

REGISTRATION OF BIRTHS,
DEATHS, AND MARRIAGES
(AMENDMENT) ACT.

Act No. 43, 1934.

George V. An Act to amend the Registration of Births,
No. 43, 1934. Deaths, and Marriages Act, 1899, in certain
respects; and for purposes connected therewith. [Assented to, 14th December, 1934.]

BE

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the “Registration of ^{short title.} Births, Deaths, and Marriages (Amendment) Act, 1934,” and shall be read with the Registration of Births, Deaths, and Marriages Act, 1899, as amended by the Registration of Births, Deaths, and Marriages (Amendment) Act, 1930.

(2) The Registration of Births, Deaths, and Marriages Act, 1899, as so amended, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Registration of Births, Deaths, and Marriages Act, 1899-1934.

(4) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The Principal Act is amended—

(a) (i) by omitting from section three the definition “Parent” and by inserting in lieu thereof in the same section in appropriate positions having regard to alphabetical sequence the following new definitions:—

“Parent” means, in the case of a legitimate child, the father, or, if he is dead or absent, the mother or guardian; and, in the case of an illegitimate child, the mother.

“Prescribed” means prescribed by this Act or by any regulation made thereunder.

“Still-born child” means any child of seven months gestation or over not born alive, and includes any child not born alive which measures at least fourteen inches, but does not include any child which has actually breathed.

Amendment of
Act No. 17, 1899.

Sec. 3.
(Interpreta-
tion.)

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(ii) by inserting in the definition of "District registrar" in the same section before the word "or" the words "deputy district registrar";

(b) (i) by inserting at the end of subsection one of section six the words "The Governor may also appoint persons to be deputy district registrars";

(ii) by inserting after subsection two of the same section the following new subsections:—

(3) A deputy district registrar shall perform the duties, have all the powers and be subject to all the responsibilities of a district registrar in case of death, illness or absence of the district registrar whose place he is filling.

(4) Whenever a district registrar shall die, a deputy may act until a new appointment has been made to the office vacated by the death, and whenever a district registrar (or, in case of illness incapacitating him to do so, his medical attendant) shall certify under his hand that he, the district registrar, is unable through illness to perform his duties, or that he, the district registrar, is about to be absent, a deputy district registrar may act until he shall receive from the officer whose deputy he is a certificate under the hand of such officer that he has resumed duty.

(5) A deputy district registrar shall forthwith report in writing to the Registrar-General when he assumes the duties of a district registrar owing to the death, illness or absence of the district registrar and the district registrar shall forthwith report in writing to the Registrar-General when he resumes the duties of his office.

(c)

(c) by omitting from subsection two of section sec. 8. eight the words "every such book shall be (District paged" and by inserting in lieu thereof the registrar to words "all entries in any such book shall be register.) numbered";

(d) by inserting next after section nine the following new section :—

9A. In case any particulars required for the District purpose of registration of a birth or death are registrars unknown to the person who by this Act is particulars required to inform the district registrar, or in to be case of default by that person in so informing, furnished for purposes the district registrar may require any person of registration whom he believes to be acquainted with the facts to furnish such particulars.

(e) by omitting paragraphs (a) (b) and (c) of sub- sec. 11. section one of section eleven and by inserting (General in lieu thereof the following new paragraphs :— registry indexes.)

(a) a general index of all births in New South Wales registered in each year;

(b) a general index of all deaths in New South Wales registered in each year;

(c) a general index of all marriages in New South Wales registered in each year;

(d) an index of all adoptions registered in pursuance of the rules of court made under the Child Welfare Act, 1923, as amended by subsequent Acts;

(e) an index of all legitimations effected under the Legitimation Act, 1902;

(f) by omitting section twelve and by inserting sec. 12. in lieu thereof the following new section :—

12. Any person on payment of the fees ^{Searches and} prescribed under the Conveyancing Act, 1919—^{copies.} 1932, and on furnishing a written memorandum setting out the particular entry which he desires to find or search for and the reason for which the search or a certified copy of such entry is required shall be entitled—

(a) at any time within the hours fixed for public business to require the Registrar-General or a district registrar to search in

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in the indexes and also the several registers or books in which such entry may appear; and

(b) to have a copy of that entry certified by the Registrar-General or district registrar as the case may be:

Provided, however, that if in the opinion of the Registrar-General or the district registrar the reason for which such search or certified copy is required is not sufficient the Registrar-General or the district registrar as the case may be may refuse to make the search and to furnish the certified copy:

Provided further that where in an entry of the birth of a child there appears the word "illegitimate" or any other word directly referring to the fact that such child is illegitimate, such word shall not be included in any certified copy issued pursuant to this section.

