

# House of Representatives

# Supplementary Order Paper

Tuesday, 1 April 2008

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

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*Proposed amendments*

Hon Rick Barker, in Committee, to move the following amendments:

*Clause 2*

To omit “on the day” (line 5 on page 4) and substitute “6 months”.

*Clause 7(1)*

To omit “**adoption information, birth information, civil union information, coroner’s order, death information, funeral director, give a doctor’s certificate, marriage information,**” (lines 34 to 37 on page 5) and substitute “**coroner’s order, funeral director, give a doctor’s certificate,**”.

*Clause 7(2)*

New definition of **doctor’s certificate**: to omit “**section**” (line 4 on page 6) and substitute “**sections**”.

New definition of **register**: to omit “or a former Act” (line 10 on page 6) and substitute “a former Act.”.

*Clause 7(3)*

New definition of **immediate family member**: to omit this definition (lines 23 to 31 on page 6).

To insert the following definitions after the definition of **name change certificate** (after line 2 on page 7):

“**name change information** means information relating to a name change; and, in relation to any name change, means information relating to that name change

“**Privacy Commissioner** means the Privacy Commissioner holding that office under section 12 of the Privacy Act 1993

*Heading to clause 9*

To insert after “**section**”(line 28 on page 7) “**5A**”.

*Clause 10: new section 9*

*Subsection (1)(b)*: to omit “in terms of” (line 27 on page 8) and substitute “under”.

*Subsection (4)*: to omit “In this section, **1 parent at law** means that” (line 1 on page 9) and substitute “For the purposes of this section, a child has 1 parent at law if”.

*Subsection (4)(b)*: to omit “person who provided” (line 5 on page 9) and substitute “donor of”.

*Heading to clause 13*

To omit “**and 21A**” (line 19 on page 11) and substitute “**to 21B**”.

*Clause 13: new sections 21 and 21A*

To omit these sections (line 22 on page 11 to line 31 on page 13) and substitute the following sections:

“**21 Definitions for sections 21A and 21B**

In **sections 21A and 21B**,—

“**eligible person** means a person—

“(a) whose birth is registered; or

“(b) who is a New Zealand citizen or is entitled, under the Immigration Act 1987, to be in New Zealand indefinitely

“**guardian** means—

“(a) the guardians of a person; or

“(b) if any guardians are unavailable, the other guardian or guardians; or

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

“(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.

“**21A Application for registration of name change**

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

“(a) an eligible person who is 18 years of age or older:

“(b) an eligible person who is younger than 18 years of age but who is or has been in a marriage, in a civil union, or in a de facto relationship:

“(c) the guardian of an eligible person to whom neither of **paragraph (a) or (b)** applies.

- “(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 eligible person or the guardian of an eligible person on a form provided by the Registrar-General for the purpose (accompanied by the eligible person’s written consent if the eligible person is 16 years of age or older and the application was made by the eligible person’s guardian); or
  - “(b) a deed poll executed before 1 September 1995, evidencing any change in the eligible 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 and certified by a Registrar of the Court in which it was filed.
- “(3) The eligible person or the guardian of the eligible 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—
    - “(i) the eligible person’s birth information or name change information; or
    - “(ii) the registration of the eligible person’s birth in another State; or
    - “(iii) a record of a name change deposited with a foreign registration authority; or
  - “(b) that the eligible person has previously abandoned (and adopted some other names instead of) the names included in—
    - “(i) the eligible person’s birth information or name change information; or
    - “(ii) the registration of the eligible 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 eligible person’s birth and the status of any other person making the application as the eligible person’s guardian must also be deposited with the Registrar-General if the eligible person’s birth is not registered.
- “(5) The Registrar-General must, at the option of the eligible person or the guardian of the eligible person, return or destroy the certificate or evidence deposited under **subsection (4)**.

**“21B Registration of name change**

- “(1) The Registrar-General must, subject to section 18, register a name change as soon as practicable if the documents and fee (if any) required by **section 21A** are deposited with the Registrar-General.
- “(2) The Registrar-General must register a name change as follows:
- “(a) for an eligible person whose birth has been registered or is required to be registered, include the new name in the person’s birth information; or
  - “(b) for an eligible 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.”

