

1995—No. 747

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT
1995—REGULATION**

(Relating to registration information and consequential amendments)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Births, Deaths and Marriages Registration Act 1995, has been pleased to make the Regulation set forth hereunder.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General and Minister for Industrial Relations.

Commencement

1. This Regulation commences on 1 January 1996.

Amendments

2. The Registration of Births, Deaths and Marriages Regulations 1973 are amended:

- (a) by omitting from Regulation 3 the words “Registration of Births, Deaths and Marriages Act 1973” and by inserting instead the words “Births, Deaths and Marriages Registration Act 1995”;

- (b) by inserting at the end of Regulation 3 the following clause:

- (2) Notes in these Regulations are explanatory notes and do not form part of the Regulations.

- (c) by omitting Regulations 4–8 and by inserting instead the following Regulations:

Particulars required to be given for the purposes of notification of birth

4. For the purposes of section 12 of the Act (Notification of births), the following particulars are required:

- (a) the sex and date and place of birth of the child;
- (b) whether the child was born alive or stillborn;

- (c) the full name, maiden family name, date of birth and usual place of residence of the mother of the child;
- (d) the full name and occupation of the person giving the notice.

Particulars required to be given for the purpose of having the birth of a child registered

5. For the purposes of section 14 of the Act (How to have the birth of a child registered), the following particulars are required:

- (a) the sex and date, place and time of birth of the child;
- (b) the full name and address of the doctor or midwife responsible for the professional care of the mother at the birth;
- (c) the weight of the child at birth;
- (d) the full name, maiden family name, occupation and usual place of residence of the mother of the child;
- (e) the date of birth (or age) and place of birth of the mother of the child;
- (f) the full name, occupation and usual place of residence of the father of the child;
- (g) the date of birth (or age) and place of birth of the father of the child;
- (h) the date and place of marriage of the parents of the child (if applicable);
- (i) if the mother of the child has any other children, the given name, sex and date of birth of those children (including any deceased children);
- (j) whether or not the mother or father of the child is of Aboriginal or Torres Strait Islander origin;
- (k) if either parent of the child was born outside Australia, the period of residence in Australia of that parent.

Note. The notice given for the purposes of section 14 of the Act (called a birth registration statement) must also state the name of the child (see section 21 of the Act).

Registration of adoptions

6. For the purposes of section 24 of the Act (How adoptions are registered), the following particulars are required:

- (a) the full name, sex and date and place of birth of the child to whom the memorandum relates;

- (b) the full name, maiden family name, occupation and usual place of residence of the adoptive mother of the child;
- (c) the date of birth (or age) and place of birth of the adoptive mother of the child;
- (d) the full name, occupation and usual place of residence of the adoptive father of the child;
- (e) the date of birth (or age) and place of birth of the adoptive father of the child;
- (f) the date and place of marriage of the adoptive parents of the child (if applicable);
- (g) if the adoptive mother of the child has any other children (whether adopted children or not), the given names, sex and date of birth of each of those children (including any deceased children).

Registration of change of name

7. For the purposes of section 31 of the Act (Entries to be made in the Register), the following particulars are required:

- (a) the date and place of birth of the person whose change of name is being registered;
- (b) the name of the person immediately before the change of name;
- (c) the name first given to the person after birth and any other name shown on the person's birth registration;
- (d) any other former names of the person;
- (e) the new full name of the person;
- (f) the full names of the parents of the person (as at the date of the person's birth or birth registration).

Notifications by funeral directors and others

8. (1) For the purposes of section 41 (1) (d) of the Act, the following information is required:

- (a) the date and place of death of the deceased;
- (b) the sex, date of birth (or age at death) and place of birth of the deceased;
- (c) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death;
- (d) the date of disposal of the remains of the deceased;

- (e) the full name and business address of the funeral director or other person who arranged for the disposal of the remains;
- (f) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death;
- (g) whether or not the deceased was of Aboriginal or Torres Strait Islander origin;
- (h) the marital status of the deceased immediately before death;
- (i) if the deceased had married at any time before death, the date of marriage (or age of the deceased at the date of the marriage), the place of marriage and the full name of his or her spouse or, if the deceased had married more than once, the date of each marriage (or age of the deceased at the date of each marriage), the place of each marriage and the full name of each spouse;
- (j) the given names, sex and date of birth (or age) of the children of the deceased (including deceased children);
- (k) the full name, maiden family name and occupation of the mother of the deceased;
- (l) the full name and occupation of the father of the deceased.

