Information must not be recorded under this Act except as expressly provided in this Act.

“(2) Information recorded under this Act or a former Act must not be removed or altered except as expressly provided in this Act.” 35

9 New section inserted

The following section is inserted after section 5:

“5A Preliminary notice of birth

- “(1) A preliminary notice must be given in accordance with this section for each birth in New Zealand. 5
- “(2) If a birth takes place during or immediately before the mother’s admission to hospital, the occupier of the hospital must give the preliminary notice.
- “(3) If a birth does not take place during or immediately before the mother’s admission to hospital, the preliminary notice must be given by— 10
- “(a) a doctor, if he or she is present at the birth; or
 - “(b) a midwife, if he or she is present at the birth but a doctor is not present; or
 - “(c) the occupier of premises where the birth takes place or where the mother is admitted immediately after the birth, if neither a doctor nor a midwife is present. 15
- “(4) A preliminary notice is given by completing, signing, and giving the standard form preliminary notice to a Registrar within 5 working days after the birth. 20
- “(5) The Registrar-General must notify the Director-General of Health of all still-births for which a preliminary notice has been given.”

10 New sections 9 and 10 substituted

Sections 9 and 10 are repealed and the following sections substituted: 25

“9 Parents primarily responsible for notifying birth

- “(1) Both parents of a child born in New Zealand must, as soon as is reasonably practicable after the birth,— 30
- “(a) jointly notify a Registrar of the birth in accordance with this Act; and
 - “(b) in the case of a child born on or after 1 January 2006, inform the Registrar whether or not, to the best of their knowledge, either or both of the child’s parents are New Zealand citizens or persons entitled, in terms of the Immigration Act 1987, to be in New Zealand indefinitely. 35

- “(2) However, a Registrar may accept the form signed by only 1 parent if he or she is satisfied that—
- “(a) the child has only 1 parent at law; or
 - “(b) the other parent is unavailable; or
 - “(c) requiring the other parent to sign the form would cause 5
unwarranted distress to either of the parents.
- “(3) A person who is not a child’s parent must not notify a Registrar of the child’s birth and is not capable of doing so except as provided in sections 7, 8, and **10**.
- “(4) In this section, **1 parent at law** means that— 10
- “(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 person who provided the ovum, embryo, or semen (as the case may be) for the pregnancy does not become 15
the partner of the woman after the time of conception but before the birth is notified for registration.
- “**10 Guardian or authorised person may notify birth**
- A guardian of a child other than a parent, or a person authorised by the Registrar-General to notify the birth, may notify a 20
Registrar of the child’s birth if—
- “(a) both parents have failed or refused to do so; or
 - “(b) the child’s parent has failed or refused to do so (if **section 9(2)** applies).”
- 11 New sections 15 and 15A substituted** 25
- Section 15 is repealed and the following sections are substituted:
- “**15 Registration of parents’ details**
- “(1) A Registrar who is authorised by the Registrar-General to register births must register, as part of the birth information 30
of a child, information about the identity of—
- “(a) the child’s parents if the information is on the standard form signed by both parents; or
 - “(b) a parent of the child if the information is on the standard form signed by the parent and accepted under **section 9(2)**. 35

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Part 1 cl 11

- “(2) The Registrar-General must register or direct a Registrar who is authorised by the Registrar-General to register births to register, as part of the birth information of a child, information about the identity of a parent of the child if—
- “(a) the form is accepted under **section 9(2)(b) or (c)**, the information relates to a person who has not signed the form, and the Registrar-General is satisfied that the person is a parent of the child; or 5
 - “(b) the information relates to the child’s father, and—
 - “(i) a Family Court or the High Court has declared the man to be the child’s father; or 10
 - “(ii) a 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 15
 - “(c) the parent requests, in writing, his or her details to be included and the Registrar-General is satisfied that either or both of the following apply:
 - “(i) the person is a parent of the child: 20
 - “(ii) the other parent does not dispute the accuracy of the information.
- “(3) For the purposes of this section and **section 15A**, the only information recorded under this Act or a former Act in respect of an adopted person’s birth is the information originally recorded. 25

“15A Appeals relating to registration of parents’ details

- “(1) This section applies to a person affected by a decision of the Registrar-General under **section 15** to—
- “(a) register as part of a child’s birth information any information indicating or purporting to indicate that a person is the child’s parent, or direct a Registrar to do so; or 30
 - “(b) decline to register as part of a child’s birth information any information indicating or purporting to indicate that a person is the child’s parent, or decline to direct a Registrar to do so. 35
- “(2) The person affected may, within 28 days after receiving written notice of the Registrar-General’s decision, appeal against

the decision to the Family Court nearest the Registrar-General's office.

- “(3) The Family Court must, when considering an appeal,—
- “(a) give every person the Court thinks has an interest in the matter an opportunity to be heard; and 5
 - “(b) receive any evidence the Court thinks fit.
- “(4) The Court must then—
- “(a) either confirm the Registrar-General's decision or make a decision that it thinks fit; and
 - “(b) where necessary, direct the Registrar-General to include 10 or delete the information concerned in or from the information recorded under this Act or a former Act.
- “(5) This section does not apply in relation to a decision of the Registrar-General that gives effect to a declaration made by a Family Court or by the High Court or to a paternity order 15 made by a Family Court.”

12 Names to be specified when birth notified

- (1) Section 19 is amended by repealing subsection (1) and substituting the following subsection:
- “(1) The person or persons who notify a Registrar of the birth of a child under **section 9 or 10** must also specify for the child— 20
- “(a) 1 name designated to be treated as the child's surname and 1 or more other names; or
 - “(b) if the religious or philosophical beliefs, or cultural traditions, of a parent (whether living or dead) or living 25 guardian of the child require the child to bear only 1 name, 1 name.”
- (2) Section 19(3) is amended by omitting “the person has complied with subsection (1) of this section shall” and substituting “**subsection (1)** has been complied with must”. 30

13 New sections 21 and 21A substituted

Section 21 is repealed and the following sections are substituted:

“21 Application for registration of name change

- “(1) The following persons may apply for registration of a name change: 35

- “(a) an entitled person who is 18 years of age or older:
 - “(b) an entitled person who is younger than 18 years of age but who is or has been married, in a civil union, or in a de facto relationship:
 - “(c) the guardian of an entitled person. 5
- “(2) An application for registration of a name change is made by paying the prescribed fee (if any) and depositing with the Registrar-General—
- “(a) a statutory declaration made, in accordance with **subsection (3)**, by an entitled person or the guardian of an entitled person on a form provided by the Registrar-General for the purpose (accompanied by the entitled person’s written consent if the entitled person is 16 years of age or older and the application was made by the entitled person’s guardian); or 10 15
 - “(b) a deed poll executed before 1 September 1995, evidencing any change in the entitled person’s names; or
 - “(c) a copy of a deed poll executed and filed in an office of the High Court before 1 September 1995, certified by a Registrar of the Court in which it was filed. 20
- “(3) The entitled person or the guardian of the entitled person must declare, in the statutory declaration provided under **subsection (2)(a)**,—
- “(a) an intention to abandon (and to adopt some other names instead of) the names most recently included in— 25
 - “(i) the entitled person’s birth information or name change information; or
 - “(ii) the registration of the entitled person’s birth in another State; or
 - “(iii) a record of a name change deposited with a foreign registration authority; or 30
 - “(b) that the entitled person has previously abandoned (and adopted some other names instead of) the names included in—
 - “(i) the entitled person’s birth information or name change information; or 35
 - “(ii) the registration of the entitled person’s birth in another State; or

