

No. 17 of 2014

Civil Registration (Amendment) Act 2014.

Certified on: **12 SEP 2014**



No. 17 of 2014

Civil Registration (Amendment) Act 2014.

ARRANGEMENT OF SECTIONS.

1. Amendment of the long title.
2. Amendment of the short title.
3. New Section 1A.

“1A. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.”

4. Repeal and replacement of Section 3.

“3. REGISTRAR-GENERAL.”

5. Seal and signature of Registrar (Amendment of Section 4).
6. Registers and indexes (Amendment of Section 5).
7. Powers of Registrar (Amendment of Section 7).
8. New Part VA - National Civil Register.

“PART VA. - NATIONAL CIVIL REGISTER.

37A. INTERPRETATION.

37B. NATIONAL CIVIL REGISTER.

37C. REGISTRATION.

37D. PERSONAL INFORMATION.

37E. PERSON'S IDENTITY DOCUMENT.

37F. UNIQUE REGISTRATION NUMBER.

37G. SECURITY OF THE NATIONAL CIVIL REGISTER.”

9. Repeal and replacement of Section 39.

“39. CUSTOMARY MARRIAGE.”

10. New Section 43A.

“43A. DISSOLUTION OF CUSTOMARY MARRIAGES.”



No. 17 of 2014.

An Act

entitled

Civil Registration (Amendment) Act 2014.

Being an Act to amend the *Civil Registration Act* (Chapter No. 304), and for related purposes,

Made by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with the advice of the Minister.

1. AMENDMENT OF THE LONG TITLE.

The Principal Act is amended by repealing the long title and replacing it with the following:

“Being an Act to provide for the establishment of a national register for the registration of a person’s birth, adoption, legitimation, marriage and death, and the issuance of an appropriate trustworthy identification document or card, and for related purposes.”.

2. AMENDMENT OF THE SHORT TITLE.

The Principal Act is amended by repealing the short title and replacing it with the following:

“***Civil Identification Registration Act 2014.***”.

3. NEW SECTION 1A.

(1) The Principal Act is amended by inserting, after Section 1, the following new section:

“1A. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

(1) This law, to the extent that it regulates or restricts a right or freedom referred to in Subdivision 111.3.C (*qualified rights*) of the *Constitution*, namely -

- (a) freedom from arbitrary search and entry conferred by Section 44;
- and
- (b) the right to privacy conferred by Section 49; and
- (c) the right to freedom of information conferred by Section 51; and
- (d) the right to freedom of movement conferred by Section 52,

of the *Constitution*, is a law that is made for the purposes of giving effect to the public interest in public order and public welfare.

(2) For purposes of Section 41 of the *Organic Law on Provincial Governments and Local-Level Governments*, it is declared that this law relates to a matter of national interest.”.

Civil Registration

4. REPEAL AND REPLACEMENT OF SECTION 3.

Section 3 of the Principal Act is repealed and replaced with the following:

“3. REGISTRAR-GENERAL.

(1) The Office of the Registrar-General is hereby established.

(2) The Registrar-General shall be appointed by the Head of State acting on the advice of the National Executive Council, following the procedures set out in the *Regulatory Statutory Authorities (Appointment to Certain Offices) Act 2004*.

(3) The terms and conditions of employment of the Registrar-General shall be as determined by the Salaries and Remuneration Commission pursuant to Section 216A (*the Salaries and Remuneration Commission*) of the *Constitution*.

(4) The office of the Registrar-General is an office which Division III.2 (*Leadership Code*) of the *Constitution* applies.

(5) The Registrar-General shall hold office for a term not exceeding five (5) years and is eligible for re-appointment.

(6) The Registrar-General shall facilitate the establishment of an Office of the Registrar-General in each province headed by a Provincial Registrar.

(7) Registrar-General may appoint such number of Deputy Registrars-General for the purposes of carrying out the functions of the Office of the Registrar-General.

(8) The Minister may, on the recommendation of the Registrar-General and by notice in the National Gazette, appoint a Provincial Civil Registrar in a province for the purposes of carrying out the functions of the Office of the Registrar-General.”.

5. SEAL AND SIGNATURE OF REGISTRAR (AMENDMENT OF SECTION 4).

Section 4 of the Principal Act is amended -

(a) by repealing Subsection (1) and replacing it with the following:

“(1) The Common Seal of the Office of the Registrar-General shall be in a form as determined by the Minister by notice in the National Gazette.

