

Version
as at 15 June 2023



Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008

Public Act 2008 No 48
Date of assent 24 July 2008
Commencement see section 2

Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008: repealed, on 15 June 2023, pursuant to section 146 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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Schedule 1

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Schedule 4

**Amendments to Births, Deaths, and Marriages Registration
(Prescribed Information and Forms) Regulations 1995**

Schedule 5

Amendments to other regulations

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008.

2 Commencement

This Act comes into force 6 months after the date on which it receives the Royal assent.

3 Principal Act amended

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4 Title repealed

The Title is repealed.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

(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 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 substituting “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

6 New section 1A inserted

The following section is inserted before section 2:

1A Purpose

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 reassignments, so as to provide—
 - (i) a source of demographic information, and information about health, mortality, and other matters important for government; and
 - (ii) an official record of births, deaths, marriages, civil unions, and name changes that can be used as evidence of those events and of

age, identity, descent, whakapapa, and New Zealand citizenship;
and

- (b) to regulate access to, and disclosure of, information recorded in respect of these matters; and
- (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 **coroner's order**, **funeral director**, **give a doctor's certificate**, and **to record** in section 2 are repealed.
- (2) The definitions of **doctor's certificate**, and **register** in section 2 are repealed and the following definitions substituted:

doctor's certificate, in relation to a death or a body, means a doctor's certificate referred to in sections 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

register means that a Registrar records (in a manner authorised by the Registrar-General) information under this Act, a former Act, or a former Adoption Act

- (3) Section 2 is amended by inserting the following definitions 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

Director of Security means the Director of Security holding office under the New Zealand Security Intelligence Service 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

name change certificate means—

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

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

record includes to cause to be recorded

source document means a document (other than a register) that—

- (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—
 - (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
 - (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:

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.

9 New section 5A 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.
- (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—
 - (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.

- (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.
- (5) The Registrar-General must notify the Director-General of Health of all stillbirths 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:

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,—
 - (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, under the Immigration Act 1987, to be in New Zealand indefinitely.
- (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 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) For the purposes of this section, a child has 1 parent at law if—
 - (a) the child is born as a result of a woman acting alone in a situation described in section 20(1) or 22(1) of the Status of Children Act 1969; and
 - (b) the donor of the ovum, embryo, or semen (as the case may be) for the pregnancy does not become the partner of the woman after the time of conception but before the birth is notified for registration.

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 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

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 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).
- (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
 - (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
 - (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
 - (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;
 - (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.

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
 - (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.

- (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
 - (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 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 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—
 - (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 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”.

13 New sections 21 to 21B substituted

Section 21 is repealed and the following sections are substituted:

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.

14 Registration of New Zealand adoptions

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—
- (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—
- (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,—
 - (i) the adoptive parents (if there are 2 adoptive parents and they are both alive); or
 - (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
 - (b) other information relating to the birth, subject to section 83.

15 New section 27A inserted

The following section is inserted after the Part 5 heading:

27A Definitions for sections 28 and 29

In sections 28 and 29,—

eligible adult means a person—

- (a) who is any of the following:
 - (i) a person whose birth is registered:
 - (ii) a person whose birth is registrable under this Act but is not yet registered:
 - (iii) a person who is a New Zealand citizen or is entitled, under the Immigration Act 1987, to be in New Zealand indefinitely; and
- (b) who—
 - (i) is 18 years of age or older; or
 - (ii) 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

eligible child means a person—

- (a) who is any of the following:
 - (i) a person whose birth is registered:
 - (ii) a person whose birth is registrable under this Act but is not yet registered:
 - (iii) a person who is a New Zealand citizen or is entitled, under the Immigration Act 1987, to be in New Zealand indefinitely; and
- (b) who—
 - (i) has not attained the age of 18 years; and

- (ii) has never been in a marriage, in a civil union, or in a de facto relationship.

16 Declarations of Family Court as to sex to be shown on birth certificates issued for adults

- (1) Section 28(1) is amended by omitting “a person who has attained the age of 18 years” and substituting “an eligible adult (the **applicant**)”.
- (2) Section 28 is amended by repealing subsection (2) and substituting the following subsection:
 - (2) The Court must cause a copy of the application to be served on—
 - (a) the Registrar-General, if the applicant’s birth is registered or is registrable under this Act but is not yet registered; and
 - (b) any other person who, in the Court’s opinion, is interested in it or might be affected by the granting of the declaration.
- (3) Section 28(3)(a) is amended by omitting “that there is included in the registration” and substituting “either that the applicant’s birth is registrable under this Act but is not yet registered, or that there is included in the record”.

