

**REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES
(AMENDMENT) ACT 1992 No. 45**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

**REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES
(AMENDMENT) ACT 1992 No. 45**

NEW SOUTH WALES



Act No. 45, 1992

An Act to amend the Registration of Births, Deaths and Marriages Act 1973 in relation to the registration of stillbirths. [Assented to 16 June 1992]

Registration of Births, Deaths and Marriages (Amendment) Act 1992 No. 45

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Registration of Births, Deaths and Marriages (Amendment) Act 1992.

Commencement

2. This Act commences on the date of assent.

Amendment of Registration of Births, Deaths and Marriages Act 1973 No. 87

3. The Registration of Births, Deaths and Marriages Act 1973 is amended as set out in Schedule 1.

Explanatory Notes

4. Matter appearing under the heading “Explanatory note” in Schedule 1 does not form part of this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) The whole Act:

Omit “still-birth”, “still-births” and “still-born” wherever occurring, insert instead “stillbirth”, “stillbirths” and “stillborn”, respectively.

(2) Section 3:

Omit the section.

(3) Section 4 (**Definitions**):

From section 4 (1), omit the definition of “still-born child”, insert instead:

“**stillborn child**” means a child:

- (a) who weighs at least 400 grams at delivery or, if weight at delivery is not known, is of at least 20 weeks gestation; and

SCHEDULE 1—AMENDMENT—*continued*

- (b) who has not breathed since delivery; and
- (c) whose heart has not beaten since delivery;

Explanatory note

The amendment substitutes the definition of a stillborn child to achieve consistency with the definition used for the purposes of medical research.

(4) Section 9 (Registers and indexes to be kept by Principal Registrar):

From section 9 (1) (b), omit “, other than the register of still-births”.

(5) Section 10 (Registers and records kept by local registrars):

After “births,” in section 10 (1), insert “stillbirths,”.

(6) Part 3, Division 1, heading:

Omit the heading, insert instead:

Division 1—Births and stillbirths**(7) Section 11 (Registration of births and stillbirths):**

- (a) After “birth” where firstly occurring in section 11 (1), insert “and stillbirth”.
- (b) After “birth” wherever occurring in section 11 (1) (a) and (b), (2) and (3), insert “or stillbirth”.
- (c) After “births” in section 11 (3) (a), insert “or of stillbirths”.
- (d) After “(if any)” in section 11 (3) (b), insert “or of stillbirths (if any)”.

Explanatory note

The amendments will require the Principal Registrar to keep a general register of stillbirths that will record certain information about the stillbirth that has been furnished by the parents of the stillborn child, the relevant medical practitioner and the person who buries, cremates or disposes of the body of the child.

(8) Sections 12 (Notification of births and stillbirths) and 13 (Supreme Court may order registration of birth or stillbirth):

After “birth” wherever occurring, insert “or stillbirth”.

SCHEDULE 1 — AMENDMENTS—*continued*(9) Section 14 (**Father of exnuptial child not obliged to furnish particulars of birth or stillbirth**):

- (a) From section 14 (1), omit “, or, if the child is still-born, the still-birth,”, insert “or stillbirth”.
- (b) After “birth” in section 14 (2), insert “or stillbirth”.

(10) Part 3, Division 2, heading:

Omit the heading, insert instead:

Division 2—Special provisions relating to stillbirths(11) Sections 16 (**Registration of still-births**), 17 (**Notification of still-births**) and 21 (**Destruction of certain records**):

Omit the sections.

Explanatory note

The amendment omits several provisions that relate specifically to stillbirths. Sections 16 and 17 are obsolete because of the amendment to section 11. The omission of section 21 removes the principal Registrar’s power to cancel and destroy, after two years, any record held relating to the stillbirth.

(12) Section 33 (**Additional matter**):

From section 33 (2) (b) and (c), omit “a register of births or in” wherever occurring, insert “a register of births, a register of stillbirths or”.

(13) Section 34 (**New name or change of name**):

- (a) After “birth” wherever occurring in section 34 (1) (a), insert “or stillbirth”.
- (b) After “birth” wherever occurring in section 34 (1) (b), insert “, stillbirth”.

(14) Section 35 (**General provisions**):

- (a) After “birth,” wherever occurring in section 35 (1) (d), (3) and (5) (a) (iii), insert “stillbirth,”.
- (b) From 35 (1) (d) and (5) (a) (iii), omit “a register of births or in” wherever occurring, insert “a register of births, a register of stillbirths or”.

SCHEDULE 1—AMENDMENTS—*continued*(15) Section 40 (**Cancellation of registration**):

After “birth,” wherever occurring in section 40 (1), insert “stillbirth,”.

(16) Section 43 (**Certified copy or extract**):

From section 43 (1), omit “, other than a register of still-births,”.

Explanatory note

The amendment will require the Principal Registrar to provide a certified copy of, or certified extract from, a recording in a stillbirth register to any person who applies in writing, giving a reason for their request which the Principal Registrar considers to be sufficient.

(17) Section 47 (**References to certified copies or extracts**):

After “birth,” in section 47 (2), insert “stillbirth,”.

(18) Section 51 (**Error in or unauthorised alteration of certified copy etc.**):

After “birth,” wherever occurring in section 51 (1) (c), insert “stillbirth,”.

(19) Section 55 (**Disposal of certain registers**):

After “births,” insert “stillbirths,”.

(20) Section 61 (**Regulations**):

At the end of section 61 (1) (a), insert:

; or

- (a1) the circumstances in which the Principal Registrar can record legitimation and parentage information referred to in Part 4 in the register of stillbirths and the circumstances in which the Principal Registrar can cancel a recording of such information; or

(21) Schedule 3 (**Savings, transitional and other provisions**):

- (a) Before clause 1, insert:

Part I—Provisions consequent on the enactment of this Act

SCHEDULE 1—AMENDMENTS—*continued*

(b) At the end of the Schedule, insert:

**Part 2—Provisions consequent on the enactment of
the Registration of Births, Deaths and Marriages
(Amendment) Act 1992**

17. A stillbirth that was registered under Part 3 as in force immediately before the date of assent to the Registration of Births, Deaths and Marriages (Amendment) Act 1992 is taken to have been registered under Part 3 as amended by that Act.

*[Minister's second reading speech made in —
Legislative Assembly on 29 April 1992
Legislative Council on 6 May 1992]*