

REPUBLIC OF NAURU

BIRTHS DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL 2020

EXPLANATORY MEMORANDUM

The *Births Deaths and Marriages Registration (Amendment) Bill 2020* is a Bill for the *Births Deaths and Marriages Registration (Amendment) Act 2020*.

This memorandum provides an explanation of the Bill and is only intended to indicate the general effect.

EXPLANATION OF CLAUSES

Clause 1 provides that, once enacted, the short title of the Bill will be the *Births Deaths and Marriages Registration (Amendment) Act 2020*.

Clause 2 sets out when the Bill's provisions will commence which is upon certification by the Speaker.

Clause 3 is the enabling provision for the amendment of the *Births Deaths and Marriages Registration Act 2017*.

Clause 4 amends Section 3 of the Act by inserting the term '*Funeral Officiator*' and its definition. Funeral Officiators are approved by each organisation to officiate funerals, yet it is currently not defined in the Act.

Clauses 5 and 6 amend Sections 4 and 5 of the Act. Currently under the Act, the appointment of the Registrar is by the Minister in consultation with the Cabinet. The appointment of the Deputy Registrar is by the Minister on the recommendation of the Registrar. The amendment will remove the power of appointment from the Cabinet and allow the Chief Secretary to appoint such persons as Registrar and Deputy Registrar in accordance with the provisions of the *Public Service Act 2016*.

Clause 7 amends Section 61 of the Act by deleting and substituting subsection (1). The current provision is that a Marriage Officer shall not solemnise a marriage without a current notice of marriage published in the Gazette. The amendment now only requires a Marriage Officer not to solemnise a marriage without the endorsement of the Minister under Section 54(3)(a) of the Act.

Clause 8 deletes and substitutes Section 79 of the Act.

The current provision under the Act is inconsistent with the administrative arrangement of the Act. The amendment provides the proper form of application for any persons recommended to be a Marriage Officer and Funeral Officiator.

Clause 9 inserts a new Section 87A which makes it an offence for a person to officiate a funeral without being an approved person under Section 79.

Currently, there is no provision under the Act providing for an offence for officiating funerals without having been approved under the provisions of the Act. The amendment is to ensure that only an approved Funeral Officiator can officiate funerals.

Clause 10 consequentially amends the *Funeral Burial and Cremation Act 2017* so that funeral ceremonies are conducted by Funeral Officiators.