- “(iii) a record of a name change deposited with a foreign registration authority.
- “(4) A birth certificate, or some other certificate or evidence, that satisfies the Registrar-General of the date and place of the entitled person’s birth and the status of any other person making the application as the entitled person’s guardian must also be deposited with the Registrar-General if the entitled person’s birth is not registered. 5
- “(5) The Registrar-General must, at the option of the applicant, return or destroy the certificate or evidence deposited under **subsection (4)**. 10
- “(6) In this section and **section 21A**,—
- “**entitled person** means a person—
- “(a) whose birth is registered; or
- “(b) who is entitled, in terms of the Immigration Act 1987, to be in New Zealand indefinitely 15
- “**guardian** means—
- “(a) the guardians of a person; or
- “(b) if any guardians are unavailable, the other guardians; or
- “(c) if, on the application of 1 guardian, the Family Court has consented to a change in the person’s names, that guardian; or 20
- “(d) if all guardians are unavailable, the chief executive of the department for the time being responsible for the administration of the Children, Young Persons, and Their Families Act 1989. 25
- “**21A Registration of name change**
- “(1) The Registrar-General must, subject to section 18, register a name change as soon as is practicable if the documents and fee required by **section 21** are deposited with the Registrar-General. 30
- “(2) The Registrar-General must register a name change as follows:
- “(a) for an entitled person whose birth has been registered or is required to be registered, include the new name in the person’s birth information; or 35

- “(b) for an entitled person whose birth cannot be registered because of section 6, include the new name in the person’s name change information.
- “(3) However, the Registrar-General must not register a name change if it is an abandonment of a surname assumed on marriage or entry into a civil union (not being the surname most recently included in the person’s birth information or name change information) and a reversion to the most recently included surname.” 5

- 14 Registration of New Zealand adoptions** 10
Section 24 is amended by repealing subsection (3) and substituting the following subsections:
- “(3) The Registrar-General must include additional information described in **subsection (5)** in the birth information of an adopted person if an application— 15
 - “(a) is made under **subsection (4)(a)**; or
 - “(b) is made under **subsection (4)(b)** and is accompanied by the adopted person’s written consent if he or she is 16 or 17 years of age.
- “(4) The application may be made by— 20
 - “(a) the adopted person if he or she is 18 years of age or older or (if younger than 18 years of age) has earlier married, entered into a civil union, or been in a de facto relationship; or
 - “(b) if the birth information relates to an adopted person who is younger than 18 years of age and has not earlier married, entered into a civil union, or been in a de facto relationship,— 25
 - “(i) the adoptive parents (if there are 2 adoptive parents and they are both alive); or 30
 - “(ii) the adoptive parent (if there is only 1 adoptive parent or 1 adoptive parent alive).
- “(5) The additional information is—
 - “(a) notice of whether the words ‘adoptive parent’ or ‘adoptive parents’ should appear on birth certificates relating to the adopted person; and 35
 - “(b) other information relating to the birth, subject to **section 83**.”

- 15 Declarations of Family Court as to sex to be shown on birth certificates issued for adults**
- (1) Section 28(1) is amended by omitting “who has attained the age of 18 years” and substituting “referred to in **subsection (1A)**”. 5
- (2) The following subsection is inserted after **subsection (1)**:
- “(1A) The following persons may apply:
- “(a) a person who is 18 years of age or older:
- “(b) a person who is younger than 18 years of age but who has earlier married, entered into a civil union, or been in a de facto relationship.” 10
- 16 Declarations of Family Court as to appropriate gender identity for children**
- Section 29(1) is amended by omitting “or entered into a civil union” and substituting “, entered into a civil union, or been in a de facto relationship”. 15
- 17 Sections 37 to 41 repealed**
- Sections 37 to 41 are repealed.
- 18 Deposit with Registrar-General of death certificates issued outside New Zealand** 20
- Section 52 is amended by inserting the following subsection after subsection (6):
- “(6A) **Sections 73, 74, and 74A** apply to information provided by the Registrar under subsection (5).”
- 19 New section 62 substituted** 25
- Section 62 is repealed and the following section substituted:
- “62 Recording new names in relation to marriages**
- “(1) **Subsection (2)** applies if, during the course of a marriage, a party to the marriage changes his or her name and the change is recorded in the person’s birth information or name change information. 30
- “(2) The person who has changed his or her name (or if the person has died, the other party to the marriage) may request the

Registrar-General to include the new name or change of name in his or her marriage information.

“(3) A request under **subsection (2)** may be made when the statutory declaration, deed poll, or copy deed poll concerned is deposited under **section 21**. 5

“(4) The Registrar-General must include the new name or change of name as requested, if the request is accompanied by the prescribed fee (if any).”

20 New section 62G substituted

Section 62G is repealed and the following section substituted: 10

“62G Recording new names in relation to civil unions

“(1) **Subsection (2)** applies if, during the course of a civil union, a party to the civil union changes his or her name and the change is recorded in the person’s birth information or name change information. 15

“(2) The person who has changed his or her name (or if the person has died, the other party to the civil union) may request the Registrar-General to include the new name or change of name in his or her civil union information.

“(3) A request under **subsection (2)** may be made when the statutory declaration is deposited under **section 21**. 20

“(4) The Registrar-General must include the new name or change of name as requested, if the request is accompanied by the prescribed fee (if any).”

21 Birth certificates for adopted persons 25

Section 63(1) is amended by repealing paragraph (b) and substituting the following paragraph:

“(b) by reference to a name or names later recorded for the person under **section 21A**, or an earlier corresponding provision.” 30

22 New section 65 substituted

Section 65 is repealed and the following section substituted:

- “65 Request for new identity information for certain witnesses, etc**
- “(1) The following persons may make a written request to the Minister to create new identity information:
- “(a) the Minister of Police, for the purpose of protecting a person who—
 - “(i) is, has been, or will be—
 - “(A) a witness in any proceeding; or
 - “(B) an undercover police officer:
 - “(ii) needs protection because of his or her relationship to a person who is, has been, or will be a witness in any proceeding:
 - “(b) the Minister in charge of the New Zealand Security Intelligence Service, for the purpose of protecting a person who is, has been, or will be—
 - “(i) an officer or employee of the New Zealand Security Intelligence Service; or
 - “(ii) approved by the Director of Security to undertake activities for the New Zealand Security Intelligence Service.
- “(2) The Minister may then direct the Registrar-General, in writing, to create new identity information for the person if the Minister is satisfied that it is—
- “(a) in the interests of justice that new identity information be created as a result of a request under **subsection (1)(a)**; or
 - “(b) in the interests of security that new identity information be created as a result of a request under **subsection (1)(b)**.
- “(3) New identity information is created by the Registrar-General by omitting, amending, or inserting—
- “(a) birth information, death information, marriage information, civil union information, or name change information (including, if necessary, the creation of other identities to support the person’s new identity information); and
 - “(b) operational or administrative information as necessary, so that it supports the information described in **paragraph (a)**.

- “(4) The Registrar-General may omit, amend, or insert information in the birth information, death information, marriage information, civil union information, or name change information of a person for whom new identity information has been created if the Registrar-General receives notification that the new identity is no longer needed or has been compromised, from— 5
- “(a) the Commissioner of Police in relation to new identity information created as a result of a request under **sub-section (1)(a)**; or
- “(b) the Director of Security in relation to new identity information created as a result of a request under **sub-section (1)(b)**. 10
- “(5) In this section,—
- “**employee** and **officer** have the same meaning as in section 2 of the New Zealand Security Intelligence Service Act 1969 15
- “**undercover police officer** means a person who is a member of the police or a corresponding overseas law enforcement agency and whose identity is concealed for the purpose of an undercover investigation approved by the Commissioner of Police.” 20

23 Birth certificates generally

- (1) Section 67(3) is amended by omitting “65(2)(b), 65(3)(b)” and substituting “**65(3)**”.
- (2) Section 67 is amended by repealing subsections (4) to (6).

24 New section 70B inserted 25

The following section is inserted after section 70A:

“70B Name change certificates

- “(1) A name change certificate must contain as much information (relating to all name changes to which the certificate relates and that are recorded under this Act at the time the certificate is issued) as is then prescribed in regulations. 30
- “(2) A name change certificate must not be issued for a person whose birth has been registered.”

25 Heading to Part 9 substituted

The heading to Part 9 is omitted and the following heading substituted: “**Searches and disclosure of information**”.

26 New sections 73 to 75 substituted

Sections 73 to 75 are repealed and the following sections substituted: 5

“73 Access to birth information, death information, marriage information, civil union information, and name change information

“(1) A Registrar may cause a search of information to be made, permit the inspection of a source document, or provide a person with a print-out, certificate, copy of a source document, or information requested, only if— 10

“(a) the request is in respect of a named person; and

“(b) the request is for a source document relating to the named person’s birth, death, marriage, civil union, or name change; or information relating to the registration of the named person’s birth, death, marriage, civil union, or name change; and 15

“(c) the person making the request satisfies the Registrar that he or she is a person authorised by **section 74 or 74A** to access the information; and 20

“(d) the request is made in a manner approved by the Registrar-General; and

“(e) the prescribed fee is paid. 25

“(2) This section is subject to sections **75 to 78F**.

