

**REGISTRATION OF BIRTHS, DEATHS AND  
MARRIAGES (CORONERS) AMENDMENT ACT,  
1980, No. 35**

**New South Wales**



ANNO VICESIMO NONO

**ELIZABETHÆ II REGINÆ**

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**Act No. 35, 1980.**

An Act to amend the Registration of Births, Deaths and Marriages  
Act, 1973, with respect to registration of the deaths of  
persons. [Assented to, 16th April, 1980.]

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*Registration of Births, Deaths and Marriages (Coroners) Amendment.*

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**BE** it enacted by the Queen'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 :—

Short title.      **1.** This Act may be cited as the "Registration of Births, Deaths and Marriages (Coroners) Amendment Act, 1980".

Commence-      **2.** (1) Except as provided in subsection (2), this Act shall  
ment.            commence on the date of assent to this Act.

(2) Section 3 and Schedule 1 shall commence on the day appointed and notified under section 2 (2) of the Coroners Act, 1980.

Amendment      **3.** The Registration of Births, Deaths and Marriages Act,  
of Act No.      1973, is amended in the manner set forth in Schedule 1.  
87, 1973.

Sec. 3.

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**SCHEDULE 1.**

**AMENDMENTS OF THE REGISTRATION OF BIRTHS, DEATHS AND  
MARRIAGES ACT, 1973.**

(1) (a) Section 22 (1A)—

After section 22 (1), insert :—

(1A) It is the duty of the Principal Registrar to cause any death to be registered, where—

(a) an inquest concerning the death is held; and

(b) under section 25, the coroner notifies in writing a local registrar of such particulars as are known to him relating to the identity of, and date, place and cause of death of, the deceased person.

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*Registration of Births, Deaths and Marriages (Coroners) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS OF THE REGISTRATION OF BIRTHS, DEATHS AND  
MARRIAGES ACT, 1973—*continued.*

(b) Section 22 (2) (b)—

Omit the paragraph, insert instead :—

(b) that the person—

- (i) was ordinarily resident in New South Wales at the time of his death;
- (ii) died in the course of a journey to or from some place in New South Wales;  
**or**
- (iii) was last in some place in New South Wales before the circumstances of his death arose.

(c) Section 22 (2A)—

After section 22 (2), insert :—

(2A) Subsection (2) does not affect the operation of subsection (1A).

(2) Section 24 (7), (7A), (7B), (7C)—

Omit section 24 (7), insert instead :—

(7) A medical practitioner shall not sign a certificate or notice under subsection (2) or (6)—

- (a) in respect of the death of a person who, in the opinion of the medical practitioner—
  - (i) has died a violent or unnatural death;

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*Registration of Births, Deaths and Marriages (Coroners) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS OF THE REGISTRATION OF BIRTHS, DEATHS AND  
MARRIAGES ACT, 1973—*continued.*

- (ii) has died a sudden death the cause of which is unknown;
  - (iii) has died under suspicious or unusual circumstances;
  - (iv) has died, not having been attended by a medical practitioner within the period of 3 months immediately before his death;  
or
  - (v) has died as a result of the administration to him of an anaesthetic administered in the course of a medical, surgical or dental operation or procedure, or an operation or procedure of a like nature; or
- (b) in respect of the death of a person who has died while under, or within a period of 24 hours after the administration to him of, an anaesthetic administered in the course of a medical, surgical or dental operation or procedure, or an operation or procedure of a like nature.
- (7A) Where a medical practitioner is of opinion that—
- (a) a person of the age of 65 years or upwards has died after sustaining an injury by accident, otherwise than in circumstances specified in subsection (7) (a) (ii), (iii), (iv) or (v) or (7) (b); and
  - (b) the accident—
    - (i) was attributable to the age of the person;
    - (ii) contributed substantially to the death of the person;

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*Registration of Births, Deaths and Marriages (Coroners) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS OF THE REGISTRATION OF BIRTHS, DEATHS AND  
MARRIAGES ACT, 1973—*continued.*

(iii) involved no suspicious or unusual  
circumstances; and

(iv) was not caused by an act or omission of  
any other person,

the medical practitioner may, notwithstanding subsection  
(7), sign a certificate or notice under subsection (2) or  
(6) in respect of the person.

(7B) A certificate or notice signed pursuant to  
subsection (7A) shall state that it is so signed.

(7C) Subsection (7A) does not apply to—

(a) a death following injury by accident where the  
accident occurs in any hospital within the  
meaning of the Public Hospitals Act, 1929, or  
in any private hospital or nursing home within  
the meaning of the Private Hospitals Act, 1908;  
**or**

(b) a death that is examinable as referred to in  
section 13 (3) (h) of the Coroners Act, 1980.

(3) (a) Section 25 (1)—

Omit “or magisterial inquiry”.

(b) Section 25—

Omit “, justice or justices” wherever occurring.

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*Registration of Births, Deaths and Marriages (Coroners) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS OF THE REGISTRATION OF BIRTHS, DEATHS AND  
MARRIAGES ACT, 1973—*continued.*

## (c) Section 25—

Omit “or them” wherever occurring.

## (d) Section 25 (2)—

Omit the subsection.

## (e) Section 25 (3) (a)—

Omit “11 (2) of the Coroners Act, 1960”, insert instead “14 (2) (b) of the Coroners Act, 1980”.

## (f) Section 25 (3) (b)—

Omit the paragraph, insert instead :—

(b) under section 19 of that Act, a coroner terminates an inquest,

## (g) Section 25 (4), (5)—

After section 25 (3), insert :—

(4) Where in the course of an inquest concerning the death of a person it appears to the coroner, upon such evidence as he considers to be sufficient—

(a) that he can determine the identity of, and date, place and cause of death of, the deceased person; and

(b) that there will be delay in concluding the inquest,

the coroner may, for the purpose of enabling registration of the death to be effected or completed, make the determination and notify in writing a local registrar of the particulars of the determination.

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*Registration of Births, Deaths and Marriages (Coroners) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS OF THE REGISTRATION OF BIRTHS, DEATHS AND  
MARRIAGES ACT, 1973—*continued.*

(5) A notification under this section shall not  
include matter incriminating any person.

(4) (a) Section 49 (1) (a) (i)—

Omit the subparagraph, insert instead :—

(i) by a coroner who is holding, has held or is  
intending to hold an inquest in respect of the  
**death;**

(b) Section 49 (2) (a)—

Omit “or magisterial inquiry”.

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