Sec. 14.

(g) by omitting section fourteen and by inserting in lieu thereof the following new section:—

Regulations.

14. (1) The Registrar-General may with the approval of the Governor make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act and without limiting the generality of the foregoing power in particular in relation to the following matters—

(a) the management of the General Registry;
(b) the duties and powers of district registrars.

(2) The regulations may impose a penalty not exceeding ten pounds for any breach thereof.

(3) The regulations shall—

(a) after approval by the Governor be published in the Gazette; (b)

(b) take effect from the date of publication or from a later date specified in the regulations; and

(c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(h) (i) by omitting from subsection one of section ^{Sec. 15.} fifteen the words "several fees specified in ^(Fees.) the Second Schedule hereto" and by inserting in lieu thereof the words "fees prescribed under the Conveyancing Act, 1919-1932";

(ii) by omitting from subsection two of the same section the figures "1898" and by inserting in lieu thereof the figures "1902";

(i) by omitting section sixteen and by inserting ^{Sec. 16.} in lieu thereof the following new section:—

16. (1) No alteration shall be made in any ^{Correction of} entry in the register of a birth, marriage, or ^{errors.} death, except in accordance with this section.

(2) Any clerical error which may from time to time be discovered in any entry in the register may be corrected by the Registrar-General or by a district registrar by ruling through the erroneous particulars in such manner that the whole of such particulars are readily legible, and by writing thereover the correct particulars verified by his initials and the date.

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(3) An error of fact or substance may, on such evidence as appears to him to be sufficient, be corrected—

- (a) by the Registrar-General in his register or in the copy of entry kept in the General Registry by making, signing, and dating an entry in the margin containing the correct particulars, and when such correction has been made by him in a copy of an entry, the Registrar-General shall direct the district registrar who has custody of the register in which the original entry was made to make, sign, and date a similar correction in that entry, and the district registrar shall carry out such direction; or
- (b) in like manner by the district registrar having custody of the register containing the entry to be corrected, and when such correction has been made, the district registrar shall furnish a copy of the marginal entry made by him and particulars sufficient to identify the entry corrected to the Registrar-General, who shall make a similar correction in his register.

(4) Any person furnishing evidence for the purpose of correcting an entry may be required by the Registrar-General or district registrar to sign the entry in the margin referred to in subsection three of this section.

(5) Every certified copy of an entry corrected in accordance with subsection two of this section shall omit the erroneous particulars, and every certified copy of an entry corrected in accordance with subsection three of this section shall include the matter contained in that entry and the entry in the margin.

(2) Regulations made by the Registrar-General in force at the commencement of this Act shall continue in force until repealed by regulations made after such commencement.

3. The Principal Act is further amended—

(a) by omitting from subsection two of section eighteen the words "authorised by section fifteen of this Act and the Second Schedule hereto" and by inserting in lieu thereof the words "prescribed pursuant to section fifteen of this Act";

(b) by inserting at the end of section nineteen the words "In default of a parent so informing the district registrar within the time referred to, the district registrar may be informed by the occupier of the house where the child was born or by any person present at the birth";

(c) by inserting next after section nineteen the following new sections:—

19A. The birth of every still-born child shall, within twenty-one days after the birth, be registered in both the register of births and the register of deaths, and for all the purposes of this Act the child shall be deemed to have been born alive and to have subsequently died.

19B. (1) In the case of an illegitimate child no person shall as father of such child be required to give information under this Act concerning the birth of such child, and the district registrar shall not enter in the register the name of any person as father of such child unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

(2) The registration of the birth of an illegitimate child shall not include any reference to a subsisting marriage of that child's mother.

(d) (i) by omitting subsection one of section twenty-two and by inserting in lieu thereof the following new subsection:—

(1) No birth shall be registered after the expiration of six months—

(a) following the date of such birth if it occurred in New South Wales; or

(b)

Further
amendment of
Act No. 17, 1892.

Sec. 18 (2).

(Certificates
and fees.)

Sec. 19.

(Notice of
births.)

New ss. 19A,
19B.