“74 Persons authorised to obtain registered information

“(1) The following persons may obtain birth information, or name change information, in the form of a print-out or certificate:

“(a) the person who is the subject of the birth information or name change information: 30

“(b) a guardian or immediate family member of the person who is the subject of the birth information or name change information:

“(c) any person, if the person who is the subject of the birth information or name change information was born 100 years ago or more: 35

- “(d) in the case of birth information, any person, if the information relates to a still-birth that occurred 50 years ago or more:
- “(e) the persons described in **subsection (4)**.
- “(2) The following persons may obtain death information in the form of a print-out, certificate, or (where applicable) a written statement issued under section 52(5) in respect of overseas death certificates: 5
- “(a) an immediate family member of the person who is the subject of the death information: 10
- “(b) any person, if the person who is the subject of the death information—
- “(i) died 50 years ago or more; or
- “(ii) was born 80 years ago or more:
- “(c) a funeral director or other person who notifies a death under any of sections 42 to 46 and who is acting on behalf of an immediate family member of the person who is the subject of the death information: 15
- “(d) the persons described in **subsection (4)**.
- “(3) The following persons may obtain marriage information or civil union information in the form of a print-out or certificate: 20
- “(a) a person who is the subject of the marriage information or civil union information:
- “(b) an immediate family member of a person who is the subject of the marriage information or civil union information: 25
- “(c) any person, in the case of a marriage or civil union that occurred 80 years ago or more:
- “(d) the persons described in **subsection (4)**.
- “(4) The following persons may also obtain birth information, name change information, marriage information, or civil union information in the form of a print-out or certificate, or death information in the form of a print-out, certificate, or (where applicable) written statement issued under section 52(5) in respect of overseas death certificates: 30
- “(a) a person who has been granted a power of attorney or has been given written authority to obtain the information by the person who is the subject of the information: 35

- “(b) a person who requires the information for use in proceedings in a court or tribunal:
- “(c) an executor, administrator, or trustee of an estate or trust who requires the information for the administration of the estate or trust: 5
- “(d) a public sector agency (within the meaning of section 2 of the Privacy Act 1993) that requires the information to avoid prejudice to the maintenance of the law (including the prevention, detection, investigation, prosecution and punishment of offences): 10
- “(e) the New Zealand Security Intelligence Service if it requires the information for the exercise of its security-related functions:
- “(f) the police so they can notify next of kin of a person’s death: 15
- “(g) a person who satisfies the Registrar-General that he or she requires the information for a proper purpose related to the purpose of recording information under the Act:
- “(h) a person who has been given written authority to obtain the information by a person who is entitled to obtain the information under **subsection (1)(b), (2)(a), or (3)(b)** and the written authority is given for the purpose of undertaking family history research: 20
- “(i) a person who has been granted a power of attorney or has been given written authority to obtain the information by a person who is entitled to obtain the information under any of **paragraphs (b) to (g)**. 25

“74A **Persons authorised to access source documents**

- “(1) The following persons may inspect or obtain a copy of a source document: 30
 - “(a) the person who is the subject of the information contained in the source document:
 - “(b) a person who satisfies the Registrar-General that access is required for the maintenance of the accuracy of the registered information: 35
 - “(c) a person who satisfies the Registrar-General that access is required for a purpose consistent with the purpose of

recording information under the Act that cannot be met by obtaining a certificate or print-out.

“(2) However, a person described in **subsection (1)(a)** may not inspect or obtain a copy of information from a register, or index to a register, that is maintained in documentary form and was created before 1 January 1998. 5

“**75 Searches for purposes of gathering of statistics, or for health, historical, or demographic research**

“(1) The Registrar-General may direct a Registrar to cause a search to be made or to provide information even though the requirements in **section 73** are not met. 10

“(2) The Registrar-General may give a direction under this section only if the request for the information is made by a person acting on behalf of a government agency or a body or person for the purpose of— 15

“(a) the gathering of statistics or historical or demographic research, and—

“(i) information relating to particular individuals is not sought and will not be retained; or

“(ii) if information relating to particular individuals is sought, the information— 20

“(A) relates to persons who are dead or were born at least 120 years ago; and

“(B) 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; or 25

“(b) health research, and—

“(i) information relating to particular individuals is not sought and will not be retained; or 30

“(ii) if information relating to particular individuals is sought, the information—

“(A) relates to persons who are dead or were born at least 120 years ago; or

“(B) 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. 35

- “(3) For the purposes of **subsection (2)(a)(ii)(B) and (b)(ii)(B)** the Registrar-General must take into account the following matters:
- “(a) the number of individuals whose privacy will be affected: 5
 - “(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: 10
 - “(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 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 effect on individual privacy.” 15
- 27 Restrictions on searches relating to adopted persons**
- (1) Section 76(1) is amended by omitting “This section applies” and substituting “Subsections (2) to (4) apply”. 20
 - (2) Section 76(2) is amended by omitting “to which this section applies” and substituting “referred to in subsection (1)”.
 - (3) Section 76(3) is amended by omitting “to which this section applies” and substituting “referred to in subsection (1)”. 25
 - (4) Section 76 is amended by adding the following subsections:
 - “(5) A Registrar may, upon payment of the prescribed fee, cause a search to be made in respect of a person’s status as the adoptive or natural parent of a named adopted person if the Registrar is satisfied that the search is desirable to verify the death of a person for the purposes of subsection (3). 30
 - “(6) A request for a search under **subsection (5)** must comply with **section 73(1)(b) and (d)**.”

28 Restrictions on searches relating to new names of certain witnesses, etc

Section 78 is amended by repealing subsection (4) and substituting the following subsections:

- “(4) The Registrar-General may notify a government agency that has an interest in ensuring that people do not have more than 1 identity of the fact that **section 65** applies to a person and provide details about the person, such as the person’s date of birth, former name, and new name, to the agency. 5
- “(5) However, the Registrar-General may do so only if he or she has the written approval of— 10
- “(a) the Commissioner of Police, in the case of a new identity created as the result of a request made under **section 65(1)(a)**; or
 - “(b) the Director of Security, in the case of a new identity created as the result of a request made under **section 65(1)(b)**. 15
- “(6) **Subsections (7) and (8)** apply if a person requests, under this Act, birth information, death information, marriage information, civil union information, or name change information of a person for whom a new identity has been created. 20
- “(7) The Registrar-General must, as soon as is practicable,—
- “(a) cause the person who has the new identity to be notified that the information has been requested, if the Registrar-General has the person’s latest contact details; and 25
 - “(b) also notify—
 - “(i) the Commissioner of Police, if the new identity was created as a result of a request under **section 65(1)(a)**; or
 - “(ii) the Director of Security, if the new identity was created as a result of a request under **section 65(1)(b)**. 30
- “(8) The Registrar-General may also inform the person who has the new identity and the Commissioner of Police or the Director of Security (whichever is notified under **subsection (7)**) of the following information: 35
- “(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:
- “(d) the information (if any) provided to the person as a result of the request.”

29 Disclosure of birth information, death information, marriage information, and civil union information to certain specified agencies for certain purposes 5

- (1) The heading to section 78A is amended by omitting “**and civil union**” and substituting “**civil union information, and name change**”.
- (2) Section 78A(1) is amended by omitting “and civil union”, and substituting “civil union information, and name change”.
- (3) Section 78A(4) is amended by omitting “and civil union”, and substituting “civil union information, and name change”.

30 New sections 78B to 78G inserted

The following sections are inserted after section 78A: 15

“78B Information matching to trace unregistered births

- “(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 (in this section called 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. 20
- “(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— 25
 - “(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.
- “(3) No request may be made unless— 30
 - “(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 in accordance with the agreement.
- “(4) The Registrar-General may cause a comparison to be made between information supplied as a result of a request under this 35

section and other information held by the Registrar-General for the purposes of this Act.

