

SECOND READING SPEECH

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

I move that the Bill be read a second time.

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 endorsed National Identity Security Strategy.

Further, the 2014 Sydney Martin Place Siege report recommended state and territory registries implement change of name process improvements and better information sharing between government agencies. This report also recommended greater use the National Document Verification Service to authenticate identity documents.

This Bill amends the *Births, Deaths and Marriages Registration Act 1998* (WA) [the Act] to improve change of name process that may be exploitation for fraudulent, criminal or other wrongful purposes.

There is currently no restriction in the 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 in change of name processes across Australia.

The Bill, will remedy these current weaknesses by requiring a person to be born in Western Australia to be eligible to apply to the Registrar for a change of name. A person born elsewhere in Australia must apply to the state or territory of their birth. An overseas born person must be a permanent resident or Australian citizen and have ordinarily lived in Western Australia for at least twelve consecutive months to be eligible to apply.

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 across Australia.

The Bill also limits a person to changing their name once in a twelve month period and up to a maximum of three times in a lifetime. However the Bill takes into account special circumstances for children whose name is changed such as decisions by the Family Court or when changing names due to marriage, divorce or other exceptional circumstances such as for protected persons and people experiencing domestic violence.

It further restricts certain classes of offenders, being restricted persons, from exploiting weaknesses that allow them to evade or hinder supervision. The Bill restricts these offenders from changing their name without obtaining approval of an appropriate supervisory authority. These restrictions apply to, dangerous sexual offenders, detainees, persons subject to early release orders, prisoners, supervised offenders and supervised young offenders managed in the community.

The Bill further recognises strengthening of those protections afforded to Western Australians under the Dangerous Sexual Offenders Amendment Act 2017. Importantly, the *Community Protection Offender Reporting Act 2004* will continue to operate.

The Bill enables information sharing between the Registry of Births, Deaths and Marriages and the relevant supervisory authorities to identify those restricted persons. These arrangements also allows supervisory authorities to update information management systems relating to restricted persons before and after a change of name.

Additional information sharing with other Agencies will minimise the risk of a person creating and using multiple identities or to avoid detection such as where a driver's licence may have been cancelled.

Other changes allow the Registrar to require further evidence of an applicant's entitlement to apply to change their name and will assist the Registrar to refuse a change of name if they have a history of debt avoidance.

The Bill will allow the Registry to fully participate in Commonwealth initiatives such as the National Document Verification Service. This on-line service authenticates identity credentials such as birth certificates presented by individuals when applying for passports etc.

The Registry will also use the verification service to authenticate evidence of identity credentials such as passports and drivers licenses, provided to it for the purpose of changing a name or seeking access to life event information within the Western Australian Register. This will serve to strengthen name-based identity checks.

Pursuant to Standing Order 126(1), I advise that this Bill is not a uniform legislation Bill for the following reasons.

Firstly, it does not ratify or give effect to an intergovernmental or multilateral agreement to which the Government of the State is a party.

Secondly, it does not by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the Commonwealth.

While the drafting of the Bill was a recommendation of the then Standing Council on Law and Justice on 18 November 2011, that recommendation was that jurisdictions consider implementing a best practice approach to the change of name process in order to minimise abuse of the system. In this context, that jurisdictions consider this issue, means that they retained their discretion whether or not to legislate and the form and content of any legislation. Some States and Territories have opted to legislate. These legislative responses differ in their particulars and are not co-dependent, reciprocal or uniform in nature. Others have opted to utilise operational policy, rather than legislate.

I commend the Bill to the House and table an Explanatory Memorandum.