*Clause 18: new section 52(6A)*

To omit **“73, 74, and 74A”** (line 7 on page 15) and substitute **“74 and 75”**.

*Clause 19: new section 62(3)*

To omit this subsection (lines 20 to 22 on page 15) and substitute the following subsection:

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

*Clause 20: new section 62G(3)*

To omit **“21”** (line 2 on page 16) and substitute **“21A”**.

*Clause 21*

To omit **“21A”** (line 10 on page 16) and substitute **“21B”**.

*Clauses 26 and 27*

To omit these clauses (line 13 on page 18 to line 38 on page 22) and substitute the following clause:

**26 New sections 73 to 75G substituted**

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

**“73 Definitions for sections 74 to 75G**

In **sections 74 to 75G**,—

**“access register** means the access register required to be kept under **section 75D(1)**

“**non-disclosure direction** means a direction described in **section 75A(2)(b)**

“**personal representative**, in relation to a person, means,—

- “(a) if the person has not attained the age of 18 years or has not earlier married or entered into a civil union or de facto relationship, a parent or guardian of the person; or
- “(b) if the person has attained the age of 18 years or has earlier married or entered into a civil union or de facto relationship, a person who has been granted a power of attorney or has been given written authority by the person.

“**74 Access to birth information, death information, marriage information, civil union information, or name change information**

- “(1) Any person may request a Registrar to—
  - “(a) cause a search of information to be made; or
  - “(b) permit the inspection of a source document; or
  - “(c) provide a print-out or certificate of the information requested or a copy of a source document.
- “(2) A Registrar may comply with a request under **subsection (1)** only if—
  - “(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
  - “(c) the request is made in a manner approved by the Registrar-General; and
  - “(d) the prescribed fee is paid; and
  - “(e) the requirement in **subsection (3)** is met; and
  - “(f) in the case of a request for a source document, the Registrar is satisfied that the person making the request is authorised under **section 75** to access the source document.
- “(3) A person making the request and, if applicable, the person for whom the request is made must provide the Registrar with any means of identification that are reasonably necessary to allow the identity of the person or the identities of those persons to be readily ascertained.
- “(4) This section is subject to **sections 75B(2) and 75G to 78F**.

**“75 Persons authorised to access source documents**

- “(1) The following persons may inspect or obtain a copy of a source document:
- “(a) the person who is the subject of the birth information, marriage information, civil union information, or name change information contained in the source document or that person’s personal representative;
  - “(b) a person who satisfies the Registrar-General that access is required for the maintenance of the accuracy of the registered information;
  - “(c) a person who satisfies the Registrar-General that access is required for a purpose consistent with the purpose of recording information under this 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 an index to a register, that is regarded by the Registrar-General as a source document because it is maintained in documentary form and was created before 1 January 1998.

**“75A Subject of birth information, marriage information, civil union information, or name change information may search access register and request non-disclosure direction**

- “(1) This section applies to a person who is the subject of birth information, marriage information, civil union information, or name change information.
- “(2) A person to whom this section applies, or his or her personal representative, may, at any time, request the Registrar-General—
- “(a) to provide a copy of all entries made in the access register in relation to the person’s birth information, marriage information, civil union information, or name change information;
  - “(b) on 1 or more prescribed grounds, to direct that the person’s birth information, marriage information, civil union information, or name change information must not be disclosed to the public.
- “(3) The Registrar-General may comply with a request under **subsection (2)** only if—
- “(a) the request is made in a manner approved by the Registrar-General; and
  - “(b) the prescribed fee (if any) is paid; and
  - “(c) the requirement in **subsection (4)** is met.
- “(4) A person making the request must provide the Registrar-General with any means of identification that are reasonably ne-

cessary to allow the identity of the person to be readily ascertained.

