

BIRTHS AND DEATHS REGISTRATION AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill is designed to amend the Births and Deaths Registration Act 1951 (the principal Act) to give adopted children and the natural parents of an adopted child greater access to the original birth certificate entries of that child. At present, these entries may be inspected only for the limited purposes set out in section 21 of the principal Act. This Bill gives adopted children aged 18 or over and natural parents of adopted children over the age of 20 the right to inspect the original birth entries of the adopted child. At the same time it empowers any person whose name appears on those birth entries to require the Registrar-General or a Registrar of Births and Deaths to keep that person's name off any copy issued under the new provision. In the case of an adopted child applying to have his or her name kept off the birth entry, no copy of the current birth certificate would be issued under the new provision for to do so might enable that person to be traced or identified through the adoptive parents. Before an adopted child or a natural parent takes any step under this Bill, he or she must consult a Social Worker appointed under the Department of Social Welfare Act 1971 or a person specially appointed by the Minister of Justice for the purposes of this Bill.

Clause 1 relates to the Short Title.

Clause 2 (1) inserts new sections 21B, 21C, 21D and 21E into the principal Act:

Section 21B deals with the conditions under which the birth records of adopted persons may be inspected or copied:

Subsection (1) repeats section 21 (7) of the principal Act whereby in general only a copy of the last birth certificate of an adopted child can be issued by the Registrar-General;

Subsection (2) repeats section 21 (8) of the principal Act which in general prevents the inspection of the original or pre-adoption birth certificate of an adopted child.

Section 21C is new and gives an adopted child 18 years or more old, and the natural parent of an adopted child who has reached the age of 20, the right to receive copies of the birth certificate entries relating to the child. The application for a copy must be accompanied by a certificate from a Social Worker to the effect that the person applying has discussed the matter with the Social Worker.

Section 21D allows for restrictions to be imposed on the information which may be obtained by the new procedure set out in section 21C:

Subsection (1) provides that any persons of 18 years of age or over may advise the Registrar-General or the Registrar that they do not wish their names to appear on birth certificates (whether their own or another person's) issued under section 21C. They must speak to a Social Worker about the matter before notifying the Registrar-General or the Registrar.

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Subsection (2) requires the Registrar-General and the Registrar to endorse on all birth entries in respect of the person to whom the notification relates, that the person named on the endorsement does not wish to be named on copies issued under section 21c.

Subsection (3) deals with an adopted child who does not wish his or her name to be disclosed under section 21c. Simply omitting the name and address from an adopted child's current birth certificate would not ensure sufficient privacy, as the name and address of the adoptive parents would still be shown. Where an adopted child wishes to keep the details of his or her name confidential the current certificate is to be further endorsed to the effect that it is not to be disclosed under section 21c at all.

Subsection (4) allows endorsements under this section to be cancelled by the person who applied for them.

Subsection (5) provides that endorsed birth entries are not to be available for inspection under section 21c. Copies of such certificates issued under that subsection are not to include any details of any persons who advised the Registrar-General or the Registrar that they did not wish their names to appear on the birth entry. Finally, in the case of an adopted child wishing to keep his or her name confidential, copies of the current birth certificate are not to be made available.

Section 21E repeats section 21 (9) of the principal Act which provides for disputes under the foregoing provisions to be referred to a Magistrate for decision.

Clause 2 (2) defines a Social Worker as a Social Worker appointed under the Department of Social Welfare Act 1971, or as a person appointed for the purposes of this Act by the Minister of Justice; and makes consequential amendments to the principal Act.

Mr Jonathan Hunt

**BIRTHS AND DEATHS REGISTRATION
AMENDMENT**

ANALYSIS

Title	21c. Access to birth entries by adopted children and natural parents
1. Short Title	21d. Restrictions on disclosure of birth entries
2. New sections inserted in the prin- cipal Act	21e. Disputes
21b. Access to birth entries	

A BILL INTITULED

An Act to amend the Births and Deaths Registration Act 1951

BE IT ENACTED by the General Assembly of New Zealand
in Parliament assembled, and by the authority of the same,
5 as follows:

1. Short Title—This Act may be cited as the Births and
Deaths Registration Amendment Act 1979 and shall be read
together with and deemed part of the Births and Deaths
Registration Act 1951 (hereinafter referred to as the princi-
10 pal Act).

2. New sections inserted in the principal Act—(1) The
principal Act is hereby amended by inserting, after section
21A (as inserted by section 5 of the Births and Deaths Regis-
tration Amendment Act 1961) the following sections:

“**21B Access to birth entries**—(1) Where a copy of the entry as to the birth of any child to which section 21 of this Act relates is required for any purpose, the Registrar-General or the Registrar, as the case may be, shall (subject to the provisions of this section and section 21c of this Act) supply a copy of the last entry made pursuant to subsection (3) of section 21 of this Act instead of a copy of any former entry, unless the applicant certifies, and the Registrar-General is satisfied, that the particulars recorded in the original or any former entry are material for the purpose for which the copy is required and that a supply of a copy of the original or any former entry would not be a contravention of the principles set out in section 23 of the Adoption Act 1955.