17 Declarations of Family Court as to appropriate gender identity for children

- (1) Section 29(1) is amended by omitting “a person who has not attained the age of 18 years and who has never married or entered into a civil union (in subsection (3) of this section referred to as the child)” and substituting “an eligible child (the **child**)”.
- (2) Section 29 is amended by repealing subsection (2) and substituting the following subsection:
 - (2) The Court must cause a copy of the application to be served on—
 - (a) the Registrar-General, if the child’s birth is registered or is registrable under this Act but is not yet registered; and
 - (b) any other person who, in the Court’s opinion, is interested in it or might be affected by the granting of the declaration.
- (3) Section 29(3)(a) is amended by omitting “registration” and substituting “record”.

18 Sections 37 to 41 repealed

Sections 37 to 41 are repealed.

19 Deposit with Registrar-General of death certificates issued outside New Zealand

Section 52 is amended by inserting the following subsection after subsection (6):

(6A) Sections 74 and 75 apply to information provided by the Registrar under subsection (5).

20 New section 62 substituted

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.
- (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 of the deed poll concerned is deposited under section 21A.
- (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 New section 62G substituted

Section 62G is repealed and the following section substituted:

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.
- (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 21A.
- (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).

22 Birth certificates for adopted persons

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 21B, or an earlier corresponding provision.

23 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—
 - (a) the Commissioner of Police in relation to new identity information created as a result of a request under subsection (1)(a); or
 - (b) the Director of Security in relation to new identity information created as a result of a request under subsection (1)(b).
- (5) In this section,—

employee and **officer** have the same meaning as in section 2 of the New Zealand Security Intelligence Service Act 1969

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.

24 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).

25 New section 70B inserted

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.
- (2) A name change certificate must not be issued for a person whose birth has been registered.

26 Heading to Part 9 substituted

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

27 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 78H.

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 necessary 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.

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) However, the Registrar-General may do so only if he or she has the written approval of—
 - (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).
- (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.

- (7) The Registrar-General must, as soon as 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
 - (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).
- (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:
- (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

- (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”.
- (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.

30 New sections 78B to 78J inserted

The following sections are inserted after section 78A:

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 (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.
- (2) The Registrar-General may request the department to supply the postal address and residential address (if different from the postal address) of a person—
 - (a) in respect of whom that information is held for the purposes of the Social Security Act 1964; and
 - (b) who the Registrar-General has grounds to believe may be the mother of a child whose birth is unregistered.
- (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
 - (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 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 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

- (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) Subsection (1) is subject to section 78E.
- (3) Without limiting his or her discretion under subsection (1), the Registrar-General may decide not to supply name change information under that subsection 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 nature relating to that person.

- (4) 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—
- (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.

78E 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.

78F Disclosure of death information to non-government organisations for certain purposes

- (1) The Registrar-General may disclose death information to an appropriate non-government organisation, private sector agency, or person (the **other party**) for the purpose of removing or suppressing the names of deceased persons from a database held by the other party.
- (2) The Registrar-General may not disclose information that is protected by any of sections 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—

- (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) how the other party will use the information (including the limits on any further disclosure by the other party); and
 - (v) the fees (if any) payable for disclosure of the information; and
- (b) the disclosure is in accordance with the agreement.
- (4) An agreement may be varied by the Registrar-General and the other party in writing.
- (5) The Registrar-General and the other party must consult with the Privacy Commissioner before entering into or varying an agreement.
- (6) The Privacy Commissioner may require the Registrar-General and the other party to review the agreement, and report on the outcome of the review to the Privacy Commissioner, at intervals not shorter than 12 months.
- (7) The other party that obtains information under this section must not intentionally do, or permit another person to do, any of the following:
- (a) change or manipulate the information into a form different from the form in which it was provided;
 - (b) place the information on the Internet or otherwise make it available for public search;
 - (c) use or disclose the information for a purpose other than the purpose specified in the agreement.
- (8) Subsection 7(b) does not prevent the other party that obtains information under this section from placing the information on an Internet site that is not generally available to members of the public if the Registrar-General so agrees.

78G Definition for sections 78H and 78I

In sections 78H and 78I, **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.