“78C Disclosure of statistical information

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

“78D Registrar-General may share name change information and death information with foreign registration authorities 10

“(1) The Registrar-General may supply to a foreign registration authority name change information or death information, or both, relating to a person whose birth is registered in the State in which the foreign registration authority has jurisdiction.

“(2) Without limiting his or her discretion under **subsection (1)**, 15
the Registrar-General may decide not to supply name change information under that section 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 other 20
nature relating to that person.

“(3) The Registrar-General may obtain, hold, and use information from a foreign registration authority relating to a name change or death of a person in the State in which the foreign registration authority has jurisdiction— 25

“(a) whose birth is registered; or

“(b) who is entitled, in terms of the Immigration Act 1987, to be in New Zealand indefinitely.

“78E Disclosure of death information to non-government organisations for certain purposes 30

“(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 the names of deceased persons from a database held by the other party. 35

- “(2) The Registrar-General may not disclose information that is protected by any of sections 63 to 66.
- “(3) No disclosure may be made unless—
- “(a) there is an agreement between the Registrar-General and the other party that states—
5
 - “(i) the purpose of the agreement; and
 - “(ii) the information that can be disclosed; and
 - “(iii) the method and form of the disclosure; and
 - “(iv) the use the other party will make of the information; and
10
 - “(v) the fees (if any) payable for disclosure of the information; and
 - “(b) the disclosure is in accordance with the agreement.
- “(4) The agreement may be varied by the Registrar-General and the other party in writing. 15
- “(5) The Registrar-General and the other party must consult with the Privacy Commissioner appointed under the Privacy Act 1993 before entering into or varying the 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. 20
- “(7) The other party that obtains information under this section must not intentionally do, or permit another person to do, any of the following: 25
- “(a) change or manipulate the information into a form different from the form in which it was provided;
 - “(b) place the information on the Internet or otherwise make it available for public search;
 - “(c) use or disclose the information for a purpose other than
30 the purpose specified in the agreement.
- “**78F Registrar-General may make certain historical information available on website**
- “(1) The Registrar-General may make historical information available for search by the public at an internet website on payment of the prescribed fee. 35

- “(2) The website must be maintained by, or on behalf of, the Registrar-General.
- “(3) The historical information that the Registrar-General may make available is,—
 - “(a) for births (excluding still-births) that occurred 100 years ago or more, any or all of the following information that is registered: 5
 - “(i) the name, all registered name changes, and sex of the person born:
 - “(ii) the date of the birth: 10
 - “(iii) the place of the birth or the place where it was registered or both:
 - “(iv) the mother’s name:
 - “(v) the father’s name:
 - “(vi) the registration number; and 15
 - “(b) for still-births that occurred 50 years ago or more, any or all of the following information that is registered:
 - “(i) the name and sex of the person who was still-born:
 - “(ii) the date of the still-birth: 20
 - “(iii) the place of the still-birth or the place where it was registered or both:
 - “(iv) the mother’s name:
 - “(v) the father’s name:
 - “(vi) the registration number; and 25
 - “(c) for marriages and civil unions that occurred 80 years ago or more, any or all of the following information that is registered:
 - “(i) the names of the people who married or entered into a civil union: 30
 - “(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; and
 - “(d) for name changes for a person whose birth is registered outside New Zealand, if the person’s birth occurred 100 years ago or more, any or all of the following information that is registered: 35

- “(i) the person’s full name before the first registered name change:
 - “(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: 5
 - “(iv) the place of birth of the person:
 - “(v) the registration number; and
 - “(e) for deaths that occurred 50 years ago or more, or if 80 years or more has passed since the birth of the deceased person, any or all of the following information that is registered: 10
 - “(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 it was registered or both: 15
 - “(iv) the date of birth of the person who died or the age of the person on death, or both:
 - “(v) the registration number.
- “**78G Index information must not be made available on Internet** 20
- “(1) Index information must not be made available intentionally on an internet website.
 - “(2) Index information that is made available on an internet website before the commencement of this section must be removed from the website within 14 days after the commencement of this section. 25
 - “(3) However, index information may be made available on an internet website (or remain available if it is available on the website before the commencement of this section) if— 30
 - “(a) the information is in a form that could not reasonably be expected to identify any particular person; or
 - “(b) the person who makes available the information—
 - “(i) is entitled to obtain the same information under **section 74(1), (2), or (3)**; or
 - “(ii) is entitled to obtain the same information under **section 74(4)(a)**; or 35
 - “(iii) has been granted a power of attorney or given written authority to make available the informa-

tion by a person specified in **section 74(1)(b), (2)(a), or (3)(b)**.

“(4) Index information may be made available on an internet website under **subsection (3)(b)(ii) or (iii)** only to the extent that the power of attorney or written authority does not prohibit making available the information on the Internet. 5

“(5) In this section—

“**index information** means information obtained under section 74(2) before the commencement of this section, or section 39B(2) of the Births and Deaths Registration Act 1951, or part of the information obtained 10

“**internet website** includes part of an internet website that is not generally accessible to members of the public.”

31 Registrars

(1) Section 81(1) is amended by adding “or any other Act under which Registrars exercise functions”. 15

(2) Section 81(2)(c) is amended by inserting “or any other Act under which Registrars exercise functions” after “Act”.

32 Heading to Part 11 substituted

The heading to Part 11 is omitted and the following heading substituted: “**Powers of inquiry and correction and updating of records**”. 20

33 New sections 82 to 84A substituted

Sections 82 to 84 are repealed and the following sections substituted: 25

“82 Registrar-General’s powers of inquiry

“(1) The Registrar-General may, if he or she considers it reasonably necessary for the purposes of this Act, make inquiries—

“(a) to determine whether a registrable event has occurred; or 30

“(b) to collect details of a registrable event; or

“(c) to ensure that there is a correct record of a registrable event.

“(2) The Registrar-General may also require a person who provides information under this section to make a statutory declaration 35

on a form provided by the Registrar-General for the purpose or to provide other evidence in support of the information provided.

“(3) The Registrar-General may delegate his or her powers under this section to 1 or more Registrars. 5

“(4) In this section, **registrable event** means an adoption, birth, death, marriage, civil union, name change, or sexual assignment or reassignment.

“**83 Registrars must decline to record certain information**

“(1) If a Registrar is satisfied (on reasonable grounds) after making any inquiries under **section 82** that seem appropriate, that information in respect of a birth, death, marriage, civil union, or name change is or is likely to be incorrect, he or she must decline to record the information. 10

“(2) This section overrides anything in this Act to the contrary and is in addition to the powers of the Registrar-General under sections 24(2), 24(3)(b), 25(b), 30(2), and 31. 15

“**84 Correction of errors**

“(1) If a Registrar is satisfied, after making any inquiries under **section 82** that seem appropriate, that information recorded under this Act or a former Act contains a clerical error, he or she must correct the error and notify the Registrar-General of the error and its correction. 20

“(2) If the Registrar-General is satisfied, after making any inquiries under **section 82** that seem appropriate, that any information— 25

“(a) recorded under this Act or a former Act is incorrect, he or she must cause it to be removed and (if the Registrar-General is satisfied that relevant information in the Registrar-General’s possession is correct) cause the correct information to be substituted; or 30

“(b) in the Registrar-General’s possession and not recorded under this Act or a former Act is correct and should have been recorded, he or she must cause the information to be recorded. 35

“84A Amendments to birth registrations to include details of parents under Part 2 of Status of Children Act 1969

- “(1) The Registrar-General must amend a person’s birth information in accordance with **subsection (2)** if the Registrar-General is satisfied, after making any inquiries under **section 82** that seem appropriate, that—
- “(a) the 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 information does not include information about a parent of the person as determined under that Act, or includes information about a person purporting to be a parent but who is not a parent in terms of that Act.
- “(2) The Registrar-General must amend the birth information by adding or deleting (or both) information described in **subsection (1)(b)**.
- “(3) In this section **AHR procedure** has the same meaning as in section 15 of the Status of Children Act 1969.”

34 Family Court may consider proposed corrections in cases of difficulty or dispute

- (1) Section 85(1) is amended by inserting “or **84A**” after “section 84”.
- (2) Section 85(2) is amended by inserting “or **84A**” after “section 84”.
- (3) Section 85(3) is amended by inserting “or **84A**” after “section 84”.