(1A) A document, card or certificate issued by the Registrar-General shall bear the signature of the Registrar-General, with the Common Seal affixed to such document, card or certificate.”; and

(b) in Subsection (2), by deleting the word “seal” in Paragraph (c) and inserting, in its stead, the words “Common Seal”.

6. REGISTERS AND INDEXES (AMENDMENT OF SECTION 5).

Subsection 5 of the Principal Act is amended by inserting the following new subsections after Subsection (2) as follows:

Civil Registration

“(3) The Registrar-General may, in consultation with the National Statistician, collect, process, keep and disseminate other vital statistical information to relevant government agencies for purposes of planning and developing government policies.

(4) The registers to be kept by the Registrar-General shall be in the prescribed form.

(5) A regulation shall make provision for the types and forms of registers to be kept by the Registrar-General and the particulars to be entered in the registers.”.

7. POWERS OF REGISTRAR (AMENDMENT OF SECTION 7).

Section 7 of the Principal Act is amended by inserting the following new subsections after Subsection (5) as follows:

“(6) The Registrar-General shall appoint qualified systems and database administrators to be responsible for the operation and maintenance of the bio-metric and e-identification systems database.

(7) Any alteration of whatsoever nature under this section must be done with the prior knowledge and approval of the Registrar-General.

(8) A person who contravenes Subsection (7) is guilty of an offence.

Penalty: A fine not exceeding K20,000.00 or imprisonment for a term not exceeding 10 years or both.”.

8. NEW PART VA. - NATIONAL CIVIL REGISTER.

The Principal Act is amended by inserting a new part after Section 37 as follows:

“PART VA. - NATIONAL CIVIL REGISTER.

37A. INTERPRETATION.

In this Part -

“birth certificate” means an identification document signed by the Registrar-General;

“identity document” means an identification card;

“national register” means a database containing all related information kept by the Registrar-General;

“person” means a person born in Papua New Guinea;

“registration” means enrollment of personal information.

37B. NATIONAL CIVIL REGISTER.

(1) A National Civil Register is hereby established.

(2) The National Civil Register shall comprise of all information required under this Act.

(3) The Office of the Registrar-General shall be responsible for the administration and governance of the National Civil Register.

Civil Registration

(4) Subject to Section 14 of the *Public Finance (Management) Act 1995*, the Registrar-General may request to retain the fees collected for the purposes of sustaining the operations of the National Civil Register.

(5) Registers of persons shall include all births, adoption, legitimations, marriages and deaths.

(6) Where the Registrar-General is satisfied, on information and evidence before him, that it is in the national interest to do so, he may authorise the release or dissemination of such information under his custody.

37C. REGISTRATION.

(1) A person shall be registered in accordance with this Act.

(2) The Registrar-General shall establish procedures and processes for collection, storage and maintenance of a person's information through a computer network system, supported by appropriate technology under the regulations.

(3) A person who fails to register under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding six (6) months or both.

(4) A person who is above the age of 18 and is registered under Subsection 1 shall be issued with an identity document within the time specified in the regulations.

(5) A Birth Certificate is a legal document of identification for age groups between zero to seventeen (0-17) years old.

(6) The identity document is valid for 10 years from the date of issue and remains the property of the State and shall be renewed upon expiry.

(7) Subject to Subsection (6), the identity document that is issued shall be in the safe custody of the holder, and if it is lost, defaced, misplaced, damaged, etc., whether or not intentional by the holder or any other person, it shall be reported to the Police or the Registrar-General immediately.

(8) The Registrar-General or an authorised officer, upon receipt of a report from a holder of an identity document under Subsection (7) shall invalidate the identity document forthwith or take such appropriate actions as necessary.

(9) A person referred to in Subsection (7) shall apply for renewal of the identity document as directed by the Registrar-General in accordance with the regulations.

Civil Registration

(10) A person who contravenes Subsection (7) is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding one (1) month or both.

(11) A person referred to under Subsection (7) shall pay a prescribed fee and apply at the nearest National Civil Registry office for renewal of the identity document.

(12) Upon the death of a holder of an identity document, a relative, or the medical practitioner certifying the death shall surrender the identity document to the nearest National Civil Registry office.

(13) A person who fails to comply with Subsection (12) or uses the identity document of a deceased person without lawful authority is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term of six (6) months or both.

(14) If an application for registration is rejected by the Registrar-General, the applicant may appeal to a body established under the regulations for recommendation.