- “(5) The Registrar-General must adopt appropriate procedures to ensure that, if the request is made by the person’s personal representative, the personal representative has the written authority of that person or is otherwise properly authorised by that person.
- “(6) **Subsection (2)(a)** is subject to **section 75E**.
- “(7) **Subsection (2)(b)** is subject to **sections 75F and 75G**.

“**75B Effect and duration of non-disclosure direction**

- “(1) This section applies if the Registrar-General complies with a request under **section 75A(2)(b)** for a non-disclosure direction in respect of a person’s birth information, marriage information, civil union information, or name change information.
- “(2) During the period in which the non-disclosure direction is in force, a Registrar—
  - “(a) may comply with a request under **section 74** to access the birth information, marriage information, civil union information, or name change information only if the request is made—
    - “(i) by the person who is the subject of that information; or
    - “(ii) by that person’s personal representative; and
  - “(b) must inform any other person who makes a request under that section for that information that—
    - “(i) the information exists; but
    - “(ii) the request cannot be complied with because a non-disclosure direction is in force.
- “(3) A non-disclosure direction is in force from the date on which the Registrar-General gives the direction and continues in force until whichever is the earlier of—
  - “(a) the expiry of the prescribed period; or
  - “(b) the date on which the Registrar-General directs that the direction be withdrawn in accordance with a request under **subsection (4)**.
- “(4) A person who is the subject of the information to which a non-disclosure direction relates or that person’s personal representative may, at any time, request the Registrar-General—
  - “(a) to withdraw the direction; or
  - “(b) on 1 or more prescribed grounds, to reinstate the direction after it has been withdrawn or after the prescribed period referred to in **subsection (3)(a)** has expired.
- “(5) **Section 75A(3) to (5)** applies with any necessary modifications to a request under **subsection (4)**.
- “(6) **Subsection (2)** is subject to **sections 75F and 75G**.

**“75C Registrar may provide limited verification of registered information that becomes publicly available while non-disclosure direction in force**

- “(1) This section applies if a person who is the subject of birth information, marriage information, civil union information, or name change information makes any part of the information, or any information corresponding to that part of the information, publicly available while a non-disclosure direction in respect of that information is in force.
- “(2) Any person may request a Registrar to verify whether the information that has become publicly available matches, or is consistent with, the relevant birth information, marriage information, civil union information, or name change information.
- “(3) A Registrar may comply with a request under **subsection (2)** only if—
- “(a) the request is made in a manner approved by the Registrar-General; and
  - “(b) the request is accompanied by a copy of the information that has become publicly available or any other details that are sufficient, in the Registrar’s opinion, to confirm that the information is publicly available; and
  - “(c) the prescribed fee (if any) is paid; and
  - “(d) the requirement in **subsection (4)** is met.
- “(4) A person making the request and, if applicable, the person for whom the request is made must provide the Registrar with any means of identification that are reasonably necessary to allow the identity of the person or the identities of those persons to be readily ascertained.

**“75D Registrar-General must keep access register**

- “(1) The Registrar-General must ensure that an access register is kept for the purposes of this Act.
- “(2) The access register must—
- “(a) record, as a separate entry, every request under **section 74** for access to information or source documents relating to the registration of a person’s birth, marriage, civil union, or name change; and
  - “(b) set out the following information under each entry:
    - “(i) the name of the person who made the request; and
    - “(ii) the date on which the request was made; and
    - “(iii) whether or not the Registrar complied with the request.
- “(3) **Subsection (2)(a)** is subject to **sections 75F(2) and 75G**.



**“75E Public sector agencies may search access register**

- “(1) Despite **section 75A(2)(a)**, a public sector agency (within the meaning of section 2 of the Privacy Act 1993) may request the Registrar-General to provide a copy of all entries made in the access register in relation to any person if it is necessary to avoid prejudice to the maintenance of the law (including the prevention, detection, investigation, prosecution, and punishment of offences).
- “(2) The Registrar-General must comply with a request under **subsection (1)** as soon as practicable after it is made.
- “(3) To avoid doubt, **section 75A(3) and (4)** do not apply to a request under **subsection (1)**.