Birth and
death of
still-born
children to be
registered.

father of
illegitimate
child.

See. 22.

(Further
limit of time.)

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(b) after the arrival in New South Wales of the child if born at sea or out of New South Wales,

except on the written authority of the Registrar-General in the case of a child not over the age of seven years, and in any other case on production of an order by a judge of the Supreme Court or of a district court.

Notwithstanding anything in section twenty of this Act the declaration to found the registration may be made at any time, or if such declaration cannot be obtained the registration may be effected on such proof as to the Registrar-General or judge seems sufficient.

Such written authority or order may be given or made whether the child was born before or after the commencement of the Registration of Births, Deaths, and Marriages (Amendment) Act, 1934.

The form of application for an order under this subsection and the procedure thereon shall be as prescribed by rules of court.

(ii) by inserting at the beginning of subsection two of the same section the words "Any entry made in pursuance of this section shall set out that it is made by the written authority of the Registrar-General or in pursuance of an order of a judge of the Supreme Court or of a district court, as the case may be, and";

(c) (i) by omitting from subsection one of section twenty-three the words "shall within seven days" and by inserting in lieu thereof the word "may";

(ii) by omitting from the same subsection the words "according to" and by inserting in lieu thereof the words "in or to the effect of";

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(f) by omitting section twenty-four and by insert Sec. 24.
ing in lieu thereof the following new section:—

24. Upon receipt from the master or com-
mander of any vessel of information of any
birth on such vessel while at sea on its latest
voyage to a port in New South Wales, a
district registrar shall forward such informa-
tion to the Registrar-General, and the
Registrar-General upon receipt of such in-
formation, whether from the master or
commander of a vessel or from a district
registrar, shall record the birth in his register.

4. The Principal Act is further amended—

(a) by inserting next after section twenty-seven
the following new section :—

27A. (1) The Registrar-General shall, from
time to time, on application therefor furnish
to every legally qualified medical practitioner
printed forms of certificates of cause of death.

Further
amendment of
Act No. 17, 1899

News. 27A.

Registrar-
General to
furnish medical
practitioners
with certificates
of cause of
death.

(2) In the case of the death of any
person who has been attended during his last
illness by a legally qualified medical practi-
tioner such medical practitioner shall—

(a) sign and deliver or forward forthwith to
the district registrar a certificate in or
to the effect of the form in the Ninth
Schedule to this Act stating the cause
of death; and

(b) deliver to the tenant of the house or
place in which the death occurred a
notice in writing in or to the effect of
the form in the Tenth Schedule to this
Act of the signing of the certificate; and

(c) in all cases of sudden death, or where, in
the opinion of the medical practitioner,
the death has occurred under any
circumstances of suspicion, forthwith
report the case to the coroner.

(3) In the case of the death of any
person who has not been attended during his
last illness by a legally qualified medical
practitioner,

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practitioner, a legally qualified medical practitioner who has viewed the body after death shall, if he is satisfied that the death was due to natural causes, sign and deliver or forward to the district registrar a certificate in or to the effect of the form in the Eleventh Schedule to this Act, and on signing and delivering or forwarding such certificate shall deliver to the tenant of the house or place where the death occurred a notice in writing in or to the effect of the form in the Tenth Schedule to this Act.

Sec. 8.

Registration
of deaths
at sea.

(b) by omitting section twenty-eight and by inserting in lieu thereof the following new section:—

28. Upon receipt from the master or commander of any vessel of information of any death on such vessel while at sea on its latest voyage to a port in New South Wales, a district registrar shall forward such information to the Registrar-General, and the Registrar-General upon receipt of such information, whether from the commander of the vessel or from a district registrar, shall record the death in his register.

Sec. 29 (2).
(Inquests.)

(c) by inserting at the end of subsection two of section twenty-nine the following words and proviso: “or if the death has been previously registered shall add to or correct the entry, as the case may require:

Provided that no such notification shall include anything incriminating any specified person, and that any entry already made which includes any such thing may, if the person has been acquitted of the crime, be amended by striking out the words incriminating such person.”

Substituted
s. 30.

Certificate,
of death.

(d) by omitting section thirty and by inserting in lieu thereof the following new section:—

30. (1) Every district registrar immediately upon registering any death or as soon thereafter as he is required so to do shall, without fee or reward, deliver to the person giving information of death, a certificate under his hand according to

to the form in the Sixth Schedule hereto, that such death has been duly registered, and such person shall deliver the certificate to the undertaker or other person having charge of the funeral or in a case where the dead body is to be cremated, to the medical referee by whom the cremation is to be authorised.