(15) Where circumstances warrant, the Registrar-General may declare amnesty and waive fees for any prescribed services by way of a gazettal notice or in accordance with the regulation.

37D. PERSONAL INFORMATION.

(1) Subject to Section 37B(6), the Registrar-General shall ensure complete protection of privacy of a person's information kept under this Act.

(2) The Office of the Registrar-General shall be responsible for the collection, maintenance and use of all information obtained during registration and processed under this Act.

(3) The Registrar-General shall collect personal information for the purposes of this Act, including but, not restricted to -

- (a) full name; and
- (b) date of birth; and
- (c) sex; and
- (d) photograph; and
- (e) correspondence address; and
- (f) finger prints.

(4) Notwithstanding Subsection (3)(a), for the purpose of this Act, if parents choose a foreign name for a new born child, the child shall be given a traditional name as a middle name.

Civil Registration

(5) A person who refuses to provide personal information as required under this Act is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term not exceeding six (6) months or both.

(6) A person who provides inaccurate or false information under Subsection (3) is guilty of an offence.

Penalty: A fine not exceeding K500.00 or imprisonment for a term of six (6) months or both.

37E. PERSON'S IDENTITY DOCUMENT.

The person's identity document issued under Section 37C shall have necessary security features as prescribed by the regulations.

37F. UNIQUE REGISTRATION NUMBER.

Upon registration, the Registrar-General shall assign to a person a unique number and such number shall appear on -

- (a) the Birth Certificate issued under this Act; and
- (b) the identity document issued under Section 37E.

37G. SECURITY OF THE NATIONAL CIVIL REGISTER.

(1) The Registrar-General shall ensure the accuracy of all information collected and kept under this Act and keep back-up copies of such records.

(2) The Registrar-General shall keep or cause to be kept, in a safe and secure place, apart from the usual or normal location, hard and soft copies of all information or data kept for the purpose of this Act.

(3) The Registrar-General shall ensure to protect, at all costs, both internal and external security of the National Civil Registry system.

(4) A person who -

- (a) tampers with the information collected and kept under this Act; or
- (b) hacks into the computer system kept and used for the purpose of this Act; or
- (c) introduces viruses into the National Civil Registry system; or
- (d) sets fire to the National Civil Registry system; or
- (e) steals information from the National Civil Registry system; or
- (f) abuses the use of the office of the National Civil Registry system,

is guilty of an offence.

Penalty: A fine not exceeding K100,000.00 or imprisonment for a term not exceeding 30 years or both.

Civil Registration

- (5) A person who -
- (a) makes an unauthorised printing of; or
 - (b) forges; or
 - (c) without authorisation -
 - (i) duplicates; or
 - (ii) produces,a document, information or data that belongs to the Office of the Registrar-General; or
 - (d) purports to be an officer or agent of the Office of the Registrar-General,
- is guilty of an offence.
- Penalty: Imprisonment for life.”.

9. REPEAL AND REPLACEMENT OF SECTION 39.

Section 39 of the Principal Act is repealed and replacing with the following:

“39. CUSTOMARY MARRIAGES.

(1) In this section, “native” means a person born in Papua New Guinea before Independence (1975) with two grandparents also born in Papua New Guinea, or a person born after Independence with one parent who is born in Papua New Guinea.

(2) Notwithstanding the provisions of this Act or of any other law, a native, other than a native who is a party to a subsisting marriage under the *Marriage Act 1963* may enter, and shall be deemed always to have been capable of entering, into a customary marriage in accordance with the customs prevailing in the tribe or group to which the parties to the marriage or either of them belong or belongs.

(3) Notwithstanding the provisions of this Act or of any other law, a foreigner is not capable and is deemed always to have been incapable of entering into a customary marriage.

(4) Subject to Subsection (2), where the Registrar-General is satisfied with documentary evidence, that all customary practices prevailing in a particular locality where a customary marriage has taken place has complied with the following:

- (a) that a man is marrying only one (first) wife and not more than one under his custom; and
- (b) that a woman is marrying only one (first) husband and not more than one under her custom; and
- (c) that a Village Court Magistrate has issued a notice or a certificate to a couple about their customary marriage, or a church Pastor or Priest has issued a blessing certificate to a couple on the customary marriage,

the Registrar-General shall enter the particulars of the parties to the customary marriage in the register.

(5) A person who practices bigamous or polyandrous relationship is guilty of an offence.