(2) For the purposes of section 41 (2) (b) of the Act, the following information is required:

- (a) the full name and last residential address of the deceased;
- (b) the date and place of death of the deceased;
- (c) whether or not the death was reported to a coroner;
- (d) the sex, date of birth (or age at death) and place of birth of the deceased;
- (e) the usual occupation of the deceased person before death and whether or not the deceased was a pensioner or was retired immediately before death;
- (f) the date of disposal of the remains of the deceased;
- (g) the full name and business address of the funeral director or other person who arranged for removal of the remains;
- (h) if the deceased person was born outside Australia, the period of residence in Australia of the deceased before death;
- (i) whether or not the deceased was of Aboriginal or Torres Strait Islander origin;

- (j) the marital status of the deceased immediately before death;
- (k) if the deceased had married at any time before death, the date of marriage (or age of the deceased at the date of the marriage), the place of marriage and the full name of his or her spouse or, if the deceased had married more than once, the date of each marriage (or age of the deceased at the date of each marriage), the place of each marriage and the full name of each spouse;
- (l) the given names, sex and date of birth (or age) of the children of the deceased (including deceased children);
- (m) the full name, maiden family name and occupation of the mother of the deceased;
- (n) the full name and occupation of the father of the deceased.

(3) For the purposes of section 41 (3) (c) of the Act, the following particulars are required:

- (a) the date and place of death of the deceased;
- (b) the sex, date of birth (or age at death) and place of birth of the deceased;
- (c) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death;
- (d) the full name and business address of the person who has custody of the remains of the deceased;
- (e) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death;
- (f) whether or not the deceased was of Aboriginal or Torres Strait Islander origin;
- (g) the marital status of the deceased immediately before death;
- (h) if the deceased had married at any time before death, the date of marriage (or age of the deceased at the date of the marriage), the place of marriage and the full name of his or her spouse or, if the deceased had married more than once, the date of each marriage (or age of the deceased at the date of each marriage), the place of each marriage and the full name of each spouse;
- (i) the given names, sex and date of birth (or age) of the children of the deceased (including deceased children);

- (j) the full name, maiden family name and occupation of the mother of the deceased;
- (k) the full name and occupation of the father of the deceased.

Fees

9. For the purposes of section 54 of the Act, the fee for a service provided by the Registrar is the amount set out opposite the service concerned in the Schedule.

- (d) by omitting from the Schedule the matter “Reg. 6” and by inserting instead the matter “Reg. 9”;
- (e) by omitting item 2 of the Schedule and by inserting instead the following item:

2. For search against any one name in the Register (including an index to the Register) in respect of a period not exceeding 5 years pursuant to an application under section 50 of the Act (including the fee for a certificate of result of any such search)	20.00
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- (f) by omitting from item 5 of the Schedule the words “(pursuant to section 34 of the Act)”;
- (g) by omitting item 6 of the Schedule and by inserting instead the following item:

6. For recording in the Register, subsequent to registration of the birth of a child, the name of or other particulars relating to a person as a parent of the child	40.00
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- (h) by omitting from item 8 of the Schedule the word “Principal”.

EXPLANATORY NOTE

The Births, Deaths and Marriages Registration Act 1995 repeals the Registration of Births, Deaths and Marriages Act 1973 and provides for the continuation of regulations made under the repealed Act. The object of this Regulation is to amend the regulations made under the repealed Act as a consequence of the commencement of the new Act.

In particular, this Regulation:

- (a) sets out the information that the Registrar of Births, Deaths and Marriages may require in respect of a specific registrable event under the new Act; and

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- (b) makes minor consequential amendments to the fees that may be required in respect of a service provided by the Registrar; and
- (c) removes provisions made obsolete by the new Act.

This Regulation is made under the Births, Deaths and Marriages Registration Act 1995, in particular section 62 (Regulations) and the sections referred to in the Regulation.