35 New sections 85A and 85B inserted

The following sections are inserted after section 85:

“85A 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—
- “(a) advise the Registrar-General of an apparent omission or error if he or she 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 allow the error or omission to be corrected.
- “(2) The Registrar-General may correct birth information or death information in accordance with information provided under this section. 5
- “85B Information recorded under Act may be used to update information kept under Human Assisted Reproductive Technology Act 2004 10**
- “(1) The Registrar-General may use registered information to update HART information.
- “(2) However, the Registrar-General may do so only if he or she is satisfied that the registered information relates to a donor, donor offspring, or donor offspring’s guardian, about whom HART information is kept. 15
- “(3) In this section—
- “**donor, donor offspring, and guardian** have the same meaning as in the Human Assisted Reproductive Technology Act 2004 20
- “**HART information** means information kept by the Registrar-General under Part 3 of the Human Assisted Reproductive Technology Act 2004
- “**registered information** means birth information, death information, or name change information.” 25
- 36 New Part 11A heading inserted**
The Part 11A heading “**Miscellaneous provisions**” is inserted before section 86.
- 37 New sections 87A and 87B inserted 30**
The following sections are inserted after section 87:
- “87A Provision of information to Statistics New Zealand**
This Act does not limit the provision of information under the Statistics Act 1975.

“87B Registrar-General may issue standard forms

“(1) The Registrar-General may issue forms requiring information or setting out information that may be provided for the purposes of this Act.

“(2) Information required by the forms must be prescribed by regulations and may include information prescribed to be contained in certificates under this Act.” 5

38 Offences and penalties

(1) Section 89(1) is amended by adding the following paragraph:

“(g) makes a written or 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

(2) Section 89(2) is amended by omitting “to imprisonment for a term not exceeding 2 years” and substituting “on indictment to imprisonment for a term not exceeding 5 years” 15

(3) Section 89 is amended by repealing subsection (3) and substituting the following subsections:

“(2A) A person who commits an offence against **subsection (1)(g)** is liable, on summary conviction, to a term of imprisonment not exceeding 3 months or a fine not exceeding \$10,000, or both. 20

“(3) A person who commits any other offence against this Act is liable, on summary conviction, to a fine not exceeding— 25

“(a) \$50,000 for a contravention of or failure to comply with **section 78E(7) or 78G:**

“(b) \$10,000 for a contravention of or failure to comply with section 42:

“(c) \$1,000 for— 30

“(i) a contravention of or failure to comply with a provision of this Act other than section 42, **78E(7), or 78G;** or

“(ii) an offence against any of subsection (1)(d) to (f).” 35

39 New section 89A inserted

The following section is inserted after section 89:

“89A Electronic transactions

- “(1) Any transaction under this Act may be conducted by electronic means, subject to the approval of the Registrar-General and any conditions that the Registrar-General thinks fit. 5
- “(2) If allowing a transaction to be conducted electronically, the Registrar-General may dispense with a requirement that a signature be provided.
- “(3) In this section **transaction** has the same meaning as in section 5 of the Electronic Transactions Act 2002.” 10

40 Fees

Section 91 is amended by repealing subsection (3) and substituting the following subsection:

- “(3) Despite anything in this Act, a fee is not payable, within 10 years after the death of a person, for any of the following in respect of information about that person recorded under section 50: 15
- “(a) permitting the inspection of a document containing the information: 20
- “(b) providing access to, or a copy of, a document containing the information:
- “(c) providing a print-out of the information.”

41 New section 91A inserted

The following section is inserted after section 91: 25

“91A 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.”

42 Transitional provision

Applications under the Births, Deaths, and Marriages Registration Act 1995 made before the commencement of this Act are to be continued and completed in accordance with the Births, Deaths, and Marriages Registration Act 1995 as if this Act had not been enacted. 30

- 43 New Schedule 1A substituted**
Schedule 1A is repealed and the schedule set out in **Schedule 1** is substituted.
- 44 Consequential amendments to principal Act**
The sections specified in **Schedule 2** are amended in the manner set out in that schedule. 5

**Part 2
Amendments to other enactments**

- 45 Amendments to other Acts**
The Acts specified in **Schedule 3** are amended in the manner set out in that schedule. 10
- 46 Amendments to Births, Deaths, and Marriages Registration (Prescribed Information and Forms) Regulations 1995**
- (1) After the commencement of this section, the Births, Deaths, and Marriages Registration (Prescribed Information and Forms) Regulations 1995 are called the Births, Deaths, Marriages, and Relationships Registration (Prescribed Information) Regulations 1995. 15
- (2) The regulations that were previously called the Births, Deaths, and Marriages Registration (Prescribed Information and Forms) Regulations 1995 are amended in the manner set out in **Schedule 4**. 20
- 47 Amendments to other regulations**
- (1) After the commencement of this section, the Births, Deaths, and Marriages Registration (Fees) Regulations 1995 are called the Births, Deaths, Marriages, and Relationships Registration (Fees) Regulations 1995. 25
- (2) The regulations specified in **Schedule 5** are amended in the manner set out in that schedule. 30
-

Schedule 1 **s 43**
**New Schedule 1A substituted in principal
Act**

Schedule 1A **s 78A**
**Disclosure of information to specified
agencies** 5

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 information, civil union information, and name change information	To verify a claimant's change of name
	Death information	To identify deceased claimants
Department of Internal Affairs	Birth information, marriage information, 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
Department of Labour	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 the marriage or civil union of a person to a New Zealand citizen
	Death information	To identify deceased holders of limited term permits or visas
Inland Revenue Department	Birth information, marriage information, 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
	Death information	To identify deceased taxpayers and verify their details
Land Transport New Zealand	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 1A—*continued*

Specified agency	Type of information	Purpose
Ministry of Education	Birth information, name change information, and death information	To verify and update student 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 (Maori Land Court Unit)	Death information	To identify deceased Maori landowners
Ministry of Social Development	Birth information, marriage information, 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; (c) identify debtors, including any person no longer in receipt of a benefit, war pension, grant, loan, or allowance

Schedule 2 **s 44**
**Consequential amendments to principal
Act**

Section 11

Subsection (1): omit “prescribed” and substitute “standard”. 5

Subsection (2): omit “prescribed” and substitute “standard”.

Subsection (3)(a): omit “prescribed” and substitute “standard”.

Section 12

Subsection (1): omit “prescribed” and substitute “standard”.

Subsection (2)(a): omit “prescribed” and substitute “standard”. 10

Subsection (2)(b): omit “prescribed” and substitute “standard”.

Section 23

Paragraph (g): omit “form prescribed” and substitute “standard form”.

Section 45

15

Subsection (1)(a): omit “order” and substitute “authorisation”.

Section 47

Subsection (1)(a): omit “prescribed” and substitute “standard”.

Subsection (2): omit “prescribed” and substitute “standard”.

Subsection (3)(a): omit “prescribed” and substitute “standard”. 20

Section 49

Subsection (1): omit “prescribed” and substitute “standard”.

Subsection (2)(a): omit “prescribed” and substitute “standard”.

Subsection (2)(b): omit “prescribed” and substitute “standard”.

Section 56

25

Subsection (1)(a): omit “prescribed” and substitute “standard”.

Subsection (2)(a): omit “prescribed” and substitute “standard”.

Subsection (2)(c): omit “prescribed” and substitute “standard”.

Section 59

Subsection (1): omit “in the prescribed form”.

Section 62C

Subsection (1)(a): omit “prescribed” and substitute “standard”.

Subsection (2)(a): omit “prescribed” and substitute “standard”. 5

Section 71

Omit “or civil union” and substitute “civil union, or name change”.

Section 72

Omit “or civil union” and substitute “civil union, or name change”.

Schedule 3

s 45

Amendments to other Acts

Adoption Act 1955 (1955 No 93)

Section 23(2)(a): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 5

Adult Adoption Information Act 1985 (1985 No 127)

Definition of **adoption order** in section 2: add “or section 25 of the Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Definition of **original birth certificate** in section 2: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 10

Definition of **Registrar-General** in section 2: omit “Births and Deaths Registration Act 1951” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 15

Section 5(1): omit “21(7) of the Births and Deaths Registration Act 1951” and substitute “63 of the Births, Deaths, Marriages, and Relationships Act 1995”.