(2) A coroner or magistrate holding an inquest or inquiry upon any dead body may order the body to be buried before registration, and shall in such case give a certificate of his order in writing under his hand in or to the effect of the form in the Seventh Schedule.

(3) (a) A person shall not bury any dead body or cause any dead body to be buried unless there is delivered to him—

- (i) the certificate referred to in subsection one of this section; or
- (ii) an order by a coroner or magistrate in accordance with subsection two of this section; or
- (iii) a notice in writing of the signing of a medical certificate in accordance with section 27A of this Act.

(b) Nothing in this section shall prevent the burial of the body of a person whose death did not occur within a city, town, or village, or within ten miles of the residence or office of a coroner, magistrate, or a district registrar, but in any such case the person who buries the body shall forthwith report the facts to the officer in charge of the nearest police station.

(4) The certificate, order or notice, as the case may be, required to be delivered by paragraph (a) of subsection three of this section, shall be produced by the undertaker or other person having charge of the funeral to the minister or officiating person who performs any religious service for the burial. If any dead body is buried for which no such certificate as is referred to in subsection one of this section is produced, the minister or other

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other officiating person shall forthwith give notice of the facts to the district registrar.

(5) Every undertaker or other person who buries or otherwise disposes of any dead body shall forthwith cause to be transmitted to the district registrar a certificate in or to the effect of the form in the Eighth Schedule countersigned by two witnesses.

(6) In a case where the dead body is cremated, the superintendent or officer in charge of the crematorium shall forthwith cause to be transmitted to the district registrar a certificate in or to the effect of the form in the Twelfth Schedule.

(7) In a case where a dead body is laid in a mausoleum, the superintendent or officer in charge of the mausoleum shall forthwith cause to be transmitted to the district registrar a certificate in or to the effect of the form in the Thirteenth Schedule.

(e) by omitting section thirty-one and by inserting in lieu thereof the following section :—

31. (1) The Registrar-General upon a requisition in that behalf may register as a minister for celebrating marriages within New South Wales any minister of religion ordinarily officiating as such.

The registration may be made without fee or reward in a register book kept for the purpose and where made shall comprise the particulars specified in subsection two of this section.

(2) The requisition shall be in writing and shall specify the full name, religious denomination, designation, and residence of the minister.

(3) The requisition shall be supported by evidence to the satisfaction of the Registrar-General as to the matters stated in the requisition.

(f) by omitting section thirty-two and by inserting in lieu thereof the following section :—

32. (1) Whenever any minister so registered ceases to be designated by the name or description

Sec. 31.

Registration
of minister of
religion.

Sec. 32.

Change of
residence, &c.

description appearing in the register book, or changes his address, he shall within three months thereafter cause his name, designation, and new residence to be registered anew with the Registrar-General.

(2) If a minister fails to comply with the provisions of subsection one of this section the Registrar-General may cancel his registration, and thereupon he shall be deemed not to be registered within the meaning of the Marriage Act, 1899.

(g) (i) by omitting subsection two of section thirty-four;
(ii) by omitting from subsection four of the same section the following words: "or resides in another district than the one within which he was last registered as residing";
(h) by omitting from section thirty-seven the words "shall forfeit a sum not exceeding ten pounds" and by inserting in lieu thereof—
(c) contravenes any provisions of this Act, shall be liable to a penalty not exceeding twenty pounds.
(i) by omitting the Second Schedule;
(j) by omitting the Fourth Schedule;
(k) by omitting the Fifth Schedule;
(l) by omitting the Eighth Schedule and by inserting in lieu thereof the following new Schedule:—

EIGHTH SCHEDULE.

I A.B. of undertaker do hereby certify Sec. 30 (5).
that the body of C.D. was on the day of
19 duly { buried by me
delivered to the crematorium or mausoleum
at
in the presence of the undersigned.

Witness our hands this day of, 19 .

(Signed) A.B. Undertaker*

We were present at the above burial (or delivery).

Signature Address†
Signature Address†

* If working for an employer give name of employer.
The undertaker signing the certificate must be the person who conducted the funeral and not his employer.

† The address should be the full address.

The witnesses must be persons who were present at the funeral.