78H Registrar-General may make certain historical information available

- (1) The Registrar-General may make historical information available for search by the public (including on an Internet site) on payment of the prescribed fee (if any).
- (2) The Internet site must be maintained by, or on behalf of, the Registrar-General.
- (3) The historical information that the Registrar-General may make available on the Internet site is,—
 - (a) for births (excluding still-births), any or all of the following information that is registered:
 - (i) the name, all registered name changes, and sex of the person born:
 - (ii) the date of the birth:
 - (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
 - (b) for still-births, 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:
 - (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
 - (c) for marriages and civil unions, any or all of the following information that is registered:
 - (i) the names of the people who married or entered into a civil union:
 - (ii) the date of the marriage or civil union:
 - (iii) the place of the marriage or civil union or the place where it was registered, or both:
 - (iv) the registration number; and
 - (d) for name changes, any or all of the following information that is registered:
 - (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:
 - (iv) the place of birth of the person:

- (v) the registration number; and
- (e) for deaths, any or all of the following information that is registered:
 - (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:
 - (iv) the date of birth of the person who died or the age of the person on death, or both:
 - (v) the registration number.
- (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.

78I Index information must not be made available on Internet

- (1) Index information must not be made available intentionally on an Internet site.
- (2) Index information that is made available on an Internet site before the commencement of this section must be removed from the site within 14 days after the commencement of this section.
- (3) However, index information may be made available on an Internet site (or remain available if it is available on the site before the commencement of this section) if—
 - (a) the information is in a form that could not reasonably be expected to identify any particular person; or
 - (b) the person who makes the information available—
 - (i) is the subject of the information; or
 - (ii) has been granted 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.
- (4) Index information may be made available on an Internet site under subsection (3)(b)(ii) only to the extent that the power of attorney or written authority does not prohibit making available the information on the Internet.
- (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

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

78J Review of operation of sections 74 to 75G, 78F, and 78H

- (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, 78F, and 78H 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).

31 Registrars

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

33 New sections 82 to 84A substituted

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

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
 - (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 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.
- (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.
- (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.

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

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.

85B Information recorded under Act may be used to update information kept under Human Assisted Reproductive Technology Act 2004

- (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.
- (3) In this section,—

donor, donor offspring, and guardian have the same meaning as in the Human Assisted Reproductive Technology Act 2004

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.

36 New Part 11A heading inserted

The Part 11A heading “**Miscellaneous provisions**” is inserted before section 86.

37 New sections 87A and 87B inserted

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.

38 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:

39 Offences and penalties

- (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.
- (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”.
- (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) or (h) is liable, on summary conviction, to a term of imprisonment not exceeding 3 months or a fine not exceeding \$10,000, or both.
 - (3) A person who commits any other offence against this Act is liable, on summary conviction, to a fine not exceeding—

- (a) \$50,000 for a contravention of or failure to comply with section 78F(7) or 78I:
- (b) \$10,000 for a contravention of or failure to comply with section 42:
- (c) \$1,000 for—
 - (i) a contravention of or failure to comply with a provision of this Act other than section 42, 78F(7), or 78I; or
 - (ii) an offence against any of subsection (1)(d) to (f).

40 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.
- (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.

41 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:
 - (a) permitting the inspection of a document containing the information:
 - (b) providing access to, or a copy of, a document containing the information:
 - (c) providing a print-out of the information.

42 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.

43 Transitional provision relating to applications under principal Act

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.

44 Transitional provision relating to Human Tissue Act 2008

Until the commencement of section 92 of the Human Tissue Act 2008, references to that Act in the items relating to sections 46E(1)(c)(ii) and 46F of the Burial and Cremation Act 1964 (as set out in Schedule 3 of this Act) must be read as references to the Human Tissue Act 1964.

45 New Schedule 1A substituted

Schedule 1A is repealed and the schedule set out in Schedule 1 of this Act is substituted.

46 Consequential amendments to principal Act

The sections specified in Schedule 2 are amended in the manner set out in that schedule.

Part 2

Amendments to other enactments

47 Amendments to other Acts

The Acts specified in Schedule 3 are amended in the manner set out in that schedule.

48 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.
- (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.

49 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.
- (2) The regulations specified in Schedule 5 are amended in the manner set out in that schedule.

Schedule 1
New Schedule 1A substituted in principal Act

s 45

Schedule 1A
Disclosure of information to specified agencies

s 78A

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
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
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
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
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

Specified agency	Type of information	Purpose
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
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

Specified agency	Type of information	Purpose
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 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: (c) identify debtors, including any person no longer in receipt of a benefit, war pension, grant, loan, or allowance.