**“75F Searches for certain authorised purposes**

- “(1) **Sections 75A(2)(b) and 75B(2)** do not apply to a request made by any of the following persons under **section 74** to access any information relating to the registration of a person’s birth, marriage, civil union, or name change:
  - “(a) a person who requires the information for use in proceedings in a court or tribunal:
  - “(b) an adopted person who is searching for information about his or her birth family:
  - “(c) an executor, administrator, or trustee of an estate or trust who requires the information for the administration of the estate or trust:
  - “(d) a person who satisfies the Registrar-General that access to the information or a source document is required for the maintenance of the accuracy of the registered information:
  - “(e) a person who satisfies the Registrar-General that access to a source document is required for a purpose consistent with the purpose of recording information under the Act that cannot be met by obtaining a certificate or print-out.
- “(2) **Sections 75A(2)(b), 75B(2), and 75D(2)** do not apply to a request made by any of the following persons under **section 74** to access any information relating to the registration of a person’s birth, marriage, civil union, or name change:
  - “(a) a public sector agency that requires the information to avoid prejudice to the maintenance of the law (including the prevention, detection, investigation, prosecution, and punishment of offences):
  - “(b) a public sector agency to whom disclosure of the information is contemplated or authorised by any other enactment:

- “(c) the New Zealand Security Intelligence Service if it requires the information for the exercise of its security-related functions:
- “(d) the police so they can notify next of kin of a person’s death.

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

- “(1) Despite **sections 74, 75A(2)(b), 75B(2), and 75D(2)**, the Registrar-General may direct a Registrar to cause a search to be made or to provide information 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—
  - “(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—
      - “(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
  - “(b) health 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—
      - “(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.
- “(2) For the purposes of **subsection (1)(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:
  - “(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:

- “(d) how the agency, body, or person undertaking the research proposes to hold, use, and, if relevant, dispose of the information obtained.
- “(3) The Registrar-General may impose any conditions on the holding, use, publication, and disposal of information provided under this section that the Registrar-General considers appropriate to prevent or minimise an effect on individual privacy.
- “(4) Before exercising any powers under this section for the purposes of **subsection (1)(a)(ii)(B) and (b)(ii)(B)**, the Registrar-General must—
  - “(a) consult with, and invite comments from, the Privacy Commissioner; and
  - “(b) take those comments into account.”

*Clause 28: new section 78(7)*

To omit “is” (line 22 on page 23).

*Clause 29*

To add the following subclauses (after line 12 on page 24):

- (4) Section 78A is amended by inserting the following subsection after subsection (4):
  - “(4A) **Sections 74, 75A(2)(b), 75B(2), and 75D(2)** do not apply if this section applies.”
- (5) Section 78A is amended by adding the following subsection:
  - “(6) In this section, a reference to the chief executive of a specified agency means, in the case of the Government Superannuation Fund Authority or the National Provident Fund, a reference to the Board of the Government Superannuation Fund Authority or, as the context requires, the Board of Trustees of the National Provident Fund.”

*Heading to clause 30*

To omit “**78G**” (line 13 on page 24) and substitute “**78H**”.

*Clause 30: new section 78B(1)*

To omit “in this section called” (line 19 on page 24).

*Clause 30: new section 78D*

To insert the following subsection after *subsection (1)* (after line 14 on page 25):

“(1A) **Subsection (1)** is subject to **section 78DA**.

*Subsection (2)*: to omit “section” (line 17 on page 25) and substitute “subsection”.

*Subsection (3)(b)*: to omit “who is entitled, in terms of” (line 27 on page 25) and substitute “who is a New Zealand citizen or is entitled, under”.

