

Joint Oireachtas Committee
Civil Registration (Electronic Registration) Bill 2023

Opening Statement

I thank the Chair and Members for inviting us here today to discuss the general scheme of the Civil Registration (Electronic Registration) Bill. This Heads of Bill, which it is proposed will amend the Civil Registration Act 2004, will provide for a wide range of issues relating to the registration of life events in the State – in particular, births, stillbirths, and deaths.

The Civil Registration Service operates under the aegis of the Department of Social Protection. The General Register Office holds records of life events: births, deaths, marriages, civil partnerships, stillbirths and adoptions in Ireland. It also holds several sets of records relating to life events which are historic in nature. Over 30 million records are held.

In 2022, just over 118,000 key life events were registered – 58,000 births, 37,000 deaths, 23,000 marriages, 102 adoptions and 145 stillbirths. In the five years from 2018 to 2022, almost 555,000 life events were registered.

Under the Act, local registration services are provided by the Health Service Executive (HSE) through the Civil Registration Service with offices located nationally delivering registration services directly to the public.

The current arrangements whereby a person must attend in person before a registrar are largely unchanged since the 19th Century. While they have served the State and its citizens well, there is the opportunity to update these arrangements to reflect advances in technology and opportunities for improved customer service while still retaining the necessary safeguards and formalities which are attached to any system of civil registration.

The requirement for an online option became evident during the Covid-19 pandemic when physical attendance by parents at a HSE civil registration office was restricted.

The General Scheme provides for amendments to the Civil Registration Act 2004, to provide for:

- i) Online registration of births and deaths;
- ii) More timely notification of births by medical practitioners and institutions;

- iii) Revision to the criteria determining stillbirths along with increased access to the stillbirth register;
- iv) Revision to the registration of deaths to enable earlier notification and registration of deaths;

In addition, there are three technical amendments to the Civil Registration Act.

Turning in detail to the above, the main provisions of the General Scheme of the Bill are as follows.

The proposed amendments aim to introduce provisions that will permit online registration of births and deaths where parents or next-of-kin have an authenticated SAFE identity and verified MyGovID account.

A secure online identity authentication service is essential for the provision of online services, whether in the private or public sector. MyGovID is the secure online identity authentication service provided by the Department of Social Protection.

MyGovID, which is underpinned by the SAFE process, is used extensively by the public, reflecting the demand for access to services in a convenient and secure manner. This process enables a person's identity to be authenticated on a once and done basis and provides the foundation for the provision of secure online access to high value public services. A Public Service Card is issued as a token that a person's identity has been authenticated and this is then relied upon as proof of identity meaning that people do not need to provide comprehensive identity proofs in documentary form each time they apply for a public service.

Over ten million online transactions have been processed by this Department alone with many more processed by the National Driving Licence Service, the Passport Office and the Revenue Commissioners, among others.

This new customer service online channel will run parallel to existing services delivered at civil registration offices and will provide parents and next-of-kin the option of registering births and deaths online. There will be no change for people who choose to attend a registration office to register a life event in person or for people who do not have a verified MyGov account.

The General Scheme provides that notification of births and stillbirths by maternity hospitals should be made as soon as practical after the birth of a child or within five (5) days.

Currently, no time limit is specified. While the majority of births are notified promptly, delays can occur and this can give rise to problems for parents seeking to claim social welfare benefits or access other services.

Additionally, provision is being made for a notification obligation on parents where a child is born outside a maternity hospital or without medical supervision.

The General Scheme also provides for a change in the criteria determining stillbirths by reducing the gestational age limit for a stillborn child from 24 to 23 weeks and making improved provision for stillbirths where multiple births are concerned. In cases of multiple births, where one of the children meets the definition of a stillborn child, any other child should also be recorded as a stillborn child provided the child weighs 200 grammes or more.

These amendments address recommendations received from the Minister for Health and the HSE in order to align stillbirth registration criteria with current foetal viability outcomes.

The General Scheme also provides for a broadening of access to the stillbirth register. Currently, only the parents of a child recorded in the register, or staff of the General Register Office, have access to the register. As a matter of practice, staff of the GRO facilitate access by family members.

Parents and advocacy groups have requested a broadening of access to stillbirth records while there is also an acknowledgement of the need to respect the privacy of parents. The proposed head seeks to balance these concerns.

The purpose of the stillbirth register is to provide a tangible record of the stillborn child's existence and as a comfort and support to parents. The Department is very conscious of the acute loss which parents have suffered and the interests of parents are seen as paramount.

In order to address concerns that the proposed amendment does not go far enough in terms of enabling access, the General Registrar Office is examining the creation a new Record of Stillbirths, to run in parallel to the Register of Stillbirths, where parents may apply to have an entry made public. It is hoped that this would address the concerns raised by advocacy groups while preserving a parents right to privacy where that is their wish.

There is provision in the General Scheme to enable deaths to be registered pending the conclusion of an investigation by a coroner. The current arrangement whereby deaths can only be registered once a coroner's report is completed delays the death registration process. This change will facilitate more timely registrations of death and the use of online processes for registration. The current arrangements where a death cannot be registered can cause distress to families. The changes will also enable families to proceed to make arrangements relating to management of the deceased's estate. When the Coroner subsequently determines the cause of death these will be included in an amended death certificate.

The General Scheme introduces a requirement that all deaths occurring within the State are to be notified to an tArd-Chláraitheoir within 2 days of a death occurring. This provision is similar to the provision for the notification of births and will serve to ensure that the State has a more complete records of deaths that occur. Under current arrangements, a death notification form issues directly to the next-of-kin. Until such time as this is presented as part of an application for registration, the State has no record of a person's death.

Notifications of all deaths address the World Health Organisation's recommendations to revise the death registration process and the recommendation from NPHET to ensure steps are taken to ensure earlier registration of deaths.

The General Scheme provides for an amendment to the time afforded to the relatives of a deceased person to register a death from three (3) months to 28 days from the date of death. Most other countries allow a much shorter period for the registration of deaths (typically 5 days). However, a timeline of 5 days is not seen as appropriate.

There are three technical amendments in the General Scheme.

Head 13 proposes a technical amendment to rectify conflicting insertions of section 2(2)(g) relating to marriages and marriages of convenience into the Civil Registration Act 2004.

Head 14 proposes for amendments to the list of required particulars for the register of presumed deaths. e.g., someone lost at sea where no body was found. The register would include particulars like presumed place of death, PPSN etc.

The General Scheme also seeks to correct an error which is delaying the introduction of amendments to the registration of a father's details where a couple are separated.

We are pleased to take any questions members may have.