Schedule 2

Consequential amendments to principal Act

s 46

Section 11

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

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”.

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

Section 23

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

Section 45

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”.

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

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”.

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

Amendments to other Acts

s 47

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”.

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”.

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

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

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

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

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

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

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”.

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

disposal includes burial and cremation

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

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

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

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

- (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.
- (3) This section is subject to section 46A.

46A Still-born children

- (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
 - (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.

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

- (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.
- (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) 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
 - (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.
- (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.
- (8) A doctor must not give a doctor's certificate under subsection (3) unless the doctor has—

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

- (a) had regard to the medical records relating to the person concerned of the doctor who last attended the person during the illness; and
- (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

(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,—

- (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
- (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.

(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.

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.

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,—

- (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

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

- (ii) removal for anatomical examination under the Human Tissue Act 2008; or
 - (iii) removal from New Zealand for disposal outside New Zealand.
- (2) This section is subject to any enactment to the contrary.
Compare: 1995 No 16 s 39

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
 - (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 2008)—
 - (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.
- (2) However, in any of the following circumstances the person transferring the body does not have to comply with subsection (1):
- (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—
 - (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.
- (4) A person must not take charge of a body for anatomical examination under the Human Tissue Act 2008, or removal from New Zealand for disposal outside New Zealand, without first obtaining a doctor's certificate or coroner's authorisation.
- (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

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

New section 54AA: insert before section 54:

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.

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:

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

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”.

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”.

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”.

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

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

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

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”.

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”.

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”.

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”.

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”.

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”.

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”.

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

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

Electoral Act 1993 (1993 No 87)—continued

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”.

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

- (d) the name which was adopted by the candidate through a name change registered under section 21B 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 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”.

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”.

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
- (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

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”.

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 Relationships 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)”.

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

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”.

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)

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”.

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”.

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 (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:

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”.

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

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 “ 21B, 24, 25, 34, 36, 48(3), 50, 53, 56, 58, 62A, and 62C”.

Item relating to the Births, 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:

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.
- (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.
- (3) No request may be made unless—

Social Security Act 1964 (1964 No 136)—continued

- (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.

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.

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”.

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:

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”.

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”.

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”.

Schedule 4

Amendments to Births, Deaths, and Marriages Registration (Prescribed Information and Forms) Regulations 1995

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Regulation 1(1)

Revoke and substitute:

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

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

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.

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.

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—

- (a) the information required for a birth certificate under regulation 6 (as applicable); and
- (b) in relation to the child,—
 - (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

New regulation 3A—*continued*

- (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):
 - (iv) the ethnic group or groups to which the parents belong:
 - (v) information to determine the parents' citizenship or residency status:
 - (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:
 - (viii) their signatures.

New regulation 5B

Insert after regulation 5A:

5B Transfer of charge of body

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
 - (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
 - (ii) contact details; and
 - (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
 - (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
 - (B) removing the body for anatomical examination under the Human Tissue Act 1964; and

New regulation 5B—continued

- (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
- (v) his or her signature and the date that the form was signed.

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—

- (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:
- (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:
- (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.

Regulation 7(1)(a)(xv)

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

Regulation 7(1)(c)(iv)

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

Heading above regulation 9

Revoke.

Regulation 9

Revoke and substitute:

9 Name change certificates

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:

Regulation 9—*continued*

- (b) for each time that a name change has been registered, 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

Revoke.

Schedule 5

Amendments to other regulations

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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”.

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

Revoke.

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

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 Registration Act 1995” and substitute “Births, Deaths, Marriages, and Relationships Registration Act 1995”.

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.

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”.

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”.

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”.

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**”.

Regulation 13: revoke and substitute:

Domestic Violence (Public Registers) Regulations 1998 (SR 1998/342)—continued**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 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008.
- (2) A notice given by the Registrar-General (as described in subclause (1)) under regulation 7(b) must include information about any index that was kept by the Registrar-General prior to the commencement of section 27 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 that includes relevant information, including the type of relevant information the index contains and the availability of access to the register by the public.

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

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

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, 21B, 24, 25, 34, 36, 48(3), 50, 53, 56, 58, 62A, and 62C
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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”.

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”.

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”.

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

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”.

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)”.

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)”.

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)”.

Notes**1 *General***

This is a consolidation of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57): section 146