*Clause 30: new section 78DA*

To insert the following section after *new section 78D* (after line 28 on page 25):

**“78DA Supply of information to foreign registration authorities must be in accordance with written agreement**

- “(1) The supply of information under **section 78D** must be in accordance with a written agreement that complies with **subsection (2)** between the Registrar-General and the foreign registration authority concerned.
- “(2) An agreement must state—
- “(a) the purpose of the agreement; and
  - “(b) the information that can be supplied; and
  - “(c) the method by which, and the form in which, the information may be supplied; and
  - “(d) how the foreign registration authority will use the information (including the limits on any further disclosure by the foreign registration authority); and
  - “(e) the fees (if any) payable for the supply of the information.
- “(3) An agreement may be varied by the Registrar-General and the foreign registration authority in writing.
- “(4) The Registrar-General must consult with the Privacy Commissioner before entering into or varying an agreement.
- “(5) The Privacy Commissioner may require the Registrar-General to review an agreement, and report on the outcome of the review to the Privacy Commissioner, at intervals not shorter than 12 months.

*Clause 30: new section 78E*

*Subsection (1)*: to insert after “removing” (lines 33 and 34 on page 25) “or suppressing”.

*Subsection (3)(a)(iv)*: to omit this subparagraph (lines 7 and 8 on page 26) and substitute the following subparagraph:

- “(iv) how the other party will use the information (including the limits on any further disclosure by the other party); and

*Subsection (4)*: to omit “The” (line 12 on page 26) and substitute “An”.

*Subsection (5)*: to omit “appointed under the Privacy Act 1993 before entering into or varying the” (lines 15 and 16 on page 26) and substitute “before entering into or varying an”.

To add the following subsection (after line 29 on page 26):

- “(8) **Subsection 7(b)** does not prevent the other party that obtains information under this section from placing the information on an Internet site that is not generally available to members of the public if the Registrar-General so agrees.

*Clause 30: new section 78EA*

To insert the following section after *new section 78E* (after line 29 on page 26):

**“78EA Definition for sections 78F and 78G**

In **sections 78F and 78G**, **historical information** means information that relates to—

- “(a) a birth (excluding still-births) that occurred 100 years ago or more:
- “(b) a still-birth that occurred 50 years ago or more:
- “(c) a marriage or civil union that occurred 80 years ago or more:
- “(d) a name change for a person whose birth is registered outside New Zealand and who was born 100 years ago or more:
- “(e) a death that occurred 50 years ago or more, or if 80 years or more has passed since the birth of the deceased person.

*Clause 30: new section 78F*

Heading to *new section 78F*: to omit “**on website**” (line 31 on page 26).

*Subsection (1)*: to omit “at an internet website on payment of the prescribed fee” (lines 33 and 34 on page 26) and substitute “(including on an Internet site) on payment of the prescribed fee (if any)”.

*Subsection (2)*: to omit “website” (line 35 on page 26) and substitute “Internet site”.

*Subsection (3)*: to insert after “available” (line 38 on page 26) “on the Internet site”.

*Subsection (3)(a)*: to omit “that occurred 100 years ago or more” (lines 1 and 2 on page 27).

*Subsection (3)(a)(iii)*: to omit “registered or both” (line 8 on page 27) and substitute “registered, or both”.

*Subsection (3)(b)*: to omit “that occurred 50 years ago or more” (line 12 on page 27).

*Subsection (3)(b)(iii)*: to omit “registered or both” (line 18 on page 27) and substitute “registered, or both”.

*Subsection (3)(c)*: to omit “that occurred 80 years ago or more” (lines 22 and 23 on page 27).

*Subsection (3)(c)(iii)*: to omit “registered or both” (line 29 on page 27) and substitute “registered, or both”.

*Subsection (3)(d)*: to omit “for a person whose birth is registered outside New Zealand, if the person’s birth occurred 100 years ago or more” (lines 31 to 33 on page 27).

*Subsection (3)(e)*: to omit “that occurred 50 years ago or more, or if 80 years or more has passed since the birth of the deceased person” (lines 1 to 3 on page 28).

*Subsection (3)(e)(iii)*: to omit “registered or both” (line 9 on page 28) and substitute “registered, or both”.

To add the following subsections (after line 12 on page 28):

- “(4) **Subsection (3)** is subject to **sections 75A(2)(b) and 75B(2)**.
- “(5) If this section applies, **sections 74(2)(e) and (3) and 75D(2)** do not apply.

*Clause 30: new section 78G*

*Subsection (1):* to omit “internet website” (line 16 on page 28) and substitute “Internet site”.