Section 5(2): omit “21(7) of the Births and Deaths Registration Act 1951” and substitute “63 of the Births, Deaths, Marriages, and Relationships Act 1995”. 20

Section 6: omit “21(7) of the Births and Deaths Registration Act 1951” and substitute “63 of the Births, Deaths, Marriages, and Relationships Act 1995”.

Section 11(4)(a): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 25

Births, Deaths, and Marriages Registration Amendment Act 1997 (1997 No 35)

Section 4: repeal subsections (3) and (4). 30

Burial and Cremation Act 1964 (1964 No 75)

Definition of **still-born child** in section 2(1): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

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

Section 2(1): insert in their appropriate alphabetical order:

“**coroner’s authorisation**, in relation to a body, means an authorisation by a coroner under section 42 of the Coroners Act 2006 for the release of the body

“**dead foetus** has the meaning given to it in section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995 5

“**doctor’s certificate**, in relation to a death or a body, means a doctor’s certificate referred to in **section 46B or 46C** relating to the cause of death or, as the case may require, the cause of death of the person whose body it is 10

“**funeral director** means a person whose business is or includes disposing of bodies

“**give a doctor’s certificate**, in relation to a person’s death, means complete and sign a doctor’s certificate and give it to the person having charge of the person’s body 15

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

Section 46A: repeal and substitute:

“**46AA Doctor’s certificate or coroner’s authorisation required before body disposed of** 20

“(1) A body must not be buried, cremated, or otherwise disposed of unless the person in charge of the disposal has obtained a doctor’s certificate or a coroner’s authorisation.

“(2) The person in charge of the disposal must send a copy of the doctor’s certificate or coroner’s authorisation to the department administering this Act. 25

“(3) This section is subject to **section 46A**.

“**46A Still-born children** 30

“(1) A still-born child must not be buried, cremated, or otherwise disposed of unless the person in charge of the disposal has obtained—

“(a) a written certificate relating to the cause of the still-birth signed—

“(i) by a doctor who was present at the birth or examined the child after birth; or 35

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

- “(ii) if no doctor was present at the birth or examined the child after birth, by a midwife; or
 - “(b) a statutory declaration, made by the person or 1 of the persons required under the Births, Deaths, Marriages, and Relationships Registration Act 1995 to notify the birth, to the effect that the child was born dead, and that—
 - “(i) no doctor or midwife was present at the birth; or
 - “(ii) it is impossible to obtain a certificate under **paragraph (a)** from a doctor or midwife present at the birth; or
 - “(c) a coroner’s authorisation.
- “(2) The person in charge of the disposal must send a copy of the certificate, statutory declaration, or coroner’s authorisation to the department administering this Act.
- “46B Doctor’s certificate in relation to illness**
- “(1) **Subsections (2) and (3)** apply if a person dies after an illness.
- “(2) A doctor who attended the person during the illness must, if (and only if) satisfied that the person’s death was a natural consequence of the illness, give a doctor’s certificate for the death immediately after the doctor learns of the death.
- “(3) However, a doctor other than a doctor who attended the person during the illness may give a doctor’s certificate for the death if (and only if) satisfied that the person’s death was a natural consequence of the illness and that—
- “(a) the doctor who last attended the person during the illness is unavailable; or
 - “(b) less than 24 hours has passed since the death, and the doctor who last attended the person during the illness is unlikely to be able to give a doctor’s certificate for the death within 24 hours after the death; or
 - “(c) 24 hours or a longer period has passed since the death, and the doctor who last attended the person during the illness has not given a doctor’s certificate for the death.

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

- “(4) **Subsection (3)(b) and (c)** do not apply if the doctor who last attended the person during the illness has refused to give a doctor’s certificate for the death because that doctor was not satisfied, or was not yet satisfied, that the death was a natural consequence of the illness. 5
- “(5) A doctor must not give a doctor’s certificate under **subsection (2) or (3)** if the death—
- “(a) must be reported to the New Zealand Police because section 13 (except subsection (1)(b)) of the Coroners Act 2006 applies; or 10
- “(b) has been reported to a coroner under section 15(2) of that Act.
- “(6) A doctor may give a doctor’s certificate despite **subsection (5)** if a coroner has decided not to open an inquiry into the death. 15
- “(7) A doctor who must give a doctor’s certificate under **subsection (2)**, but knows that since he or she attended the person concerned some other doctor attended the person, must not give the certificate without taking all reasonable steps to consult the other doctor. 20
- “(8) A doctor must not give a doctor’s certificate under **subsection (3)** unless the doctor has—
- “(a) had regard to the medical records relating to the person concerned of the doctor who last attended the person during the illness; and 25
- “(b) had regard to the circumstances of the person’s death; and
- “(c) examined the person’s body.
- “Compare: 1995 No 16 s 37
- “**46C Doctor’s certificate in relation to accidents to elderly persons** 30
- “(1) A doctor may give a doctor’s certificate for the death of a person even though a death may have been reported to the New Zealand Police under section 14 of the Coroners Act 2006 if the person was 70 years of age or older and, in the opinion of the doctor,— 35

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

- “(a) the death was caused by injuries, or injuries contributed substantially to it; and
- “(b) the injuries were caused by an accident; and
- “(c) the injuries, the accident, or both arose principally by virtue of infirmities that were attributes of the person’s age; and 5
- “(d) the accident was not suspicious or unusual; and
- “(e) the accident was not caused by an act or omission of any other person; and
- “(f) except to the extent that the death involved injury by accident, it was not violent, unnatural, or in some way a death in respect of which the Coroners Act 2006 requires an inquiry to be conducted. 10
- “(2) If a doctor is aware that a death has been reported to a coroner under section 15(2) of the Coroners Act 2006, the doctor must not give a doctor’s certificate under **subsection (1)** without first obtaining the agreement of the designated coroner. 15
- “Compare: 1995 No 16 s 38
- “46D 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 **section 46AA, 46A, 46B, or 46C.** 20
- “46E Bodies to be disposed of within reasonable time**
- “(1) A person having charge of a body must, within a reasonable time of taking charge of it,— 25
- “(a) dispose of it; or
- “(b) cause it to be disposed of; or
- “(c) transfer charge of it to another person for—
- “(i) disposal; or
- “(ii) removal for anatomical examination under the Human Tissue Act 1964; or 30
- “(iii) removal from New Zealand for disposal outside New Zealand.
- “(2) This section is subject to any enactment to the contrary. 35
- “Compare: 1995 No 16 s 39

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

“46F Transfer of charge of body

- “(1) A person having charge of a body must not transfer charge of it to another person unless he or she first—
- “(a) gives the other person a doctor’s certificate or coroner’s authorisation; and 5
 - “(b) gets from the other person a notice, in the standard form, taking responsibility for notifying a Registrar under section 42 of the Births, Deaths, Marriages, and Relationships Registration Act 1995 of the death of the person whose body it is, and (except where the body is being removed by the other person for anatomical examination under the Human Tissue Act 1964)— 10
 - “(i) taking responsibility for disposing of the body; and
 - “(ii) describing (with enough detail to enable it to be identified) the place where the other person intends to dispose of the body. 15
- “(2) However, in any of the following circumstances the person transferring the body does not have to comply with **subsection (1)**: 20
- “(a) a person having charge of a body who is not a funeral director transferring charge of it to a funeral director:
 - “(b) a person having charge of a body transferring charge of it to— 25
 - “(i) a member of the police; or
 - “(ii) a doctor who has been directed by a coroner to perform a post-mortem of the body; or
 - “(iii) the occupier of a hospital.
- “(3) Nevertheless, if a person has a doctor’s certificate or coroner’s authorisation at the time that he or she transfers charge of a body to another person, he or she must give the certificate or authorisation to the other person. 30
- “(4) A person must not take charge of a body for anatomical examination under the Human Tissue Act 1964, or removal from New Zealand for disposal outside New Zealand, without first obtaining a doctor’s certificate or coroner’s authorisation. 35

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

“(5) In this section, **standard form** has the same meaning as in **section 2** of the Births, Deaths, Marriages, and Relationships Registration Act 1995.

