



Speech by

Mr L. SPRINGBORG

MEMBER FOR SOUTHERN DOWNS

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BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (10.41 p.m.): I rise to make a few comments on this legislation. In doing so, I acknowledge the contribution made by the Deputy Leader of the Opposition in my absence. This is good legislation and I commend the Attorney-General for its introduction into parliament. It has been a long time coming, but following the consultation process and the consideration of a number of issues, the Attorney-General has brought a very balanced bill before the parliament. It certainly deserves the support of the House.

When one is dealing with the registration of births, deaths and marriages, a number of issues can arise that are not necessarily simple and sometimes significant conflict situations need to be taken into consideration. This bill is about modernising that process and addressing some of the concerns and deficiencies that have been brought to the attention of the government and the authorities over a period.

I support strongly the introduction of a change of name register. The point has already been made tonight, but I reiterate that the register will have a whole range of realistic and obvious benefits for law enforcement and other agencies. They will appreciate those benefits very much.

There are a number of other aspects that I would like to comment on very quickly that involve the naming of children and the changing of children's names. It is extremely important that we have a process in legislation that seeks to provide guidance to the registrar on the naming of children. I note that there are some examples in the legislation of the types of names that may be unacceptable for a whole range of reasons. The Attorney-General pointed out a number of examples, including 'Death to Capitalism' and 'Save All Our Rivers'. If such a name application is made, as I understand it the registrar can make a decision not to allow that name but to allot a new one. An issue was raised by the Scrutiny of Legislation Committee about the involvement of the naming parents in relation to that. That issue may have already been discussed tonight, but I would be interested to hear what the Attorney-General has to say about that point.

It is very important that certain parameters are laid out relating to the naming of children. Under the bill the given names of a child can be changed on the birth register once within 12 months of the child's birth and, after 12 months of age, the first names of the child should not be changed any more than once before the child reaches the age of 18. That is important. In terms of the consideration of an older child's wishes, the age of 12 is an important aspect.

Of course, parents can apply to the court within certain time frames to change the name of a child. However, it is important that there are certain limitations because, for obvious reasons, whether one is a child or otherwise, one needs a degree of certainty in one's life. Certainty about a name, whether it is a first name or a surname, is an important part of that.

It is probably a little bit difficult for many of us to understand, but the issue of a parent unilaterally changing the name of an exnuptial child has been the subject of acrimonious discussion and sometimes acrimonious court challenge in this state. It is very important that the legislation provides that the mothers of exnuptial children will no longer be able to unilaterally change the names of their children without the consent of the fathers. That is not to say that the child's name cannot be changed. However, it is important that, when one is dealing with something as important as the name of a child, which had obviously been agreed in a certain circumstance at some time in the past, that

name should not be unilaterally changed. It must be remembered that that child is the child of a man and a woman.

We all know that children sometimes become pawns in battles between aggrieved parents who at one time had a loving relationship although obviously things have since soured. Unfortunately, children sometimes become the pawns in those relationships. They can become a focus of the estranged relationship. They can be used by one party against the other, for example, through the changing of the name of the child. It is important that that cannot happen unilaterally. Of course, there can be a change of name with the court's consent if it is not by agreement, and that is important as well.

Another issue that has been brought to my attention over a period is the rights of the fathers of exnuptial children. I commend the Attorney-General for bringing in legislation that will require that mothers of exnuptial children will no longer be able to refuse to record the father's details on the child's birth registration. That is a commonsense, practical law reform that is a necessity in this day and age. Under the legislation it will be the responsibility of both parents to register the birth of a child, whether or not they are married. That is important as well. In as many cases as possible a child deserves to know who his or her parents are, although there may be difficulties in some circumstances. Generally, people want to know their identities. Mechanisms need to exist to ensure the interests of both parents are protected, not just the interests of one parent.

Another issue I would like to commend the Attorney-General on is that of assistance with research. I wrote to the Attorney's predecessor a couple of years ago with regard to this matter. There is very sound reason to have a mechanism in place whereby the registrar is able to provide historical information on a birth, death or marriage to someone who may not be a relative but for research purposes. The historical society in Stanthorpe undertakes some absolutely marvellous work. What it does is quite extraordinary. I know that most members would have historical societies in their electorates. What they seek to preserve, as built examples of the past and other recorded examples of the past, is something for which we need to pass on our commendation, congratulations and acknowledgment.

This particular group in my electorate had been seeking to photograph, record, database and research the deaths of virtually all people in the shire. That included people who had died and were in unmarked graves. There were certainly issues for them in terms of gaining access to information and the cost of that access. A mechanism which enables genuine research to be undertaken, obviously for a genuine community interest, deserves to be welcomed and acknowledged.

By and large this is a good piece of legislation. Again I say that the Attorney-General deserves to be commended for the amount of thought he has put into it. Most if not all reasonable thinking Queenslanders would welcome the provisions of this bill. It deserves to pass this parliament without dissent.