*Subsection (2):* to omit “internet website before the commencement of this section must be removed from the website” (lines 17 to 19 on page 28) and substitute “Internet site before the commencement of this section must be removed from the site”.

*Subsection (3):* to omit “internet website (or remain available if it is available on the website)” (lines 22 and 23 on page 28) and substitute “Internet site (or remain available if it is available on the site)”.

*Subsection (3)(b):* to omit this paragraph (lines 26 to 34 on page 28) and substitute the following paragraphs:

- “(b) the person who makes the information available—
  - “(i) is the subject of the information; or
  - “(ii) has been granted a power of attorney or given written authority to make the information available by the person who is the subject of the information; or
- “(c) the information is historical information.

*Subsection (4):* to omit “internet website under **subsection (3)(b)(ii) or (iii)**” (lines 35 and 36 on page 28) and substitute “Internet site under **subsection (3)(b)(ii)**”.

New definition of **internet website** in *subsection (5)*: to omit this definition (lines 6 and 7 on page 29) and substitute the following definition:

“**Internet site** includes part of an Internet site that is not generally accessible to members of the public.

*Clause 30: new section 78H*

To add the following section (after line 7 on page 29):

- “**78H Review of operation of sections 74 to 75G, 78E, and 78F**
- “(1) As soon as practicable after the expiry of the period of 5 years beginning on the commencement of the **Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008**, the Minister must—
    - “(a) review the operation of **sections 74 to 75G, 78E, and 78F** since the date of that commencement; and
    - “(b) prepare a report of the review that includes recommendations on whether any amendments to those sections are necessary or desirable; and
    - “(c) present a copy of the report to the House of Representatives.

“(2) In preparing the report, the Minister must consult with interested parties (including the Privacy Commissioner and the Chief Archivist).”

*Clause 33: new section 84A(3)*

To omit “In this section” (line 12 on page 31) and substitute “In this section.”.

*Clause 35: new section 85B(3)*

To omit “In this section—” (line 10 on page 32) and substitute “In this section,—”.

*New clause 37A*

To insert the following clause after *clause 37* (after line 33 on page 32):

**37A Regulations**

Section 88(1) is amended by inserting the following paragraphs after paragraph (a):

“(ab) specifying the grounds on which a request for a non-disclosure direction may be made to the Registrar-General under **section 75A(2)(b)**:

“(ac) specifying the grounds on which a request for the reinstatement of a non-disclosure direction may be made to the Registrar-General under **section 75B(4)(b)**:

“(ad) prescribing the period referred to in **section 75B(3)(a)** for which a non-disclosure direction under **section 75A(2)(b)** remains in force, including the conditions subject to which any such direction ceases to be in force.”.

*Clause 38(1)*

To omit this subclause (line 35 on page 32 to line 5 on page 33) and substitute the following subclause:

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

“(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:

“(h) for a purpose contemplated by this Act, provides any means of identification knowing that it is false or having reason to suspect that it has been forged or falsified.”

*Clause 38(3)*

*New subsection (2A)*: to insert after “**subsection (1)(g)**” (line 11 on page 33) “**or (1)(h)**”.

*Clause 39: new section 89A(3)*

To omit “In this section” (line 35 on page 33) and substitute “In this section.”.

*Clause 41*

To omit this clause (lines 13 to 17 on page 34) and substitute the following clause:

**41 New sections 91A and 91B inserted**

The following sections are inserted after section 91:

**“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.

**“91B Protection for supply of information**

No civil or criminal proceedings may be brought against the Crown, a Registrar, or any other person for the disclosure or supply of information in the course of the exercise or performance or intended exercise or performance of any powers, functions, or duties under this Act, unless it is shown that the information was disclosed or supplied in bad faith.”

*Clause 43*

To insert “of this Act” after “**Schedule 1**” (line 25 on page 34).