“Compare: 1995 No 16 s 40”

New section 54AA: insert before section 54: 5

“54AA Offences concerning doctor’s certificate or certificate relating to still-birth

A person who contravenes or fails to comply with **section 46AA or 46A** commits an offence and is liable, on summary conviction, to a fine not exceeding \$1,000.” 10

Care of Children Act 2004 (2004 No 90)

Definition of **Registrar-General** in section 8: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Section 18: repeal and substitute: 15

“18 Father identified on birth certificate is guardian

“(1) A child’s father who is not a guardian of the child just because of section 17(2) or (3) becomes a guardian of the child if his particulars are registered after the commencement of this section as part of the child’s birth information because he and the child’s mother both notified the birth as required by **section 9** of the Births, Deaths, Marriages, and Relationships Registration Act 1995. 20

“(2) **Subsection (1)** does not change the guardianship status of a father who became a guardian before the commencement of this section.” 25

Child Support Act 1991 (1991 No 142)

Section 7(1)(a): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 30

Citizenship Act 1977 (1977 No 61)

Section 26A(5A): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Item relating to Registrar-General appointed under section 79(1) of the Births, Deaths, and Marriages Registration Act 1995 in Schedule 4: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 5

Civil Union Act 2004 (2004 No 102)

Definition of **Registrar** and **Registrar-General** in section 3: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 10

Section 4(3): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 15

Section 15(3): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 20

Section 16(2): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Section 26(2)(b): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 25

Coroners Act 2006 (2006 No 38)

Paragraph (b) of the definition of **body** in section 9: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 30

Section 13(1)(b): omit “section 2 of the Births, Deaths, and Marriages Registration Act 1995” and substitute “section 2(1) of the Burial and Cremation Act 1964”.

Section 68(4): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 35

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

Paragraph (b)(ii) of the definition of **criminal record** in section 4: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

5

Electoral Act 1993 (1993 No 87)

Definition of **Registrar of Births and Deaths** in section 3(1): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

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Section 92(1): omit “of Births and Deaths” and substitute “appointed under section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Section 92(2): omit “of Births and Deaths” and substitute “appointed under section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995”.

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Section 93(2): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Section 93(4): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

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Section 94(1): omit “section 21 of the Births, Deaths, and Marriages Registration Act 1995” and substitute “**section 21A** of the Births, Deaths, Marriages, and Relationships Registration Act 1995”.

25

Section 94(2): insert “appointed under section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995” after “Registrar-General”.

Section 145(2)(a): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995 or an earlier corresponding provision”.

30

Section 145(2)(d): repeal and substitute:

“(d) the name which was adopted by the candidate through a name change registered under **section 21A** of the Births, Deaths, Marriages, and Relationships Registration Act 1995 (or an earlier corresponding provision) before the period of 12 months ending with the day

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

on which the nomination paper is lodged with the Returning Officer and which was used by the candidate throughout that period.”

Family Courts Act 1980 (1980 No 161)

Section 16A(4)(b): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 5

Family Proceedings Act 1980 (1980 No 94)

Section 145D(1)(d): omit “Births and Deaths Registration Act 1951” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 10

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

Section 45(1): repeal paragraph (a) and substitute:

- “(a) of a death certificate (within the meaning of section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995) relating to the death of the member or other person; or 15
- “(ab) of a doctor’s certificate (within the meaning of section 2(1) of the Burial and Cremation Act 1964) relating to the death of the member or other person; or”. 20

Health Practitioners Competence Assurance Act 2003 (2003 No 48)

Section 67(b)(i): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 25

Section 100(2)(a)(i): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Section 143(1): repeal and substitute:

- “(1) Promptly after registering the death of a person who appears to have been a health practitioner, a Registrar (within the meaning of section 2 of the Births, Deaths, Marriages, and Rela- 30

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

tionships Registration Act 1995) must give the Registrar of the responsible authority written notice of the death, with particulars of its date and place.”

Section 143(3): omit “a doctor’s certificate” and substitute “written notice under subsection (1)”. 5

Section 143(4): repeal.

Human Assisted Reproductive Technology Act 2004 (2004 No 92)

Definition of **Registrar-General** in section 5: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 10

Definition of **still-born child** in section 5: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Land Transport Act 1998 (1998 No 110)

15

Section 200(2A)(a)(i): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Local Electoral Act 2001 (2001 No 35)

Section 56(b): omit “section 21 of the Births, Deaths, and Marriages Registration Act 1995” and substitute “Part 3 of the Births, Deaths, Marriages, and Relationships Registration Act 1995”. 20

Marriage Act 1955 (1955 No 92)

Paragraph (b) of the definition of **service marriage** in section 2(1): omit “the commencement of the Births, Deaths, and Marriages Registration Act 1995” and substitute “1 September 1995”. 25

Section 2(2): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Privacy Act 1993 (1993 No 28)

Definition of **personal information** in section 2(1): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Definition of **specified agency** in section 97: insert after paragraph (g):

“(gaa) Ministry of Health.”

Paragraph (gd) of the definition of **specified agency** in section 97: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Item relating to the Births, Deaths, and Marriages Registration Act 1995 under the heading “**Enactment**” in Part 1 of Schedule 2: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Item relating to the Births, Deaths, and Marriages Registration Act 1995 under the heading “**Public Register Provision**” in Part 1 of Schedule 2: omit “24, 25, 34, 36, 48(3), 50, 53, 56, 58, 62D” and substitute “**21A**, 24, 25, 34, 36, 48(3), 50, 53, 56, 58, 62A and 62C”.

Item relating to the Birth, Deaths, and Marriages Registration Act 1995 under the heading “**Enactment**” in Schedule 3: omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Item relating to the Births, Deaths, and Marriages Registration Act 1995, under the heading “**Information Matching Provision**” in Schedule 3: add “and **78B**”.

Item relating to the Social Security Act 1964 under the heading “**Information Matching Provision**” in Schedule 3: omit “section 126A” and substitute “sections 126A and **126AB**”.

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

Definition of **Registrar of Births and Deaths** in section 3(1): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Social Security Act 1964 (1964 No 136)

Definition of **child** in section 61D(1): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

New section 126AB: insert after section 126A: 5

“126AB Disclosure of personal information to Registrar-General for birth registration purposes

“(1) The purpose of this section is to authorise the disclosure of information by the department to the Registrar-General appointed under section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995 (called **the Registrar-General** in this section), in order to assist in locating and contacting the mothers of children whose births are unregistered, so that the births may be registered. 10

“(2) On request from the Registrar-General, the chief executive, or a person authorised by the chief executive, may supply to the Registrar-General, or a person authorised by the Registrar-General, the postal address and residential address (if different from the postal address) of a person in respect of whom that information is held for the purposes of this Act and who the Registrar-General has grounds to believe may be the mother of a child whose birth is unregistered. 15 20

“(3) No request may be made unless—
“(a) there is an agreement between the department and the Registrar-General in accordance with section 99 of the Privacy Act 1993; and 25
“(b) the request is in accordance with the agreement.”

Social Workers Registration Act 2003 (2003 No 17)

Section 128(1): repeal and substitute:

“(1) Promptly after registering the death of a person who appears to have been a registered social worker, a Registrar (within the meaning of section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995) must give the Registrar written notice of the death, with particulars of its date and place.” 30 35

Section 128(5): repeal.

Status of Children Act 1969 (1969 No 18)

Section 8(1)(a): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Section 9(4): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 5

Summary Proceedings Act 1957 (1957 No 87)

Part 2 of Schedule 1: omit the item relating to the Births and Deaths Registration Act 1951 and substitute the following item: 10

Births, Deaths, Marriages, and Relationships Registration Act 1995	89(1)(a), (b), (c)	Offences relating to making a false statement or tampering with information under the Births, Deaths, Marriages, and Relationships Registration Act 1995
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Tuberculosis Act 1948 (1948 No 36)

Section 6: repeal.

Veterinarians Act 2005 (2005 No 126)

Section 17(2): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 15

Visiting Forces Act 2004 (2004 No 59)

Definition of **Registrar** in section 4(1): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 20

Section 19(4)(a): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Section 19(5): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 25

Schedule 4

s 46

**Amendments to Births, Deaths, and
Marriages Registration (Prescribed
Information and Forms) Regulations
1995 (1995 No 183)**

5

Regulation 1(1)

Revoke and substitute:

“(1) These regulations are the Births, Deaths, Marriages, and Relationships Registration (Prescribed Information) Regulations 1995.”

