

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT
(CHANGE OF NAME) BILL 2018**

Introduction and First Reading

Bill introduced, on motion by **Mr J.R. Quigley (Attorney General)**, and read a first time.

Explanatory memorandum presented by the Attorney General.

Second Reading

MR J.R. QUIGLEY (Butler — Attorney General) [12.30 pm]: I move —

That the bill be now read a second time.

Following the 11 September 2001 World Trade Centre terrorist attack, the Council of Australian Governments endorsed the National Identity Security Strategy through the signing of an intergovernmental agreement. The 2007 agreement seeks to combat identity theft and the fraudulent use of stolen and assumed identities through enhanced identification and enrolment processes. Since that time, other events have led jurisdictional Registrars of Births, Deaths and Marriages to consider a range of initiatives to support the National Identity Security Strategy. These include improving change-of-name processes across Australia, improving information-sharing arrangements and participating in the national Document Verification Service.

During the November 2011 meeting of the former Standing Council on Law and Justice, ministers agreed to consider implementing recommendations in the discussion paper “Ten Recommendations for a Better Approach to Change of Name Processes in Australia”. Members noted that national consistency in change-of-name processes is critical to supporting identity security outcomes under the National Identity Security Strategy. Further to this, the joint commonwealth and New South Wales government review of the 2014 Martin Place siege recommended that state and territory registries continue to implement change-of-name improvement processes and improve information-sharing arrangements between government agencies. Improved information sharing will close gaps that could be used by persons to conceal criminal activity and/or avoid detection. The review also recommended that agencies such as the Registries of Births, Deaths and Marriages use the national Document Verification Service to authenticate key identity documents. The McGowan Labor government introduces the Births, Deaths and Marriages Registration Amendment (Change of Name) Bill to amend the Western Australian Births, Deaths and Marriages Registration Act 1998 to improve change-of-name processes and minimise exploitation of current arrangements for fraudulent or criminal activity, or for other wrongful purposes.

Approximately 42 000 people register a change of name across Australia yearly. Of that number, approximately 4 200 changes of name are registered in Western Australia each year. Currently, the Births, Deaths and Marriages Registration Act allows an adult whose birth is registered in Western Australia or who is ordinarily domiciled or resident in the state to apply to the registrar to change their name. Parents may also apply to change their child’s name. There is currently no legislative restriction in the Births, Deaths and Marriages Registration Act on people born elsewhere in Australia from applying to the Western Australian registrar for a change of name. There is also limited provision to decline a change of name even if there are concerns regarding the reasons for the change. Nor are there limits to the number of times a person can change their name. These factors have been identified as considerable risks and weaknesses regarding change-of-name processes across Australia. A suite of remedies is provided in the bill to close gaps in existing processes. A number of general requirements are contained in the bill, including that a person wishing to apply for a change of name must be born in Western Australia to be eligible to apply to the registrar for a change of name. If a person was born elsewhere in Australia, they must apply to the state or territory of their birth. An overseas-born person must be either a permanent resident or an Australian citizen and ordinarily resident in Western Australia for at least 12 consecutive months before being eligible to apply for a change of name in this state. The bill will also limit a person to changing their name once in a 12-month period and up to a maximum of three times in a lifetime.

Although a similar set of requirements is proposed regarding changes to a child’s name, the bill takes into account special circumstances for children, such as decisions by the Family Court. These general requirements will ensure that an Australian-born person’s change of name is linked with their birth registration and that an overseas-born person has a link with the state or territory where their name is being changed. This will limit opportunities for a person to create multiple identities for fraudulent or other inappropriate purposes. However, the registrar will have discretion to override all the above requirements when a person wishes to take their spouse’s name or seeks a change of name following a divorce. This discretion will also extend to a person who is experiencing domestic violence or to other protected persons. This will allow the registrar to approve a change of name more than once within 12 months, approve more than three changes in a lifetime or grant approval when the person may have been born outside of Western Australia if satisfied there are sufficient circumstances to warrant registration.

Although a person may also assume a name, it is not widely recognised unless a formal change of name is registered, as a person's name is their most personal identifier. Tightened identity and enrolment processes mean the prevalence of aliases for official or legal purposes are less likely to be accepted by government and private sector agencies, which now require evidence of a formal change of name. The bill will address concerns that existing processes for registering name changes can enable criminal behaviour and will reduce the risk of persons changing their name to engage in ongoing criminal activity or dangerous conduct undetected. It will further restrict certain classes of offenders from exploiting current weaknesses that may allow them to evade or hinder supervision by operating incognito or to victimise persons through an offensive choice of name. Similar to part 4A of the Western Australian Community Protection (Offender Reporting) Act 2004, the bill is designed to restrict certain offenders from applying to change their name without first obtaining approval of the appropriate supervisory authority. These restrictions will apply to dangerous sexual offenders, detainees, persons subject to early release orders, prisoners, supervised offenders and supervised young offenders managed in the community. In this regard, the bill recognises the strengthening of protections afforded to Western Australians under the Dangerous Sexual Offenders Legislation Amendment Act 2017, which fulfilled a major law and order reform commitment of the McGowan Labor government. Importantly, the Community Protection (Offender Reporting) Act will continue to operate and be unaffected by the proposed laws. It is intended that when a dangerous sexual offender is also a reportable offender, prior approval for a change of name will still rest with the Commissioner of Police in accordance with that act. The bill will enable improved information-sharing arrangements between the Registry of Births, Deaths and Marriages and supervisory authorities to identify restricted persons who require permission before applying to the registrar to change their name. The arrangements will also allow supervisory authorities to update their information management systems when a restricted person has a registered change of name. Likewise, improved information sharing, such as changes of name with Australian passports or transport agencies, will minimise the risk of a person creating multiple identities for improper purposes or to avoid detection in cases in which a driver's licence may have been cancelled.

Other changes will allow the registrar to require an applicant to produce evidence to the registrar's satisfaction that the change of name is not for improper purposes and allow the registrar to refuse to register the change of name if the person has a history of fraud or debt avoidance.

The bill will allow the registry to fully participate in commonwealth identity-related initiatives such as the national Document Verification Service. This service provides for the online authentication of identity credentials such as birth certificates presented by individuals when applying for various services, including passports, motor drivers' licences or benefit payments. The registry will also use the verification service to authenticate evidence of identity credentials such as passports and drivers' licences provided to it for the purpose of changing a name or seeking access to life event information within the Western Australian registry. This will serve to strengthen name-based identity checks.

Other states and territories have implemented name change improvements recommended by the former Standing Council on Law and Justice, either partially or in full. These changes will allow the Western Australian registry to meet its obligations under the National Identity Security Strategy through improved change-of-name and data-sharing processes and through better use of the Document Verification Service to improve enrolment and authentication processes. I commend the bill to the house.

Debate adjourned, on motion by **Ms L. Mettam**.