



Plain Language Summary for Bill 40: An Act to Amend the *Vital Statistics Act*

The Government of the Northwest Territories, Department of Health and Social Services, is developing amendments to the *Vital Statistics Act* that improve vital events services for residents to ensure that Northwest Territories is keeping up with changes across Canada. These vital events are births, deaths, stillbirths, adoptions, custom adoptions, and marriages that occur in the Northwest Territories.

The amended Act will reflect notions about gender and family structure that have changed since the *Vital Statistics Act* was last significantly amended in 2017. Non-binary and transgender people are being recognized, and courts have recognized polyamorous families with more than two parents of a child. Allowing people over 16 years old to change their gender on their certificate, suppressing sex on the certificates when requested, and registering up to four parents will all help the Northwest Territories to align with provincial human rights case law. Other changes are procedural in nature.

The amended Act contains the following changes:

- allow anyone 16 years old or older, not just adults, to make their own application to change their gender on their birth registration and certificate;
- align with human rights case law in other provinces that make the display of the sex field optional on birth certificates;
- change the criteria for an authorized person to apply for a birth certificate – to be able to apply, an authorized person must know the person named on the certificate for at least a year;
- register up to four people as the parents of a child on the birth certificate;
- add nurse practitioners and registered nurses to the people that have a duty to complete the formal Medical Certificate of Death portion of the death registration statement;
- introduce a change of gender certificate for residents born outside of the Northwest Territories;
- provide for a process to register and prevent fraud regarding birth events that occur in the Northwest Territories outside of a hospital and without medical attendance (known as home births);
- clearly specify that the police may receive information from a certificate for law enforcement purposes; and
- reflect changes to terminology for “custody” of children from the *Divorce Act*.

The amended Act was developed from requests of Northwest Territories residents and the Registrar General of Vital Statistics over several years from 2019 to 2024. There was an external public review period in 2022.

The *Change of Name Act* will also be changed to allow people aged 16 years old and older to make their own application for a legal change of name. Transgender and non-binary people will also be able to request that their legal change of name is not published in the *Northwest Territories Gazette*.

For additional information or questions contact:

Dana Webster

Department of Health and Social Services

Policy, Legislation and Intergovernmental Relations Division

Phone Number: (867) 767-9052

Email: Dhssacts_feedback@gov.nt.ca