*Schedule 1: new Schedule 1A*

To insert the following item after the item relating to the Accident Compensation Corporation (after line 13 on page 36):

Board of Trustees of National Provident Fund	Birth information, marriage information, civil union information, name change information, and death information	To verify the identity of a member or beneficiary of the National Provident Fund, and the eligibility or continuing eligibility of a member or beneficiary for payments under the Fund
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To insert the following item after the item relating to the Department of Labour (after line 35 on page 36):

Government Superannuation Fund Authority	Birth information, marriage information, civil union information, name change information, and death information	To verify the identity of a member or beneficiary of the Government Superannuation Fund, and the eligibility or continuing eligibility of a member or beneficiary for payments under the Fund
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Paragraph (b) of the item relating to the Ministry of Social Development: to add after “card” (line 35 on page 37) “or a card the availability of which is based principally on the age and residence of a person, or of his or her spouse or civil union partner, or former spouse or civil union partner”.



*Schedule 3*

Item relating to section 5(1) of the Adult Adoption Information Act 1985: to insert “Registration” after “Relationships” (line 20 on page 39).

Item relating to section 5(2) of the Adult Adoption Information Act 1985: to insert “Registration” after “Relationships” (line 23 on page 39).

Item relating to section 6 of the Adult Adoption Information Act 1985: to insert “Registration” after “Relationships” (line 26 on page 39).

Item relating to Burial and Cremation Act 1964: to insert the following definition after the definition of **dead foetus** (after line 6 on page 40):

“**disposal** includes burial and cremation

Item relating to Electoral Act 1993: to omit “**21A**” in each place where it appears (lines 5 and 16 on page 47) and substitute in each case “**21B**”.

Item relating to the definition of **specified agency** in the item relating to the Privacy Act 1993: to omit this item (lines 13 to 15 on page 49) and substitute the following item:

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

“(bb) the Board of the Government Superannuation Fund Authority:

“(bc) the Board of Trustees of the National Provident Fund:

“(bd) the Ministry of Health:”.

Item relating to Births, Deaths, and Marriages Registration Act 1995 in the item relating to Privacy Act 1993: to omit “**21A**” (line 28 on page 49) and substitute “**21B**”.

*Schedule 4*

Heading to Schedule 4: to omit “(1995 No 183)” (line 4 on page 52).

Item relating to paragraph (c) of *new regulation 3A*: to omit “**section 9(2)**” (line 1 on page 53) and substitute “**section 9(2)**”.

To insert the following items after the item relating to regulation 6A (after line 30 on page 54):

**Regulation 7(1)(a)(xv)**

Insert “buried, cremated, or otherwise” after “was”.

**Regulation 7(1)(c)(iv)**

Insert “buried, cremated, or otherwise” after “was”.

*Schedule 5*

Item relating to the heading to the Schedule in the item relating to Births, Deaths, and Marriages Registration (Fees) Regulations 1995: to omit “Registrations” (line 16 on page 56) and substitute “Registration”.

Item relating to Births, Deaths, and Marriages Registration Act 1995 in the item relating to Domestic Violence (Public Registers) Regulations 1998: to omit “**21A**” (line 37 on page 57) and substitute “**21B**”.

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### **Explanatory note**

This Supplementary Order Paper sets out proposed amendments to the Births, Deaths, Marriages, and Relationships Registration Amendment Bill, which amends the Births, Deaths, and Marriages Registration Act 1995 (the **principal Act**).