(m)

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(m) by inserting next after the Eighth Schedule the following new Schedules:—

Sec. 27A.

NINTH SCHEDULE.

(Front of Form.)

Registrar to enter No.
of Death Entry.
.....

MEDICAL CERTIFICATE OF CAUSE OF DEATH.

(For use only by a legally qualified medical practitioner who has been in attendance during the deceased's last illness, and to be delivered or forwarded by him to the District Registrar of Births, Deaths, and Marriages direct)

Name of deceased

Date of death as stated to me day of , 19 .

Age as stated to me

Place of death

Last seen alive by me day of , 19 . Seen*
Not seen* after
death by me.

Post-mortem held*
not held*

Cause of Death.	Duration of Disease.		
	Years.	Months.	Days.
I.			
Immediate cause†	...	...
Morbid conditions, if any, giving (a) rise to immediate cause (stated in order proceeding backwards (b) from immediate cause)	...	...
	(c)	...	
II.			
Other morbid conditions (if im- portant) contributing to death but not related to immediate cause	...	...

I hereby certify that I was in medical attendance during the above-named deceased's last illness, and that the particulars and cause of death above written are true to the best of my knowledge and belief.

Signature

Residence

Date

* Strike out whichever is inapplicable.

† This means the disease, injury, or complication which caused death, not the mode of dying, as, e.g., heart failure, asphyxia, asthenia, &c.

(Back

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No. 43, 1934.

(Back of Form.)

(Fill up where applicable.)

(Fill up where applicable.)

A.

I have reported this case
to the Coronet.

(Initials of Certifying
Medical Practitioner.)

B.

I may be in a position later
to give, on application by the
Registrar-General, additional
information as to cause of
death for the purpose of more
precise statistical classifica-
tion.

(Initials of Certifying
Medical Practitioner.)

TENTH SCHEDULE.

Sec. 27A.

NOTICE OF SIGNING OF MEDICAL CERTIFICATE OF CAUSE OF DEATH.

I hereby give notice that I have this day signed a Medical Certifi-
cate of the Cause of Death of (name and address) deceased, who died
at (place) on (date).

Medical Practitioner.

Address

Date

ELEVENTH SCHEDULE.

Registrar to enter No. Sec. 27A (3).
of Death Entry.

(Front of Form.)

.....

MEDICAL CERTIFICATE OF CAUSE OF DEATH.

(For use only by a legally qualified medical practitioner who has
viewed the body of the deceased after death, and to be delivered or
forwarded by him to the District Registrar of Births, Deaths, and
Marriages direct.)

Name of deceased

Date of death as stated to me day of , 19 .

Age as stated to me

Place

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Place of death
Last seen alive by me day of , 19 .
Post-mortem held*
Post-mortem not held*

Cause of Death.	Duration of Disease.		
I.	Years.	Months.	Days.
Immediate cause †	...	...
Morbid conditions, if any, giving rise to immediate cause (stated in order proceeding backwards from immediate cause)	... (a) (b)	...	
II.			
Other morbid conditions (if important) contributing to death but not related to immediate cause	...	...

I hereby certify that I viewed the body of the above-named deceased after death, and that the particulars and cause of death above written are true to the best of my knowledge and belief.

Signature

Residence

Date

* Strike out whichever is inapplicable.

† This means the disease, injury, or complication which caused death, not the mode of dying, as, e.g., heart failure, asphyxia, asthenia, &c.

(Back of Form.)

(Fill up where applicable.)	(Fill up where applicable.)
A.	B.
I have reported this case to the Coroner.	I may be in a position later to give, on application by the Registrar-General, additional information as to cause of death for the purpose of more precise statistical classification.

TWELFTH

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TWELFTH SCHEDULE.

Sel. 30 (6).

CERTIFICATE AS TO CREMATION.

Witness our hands this _____ day of _____ 19____.

(Superintendent)
(Officer in charge)

*Witness

* The witness must be a person who was present at the cremation.

THIRTEENTH SCHEDULE.

SCE, 30 (7).

CERTIFICATE AS TO LAVING IN MAUSOLEUM.

Witness our hands this _____ day of _____ 19____.

(Superintendent)
(Officer in charge)

*Witness

* The witness must be a person who was present at the mausoleum when the body was duly laid therein.

(n) by omitting from section one the figures Sec. 1. "36" and by inserting in lieu thereof the (Revision.) figures and letter "36A."

AUCTIONEERS'