



Speech by

Mrs D. PRATT

MEMBER FOR NANANGO

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BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

Mrs PRATT (Nanango—Ind) (10.24 p.m.): I rise tonight to speak to the Births, Deaths and Marriages Registration Bill 2003. I note that this bill originated from a national plan to establish greater nationwide cooperation between the births, deaths and marriages registry services and I also note that this bill will repeal the Registration of Births, Deaths and Marriages Act 1962. It was interesting to see in the explanatory notes that all submissions received in response to the discussion paper released in July 2000 entitled *Possible adoption of the model law for the registration of births, deaths and marriages* were very supportive of the adoption of this model law to suit our local conditions.

A change of name register is introduced by this bill and I believe that it will benefit those who, for various reasons in the past and in the future, feel it necessary to change their names. I must admit that in the five years I have been in parliament the number of people I have come across who have wished to change their name has been extraordinary. It really was an eye-opener. In the past it was a laborious and costly process. Although I had concerns regarding the low \$80 fee required to change one's name under this bill, I was encouraged to see that the obligations associated with that change of name are highlighted and strongly enforceable.

With the change of name register there will no doubt be a benefit for law enforcement and other authorities in that they will see the recording of the person's name beside their birth name, allowing for the tracking of individuals and cross-referencing. Whether it be for criminal purposes or those just wishing to get lost from the face of the earth to avoid the consequences of their actions or to avoid their actual obligations to a child, these people need to be able to be tracked and made to assume their full responsibilities.

Primarily, this legislation will protect the parents' rights, whether it be the father or mother, to be able to keep a track of their own child. As the previous speaker said, naming a child is a very precious occasion. From the time a couple finds out that they are expecting a child the thing occupying their minds the most over the next nine months is what to name the child, whether a particular name will suit the child, and so on. It is something that a mother and father usually decide together. Unfortunately, that is not always the case. Many relationships break down before the birth of a child and often the family breaks down as well. At that time the custodial parent can often become fairly unreasonable. It is a time of trial and even little issues become contentious. Perhaps by changing a child's name it is felt by one parent that they can deny the other parent any input into the child's upbringing. In some cases that could be considered to be an appropriate thing, and I note that the explanatory notes say that if necessary a Magistrates Court can order a name change in excess of these limitations. However, this would occur only in exceptional circumstances, for example, to protect a child from domestic violence. I do not think that anybody would deny any child that protection.

On occasion, albeit perhaps fairly uncommonly, a breakdown in a relationship sees a child's name changed out of spite, as I have indicated. In fact, I have actually heard of mothers disappearing with a child interstate or to some other place and the father forever losing access to the child. I believe that the recording of the father's name on the birth certificate is essential so that that relationship, however tenuous, can be retained. It really is the right of any child, regardless of the parents feelings towards each other, to know their father's name. In the case of a remarriage, which often leads to a desire to change a child's name, I believe it is very appropriate that the consent of the father be obtained before any change to the child's name. I also note that a child over 12 is given consideration. I believe that is essential because these days children of 12 definitely hold strong opinions. They might

find the change of name a very harmful thing if their relationship with their biological father is a good one.

If there is a reason why the father's consent could not be obtained, I note from the explanatory notes that the bill provides that one parent may make an application if the other parent cannot join in the application because he or she is dead, cannot be found, the parent is unable to apply for any other reason or the other parent does not dispute the correctness of the information. The requirement for a person claiming parentage to supply a copy of a court finding that the person is in fact the parent of the child is essential. That can be pretty dubious at times.

I also note that extensive consultation was undertaken. I find that comforting. The explanatory notes contain a long list. I note also that the cultural aspects of ethnic groups have been considered. Because of all of that, I believe this bill is a pretty good one. I support it. I think it will help people in the long run. I believe it improves the birth, deaths and marriages legislation as it stands. I commend the bill to the House.