#### *Overview of proposed amendments*

In general terms, the proposed amendments—

- defer the commencement of the Bill until 6 months after the date on which it receives the Royal assent (*see clause 2*):
- replace the provisions regulating public access to registered information that were originally proposed in the Bill (as introduced) with a new public access regime for registered information (*see clause 26: new sections 73 to 75G*, and also the more detailed explanation set out below):
- require the supply of name change information or death information by the Registrar-General to a foreign registration authority to be made in accordance with a written agreement between the parties that can only be entered into or varied if the Registrar-General has consulted with the Privacy Commissioner (*see clause 30: new section 78DA*):
- enable death information to be disclosed to an appropriate non-government organisation, private sector agency, or person not only for the purpose of removing the names of deceased persons from a database held by those parties, but also for the purpose of suppressing those names from their database (*see clause 30: new section 78E(1)*):
- allow an appropriate non-government organisation, private sector agency, or person to whom death information is disclosed under *new section 78E(1)* to place the information on an Internet site that is not generally available to members of the public, so long as the Registrar-General agrees (*see clause 30: new section 78E(8)*):
- require the Minister of Internal Affairs to review the operation of the proposed new public access regime for registered information as soon as practicable after the expiry of the period of 5 years beginning on the commencement of the Bill (*see clause 30: new section 78H*):
- protect the Crown, a Registrar, or any other person from any civil or criminal liability for the disclosure or supply of information that is done in good faith in the course of the exercise or performance or intended exercise or performance of any powers, functions, or duties under the principal Act (*see clause 41: new section 91B*):
- update *Schedule 1A* of the principal Act to—

- enable the Government Superannuation Fund Authority and the Board of Trustees of the National Provident Fund to access any registered information under an authorised information matching agreement for the purpose of verifying the identity of a member or beneficiary of a statutory superannuation scheme and verifying the eligibility or continuing eligibility of that person for payments under the scheme; and
- ensure that, given recent changes made by the Social Security (Entitlement Cards) Amendment Act 2007, the Registrar-General can continue to provide registered information to the Ministry of Social Development for the purpose of verifying a person’s eligibility for a SuperGold card (*see Schedule 1* of the Bill):
- allow more appropriate language to be used in death certificates and computer printouts from death records by providing for another term besides “disposal” to describe the method of disposition of a body (*see Schedule 4* of the Bill: proposed amendments to *regulations 7(1)(a)(xv)* and *7(1)(c)(iv)* of the Births, Deaths, and Marriages Registration (Prescribed Information and Forms) Regulations 1995):
- make a number of technical and drafting changes.

*Proposed public access regime for registered information*

*Clause 26* inserts *new sections 73 to 75G* into the principal Act, which give effect to the proposed new public access regime for registered information.

*New sections 73 to 75G* will retain the current policy under the principal Act of allowing any member of the public generally to access registered information about a named individual. However, *new sections 73 to 75G* also introduce several new features that are intended to underpin the existing policy of the principal Act in relation to general public access to registered information. Briefly, those new features are as follows:

- a Registrar may comply with a request for access to registered information only if the person making the request or, if applicable, the person for whom the request is made provides the Registrar with any means of identification that are reasonably necessary to allow the identity of the person or the identities of those persons to be readily ascertained (*see new section 74*):
- a person who is the subject of registered information may, at any time, request the Registrar-General—
  - to provide a copy of all entries in relation to the person’s registered information that are made into the access register required to be kept under *new section 75D*:
  - on 1 or more grounds prescribed in regulations, to direct that the person’s registered information must not be disclosed to the public (*see new section 75A*):
- during the period in which a non-disclosure direction in respect of a person’s registered information is in force, a Registrar—

- may comply with a request for access to that information only if the request is made by the person who is the subject of the information or by that person's personal representative; and
  - must inform any other person who makes a request for that information that the information exists, but the request cannot be complied with because a non-disclosure direction is in force (*see new section 75B(2)*):
  - a non-disclosure direction continues in force until whichever is the earlier of the expiry of the period prescribed in regulations or the date on which the Registrar-General directs that the direction be withdrawn following a request for its withdrawal by the person who is the subject of the registered information to which it relates (*see new section 75B(3)*):
  - a non-disclosure direction may be withdrawn or reinstated at any time on the request of the person who is the subject of the registered information to which it relates or that person's personal representative (*see new section 75B(4)*):
  - if a person who is the subject of registered information makes any part of that information publicly available while a non-disclosure direction is in force in respect of it, any person may request a Registrar to verify whether the information that has become publicly available matches, or is consistent with, the relevant registered information (*see new section 75C*):
  - an access register will record, as a separate entry, certain requests for access to registered information about a named individual (*see new section 75D*):
  - a public sector agency may search the access register if it is necessary to avoid prejudice to the maintenance of the law (*see new section 75E*).
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