“(2) No person shall be permitted to inspect any original or former entry referred to in subsection (1) of this section unless that person certifies, and the Registrar-General is satisfied, that the particulars recorded in the original or any former entry are material for the purpose for which the inspection is required and that the inspection would not be a contravention of the principles set out in section 23 of the Adoption Act 1955.

“**21c Access to birth entries by adopted children and natural parents**—Notwithstanding the provisions of section 21B of this Act, the Registrar-General and the Registrar shall (subject to the provisions of section 21D of this Act), on the application of an adopted child or any person who was a parent of that child before the making of an adoption order (hereinafter referred to as ‘the applicant’), issue to the applicant a copy of the original entry and of any subsequent entries of the birth of that child, if the application is accompanied by a certificate from a Social Worker certifying that the applicant has discussed the application with the Social Worker, and—

“(a) In the case of an applicant who is an adopted child, the applicant is of or over the age of 18 years;

“(b) In the case of an applicant who was a parent of the adopted child, the adopted child is of or over the age of 20 years, and the applicant is named on the original entry or on any subsequent entry of the birth of that child as the parent of the child.

“**21D Restrictions on disclosure of birth entries**—(1) Any person who is of or over the age of 18 years may notify the Registrar-General or the Registrar that that person wishes his name to be omitted from any copy of the entry of that person’s birth or of any other person’s birth which is supplied

to any person under section 21c of this Act. Every such notification shall be accompanied by a certificate from a Social Worker certifying that the matter of the omission of that person's name from birth entries has been discussed with the
5 Social Worker.

“(2) Where the Registrar-General receives a notification in accordance with subsection (1) of this section he shall forthwith advise the Registrar by whom the birth to which the notification relates was registered, of the notification, and
10 where the Registrar receives such notification he shall forthwith advise the Registrar-General, and the Registrar-General and the Registrar shall endorse on all entries relating to that birth held by them the following words—

15 ‘Name of (*here enter name of person requesting omission*) to be omitted from copies of birth entries supplied pursuant to section 21c of the Births and Deaths Registration Act 1951 (*date*).’

“(3) If a person notifies the Registrar-General or the Registrar under subsection (1) of this section that he wishes
20 his name to be omitted from any copy of an entry relating to his own birth, the Registrar-General and the Registrar shall add to the endorsement made under subsection (2) of this section on the original and the duplicate of the re-registration of that person's birth prepared pursuant to section 21 of this
25 Act, the following words—

‘Not to be disclosed pursuant to section 21c of the Births and Deaths Registration Act 1951 (*date*).’

“(4) The Registrar-General and the Registrar shall cancel any endorsements on any birth entries held by them on appli-
30 cation in that behalf by the person who requested the omission of his name under subsection (1) of this section.

“(5) In respect of any entry of the birth of any person which is endorsed in the manner prescribed by subsections (2) or (3) of this section and which remains uncanceled, the
35 Registrar-General or the Registrar shall not under section 21c of this Act, within 10 years of the date of such endorsements,—

“(i) Permit any entry of that birth to be inspected by any person;

40 “(ii) Issue to any person a copy of that entry which includes the name, address or any other particular relating to the person who requested the omission of his name from the entry;

“(iii) In respect of an entry endorsed in the manner prescribed by subsection (3) of this section, issue to any person a copy of that entry:

Provided that this subsection shall not prevent the inspection of the original or duplicate entries of a birth by, or the issuing of a copy of those entries to, any person who requested the omission of his name from the entry. 5

“21E. **Disputes**—In case of a dispute as to whether a person should be supplied with a copy of the original or any former entry or permitted to inspect any such original or former entry pursuant to sections 21B or 21c or 21D of this Act, the Registrar-General shall, upon that person’s request, submit the matter to a Magistrate, whose decision shall be final.” 10

(2) The principal Act is hereby further amended—

(a) By inserting in section 2 after the definition of the term “Registrar” the following definition: 15

““Social Worker” means a Social Worker under the Department of Social Welfare Act 1971 or a person appointed by the Minister of Justice to carry out the functions of a Social Worker under sections 21c and 21D of this Act:’ 20

(b) By repealing subsections (7), (8) and (9) of section 21:

(c) By omitting the words “and subsections (6) to (8) of section 21 of this Act” from section 21A and substituting the words “and subsection (6) of section 21, and sections 21B, 21c and 21D of this Act”. 25