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Regulation 2

Subclause (1): insert in its appropriate alphabetical order:

“**contact details** for a person includes a contact telephone number and, if the Registrar-General has approved use of electronic means for provision of information, a contact email address”.

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Definition of **the Act** in subclause (1): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Subclause (2): revoke.

20

Regulation 3

Subclause (1): omit “section 4” and substitute “**section 5A**”.

Add as subclause (2):

“(2) A preliminary notice of birth may also require the full name and occupation of the person giving the notice, his or her signature, and the date that the notice was signed.”

25

New regulation 3A

Insert after regulation 3:

“3A Notification of birth for registration

A notification of birth for registration under section 11 of the Act must contain—

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“(a) the information required for a birth certificate under regulation 6 (as applicable); and

“(b) in relation to the child—

New regulation 3A—*continued*

- “(i) whether the child was still-born:
- “(ii) whether the child is a descendant of a New Zealand Maori (if known):
- “(iii) the ethnic group or groups to which the child belongs; and 5
- “(c) in relation to the parents (subject to **section 9(2)**) of the Act)—
 - “(i) the usual occupation, profession, or job:
 - “(ii) the home address and contact details:
 - “(iii) whether a descendant of a New Zealand Maori (if known): 10
 - “(iv) the ethnic group or groups to which the parents belong:
 - “(v) information to determine the parents’ citizenship or residency status: 15
 - “(vi) information about the type of relationship (if any) between the parents at the time of the child’s birth, and the date and place that the relationship was solemnised (if relevant):
 - “(vii) the number of children (if any) born to the same parents: 20
 - “(viii) their signatures.”

New regulation 5B

Insert after regulation 5A:

- “**5B Transfer of charge of body** 25
- The form required for the transfer of charge of a body under **section 46F** of the Burial and Cremation Act 1964 must contain—
- “(a) in relation to the deceased person—
 - “(i) the full name and last known home address; and 30
 - “(ii) the place and date of death; and
 - “(iii) sex; and
- “(b) in relation to the person who is transferring charge of the body—
 - “(i) the full name and occupation; and 35
 - “(ii) contact details; and

New regulation 5B—*continued*

- “(iii) his or her signature and the date that the form was signed; and
- “(c) in relation to the person who is taking charge of the body—
 - “(i) the full name and occupation; and 5
 - “(ii) contact details; and
 - “(iii) whether he or she is—
 - “(A) taking responsibility for disposal of the body and, if so, provide a full description of the place where he or she intends to dispose of the body; or 10
 - “(B) removing the body for anatomical examination under the Human Tissue Act 1964; and
 - “(iv) confirmation that he or she has received the doctor’s certificate or coroner’s authorisation and will include it with the notification of death for registration form; and 15
 - “(v) his or her signature and the date that the form was signed.” 20

Regulation 6A

Revoke and substitute:

“6A Notification of death for registration

- A notification of death for registration under section 47 of the Act must contain— 25
- “(a) the information required for a death certificate under regulation 7:
 - “(b) whether the deceased was a descendant of a New Zealand Maori (if known):
 - “(c) the ethnic group or groups to which the deceased belonged: 30
 - “(d) whether the deceased was a marriage celebrant, civil union celebrant, Justice of the Peace, or holder of an honour or award, and the name of each honour or award held: 35

Regulation 6A—*continued*

- “(e) the occupation, profession, or job of the mother and father of the deceased:
- “(f) the name, profession or occupation, business or residential address, contact telephone number, and signature of the person notifying the death for registration.” 5

Heading above regulation 9

Revoke.

Regulation 9

Revoke and substitute:

- “**9 Name change certificates** 10
- The following information must be contained in a name change certificate, in relation to a person whose name change is registered:
- “(a) the person’s full name before the name change:
 - “(b) for each time that a name change has been registered, 15
the person’s full name after the name change:
 - “(c) the person’s date of birth:
 - “(d) the person’s place of birth:
 - “(e) the date that the name change is registered.”

Schedule 20

Revoke.

Schedule 5

s 47

Amendments to other regulations

Adoption Regulations 1959 (SR 1959/109)

Regulation 5(1): omit “Births and Deaths Registration Act 1951” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 5

Births and Deaths Registration (Forms) Regulations 1953 (SR 1953/69)

Revoke.

Births, Deaths, and Marriages Registration (Fees) Regulations 1995 (SR 1995/185) 10

Regulation 1(1): omit “Births, Deaths, and Marriages Registration (Fees) Regulations 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration (Fees) Regulations 1995”.

Heading to the Schedule: omit “Births, Deaths, and Marriages Registrations Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 15

Item 1 of the Schedule: omit “of index for each” and substitute “in respect of”.

Items 8, 11, 15, and 19 to 31 of the Schedule: revoke. 20

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

Regulation 6(e): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 25

Regulation 6(f): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Cremation Regulations 1973 (SR 1973/154)

Regulation 4(6): omit “section 35 of the Births and Deaths Registration Act 1951” and substitute “**section 46A** of the Burial and Cremation Act 1964”. 30

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

Definition of **Registrar-General** in regulation 2(1): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 5

Regulation 10(2): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Heading to Part 3: omit “**Births, Deaths, and Marriages Registration Act 1995**” and substitute “**Births, Deaths, Marriages, and Relationships Registration Act 1995**”. 10

Regulation 13: revoke and substitute:

“13 Effect of direction on indexes provided by Registrar-General

“(1) Even though a direction is in force in respect of relevant information included on a public register maintained under the Births, Deaths, Marriages, and Relationships Registration Act 1995, nothing in section 112 of the Act applies to the inclusion of that information in an index provided by the Registrar-General (appointed under section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995) before the commencement of **section 26** of the **Births, Deaths, Marriages, and Relationships Registration Amendment Act 2006**. 15 20

“(2) A notice given by the Registrar-General (as described in **sub-clause (1)**) under regulation 7(b) must include information about any index that was kept by the Registrar-General prior to the commencement of **section 26** of the **Births, Deaths, Marriages, and Relationships Registration Amendment Act 2006** that includes relevant information, including the type of relevant information the index contains and the availability of access to the register by the public.” 25 30

Heading to regulation 14: omit “**Births, Deaths, and Marriages Registration Act 1995**” and substitute “**Births, Deaths, Marriages, and Relationships Registration Act 1995**”. 35

Regulation 14(1): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Domestic Violence (Public Registers) Regulations 1998 (SR 1998/342)—continued

Item relating to Births, Deaths, and Marriages Registration Act 1995 in Schedule 1: omit and substitute

Births, Deaths, Marriages, and Relationships Registration Act 1995 Sections 5, 7(2), 8, **21A**, 24, 25, 34, 36, 48(3), 50, 53, 56, 58, 62A, and 62C

Family Courts Rules 2002 (SR 2002/261)

Rule 7(1)(a): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 5

Rule 28(2)(a): omit “15(5), section 17(2), or section 18(5) of the Births, Deaths, and Marriages Registration Act 1995” and substitute “**15A(2)**, section 17(2), or section 18(5) of the Births, Deaths, Marriages, and Relationships Registration Act 1995”. 10

Rule 38(a): omit “Births, Deaths, and Marriages Registration Act 1995 (*see*, for example, sections 15(7)(a))” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995 (*see*, for example, sections **15A(3)(a)**)”.

Rule 130(1)(b): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 15

Rule 425(1): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 20

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

Regulation 3(d): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

Regulation 3(da): omit “Births, Deaths, and Marriages Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”. 25

**Social Security (Monetary Benefits) Regulations 1971 (SR
1971/167)**

Regulation 6: omit “Registrar of Births and Deaths, his Deputy, or any Acting Registrar of Births, and Deaths” and substitute “any Registrar (within the meaning of section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995)”. 5

War Pensions Regulations 1956 (SR 1956/7)

Regulation 4(b): omit “or Deputy Registrar or Acting Registrar of Births and Deaths” and substitute “(within the meaning of section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995)”. 10

Regulation 5(1): omit “of Births and Deaths” and substitute “(within the meaning of section 2 of the Births, Deaths, Marriages, and Relationships Registration Act 1995)”.