

**REGISTRATION OF BIRTHS, DEATHS AND
MARRIAGES ACT.**

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 87, 1973.

An Act to provide for the registration of births, deaths, marriages, still-births and adoptions and the recording of legitimations; to make provision with respect to certain matters consequent on deaths and still-births; to amend the Conveyancing Act, 1919, and certain other Acts in certain respects; to repeal the Registration of Births Deaths and Marriages Act 1899, the Marriage Act, 1899, The Legitimation Act of 1902 and certain other enactments; and for purposes connected therewith. [Assented to, 20th December, 1973.]

BE

Registration of Births, Deaths and Marriages.

BE it enacted by the Queen's Most Excellent Majesty, by No. 87, 1973 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Registration of Births, Deaths and Marriages Act, 1973".

2. This Act shall commence on 1st January, 1974.

Commence-
ment.

3. This Act is divided as follows:—

Division of
Act.

PART I.—PRELIMINARY—ss. 1-4.

PART II.—ADMINISTRATION—ss. 5-10.

PART III.—REGISTRATION—ss. 11-40.

DIVISION 1.—*Births*—ss. 11-15.

DIVISION 2.—*Still-births*—ss. 16-21.

DIVISION 3.—*Deaths*—ss. 22-28.

DIVISION 4.—*Marriages*—s. 29.

DIVISION 5.—*Adoptions*—ss. 30, 31.

DIVISION 6.—*Correction and alteration of registers*
—ss. 32-36.

DIVISION 7.—*General*—ss. 37-40.

PART IV.—RECORDING OF LEGITIMATIONS—ss. 41,
42.

PART V.—CERTIFIED COPIES AND EXTRACTS—ss. 43-
48.

PART

Registration of Births, Deaths and Marriages.

No. 87, 1973

PART VI.—MISCELLANEOUS—*ss.* 49–64.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Interpretation.

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“Act of 1899” means the Registration of Births Deaths and Marriages Act 1899;

“approved form” means form approved by the Registrar-General for the purposes of the provision of this Act in relation to which the expression is used;

“birth” does not include still-birth;

“Commonwealth Marriage Act” means the Marriage Act 1961 of the Parliament of the Commonwealth, and includes any Act of that Parliament amending or replacing that Act;

“Commonwealth Marriage Regulations” means the Marriage Regulations made under the Commonwealth Marriage Act, and includes any regulations made under that Act amending or replacing those regulations;

“copy”, in relation to a recording in a register kept under this Act, means a document showing in a written form the matter contained in that recording, whether the matter is contained in that register in a written form or otherwise;

“death” does not include still-birth;

“funeral director”, in relation to a death or still-birth, means the funeral director or undertaker responsible for making arrangements for the burial or other disposal of the body of the deceased person or still-born child;

“house”

Registration of Births, Deaths and Marriages.

“house” includes flat or other place of abode;

No. 87, 1973

“institution” means—

- (a) a hospital mentioned in the Second or Third Schedule of the Public Hospitals Act, 1929;
- (b) a hospital conducted by the Health Commission of New South Wales;
- (c) an admission centre, authorised hospital or mental hospital within the meaning of the Mental Health Act, 1958;
- (d) a private hospital or nursing home within the meaning of the Private Hospitals Act, 1908;
- (e) an institution within the meaning of the Child Welfare Act, 1939;
- (f) a prison, gaol or lock-up; or
- (g) any other prescribed institution or institution of a prescribed class;

“justice” means justice of the peace;

“local registrar” means local registrar appointed under section 5;

“occupier”—

- (a) in relation to a house—means the owner, lessee, or other person, in occupation of the house; or
- (b) in relation to an institution that is—
 - (i) referred to in paragraph (a), (b), (c) or (e) of the definition of “institution” in this subsection—means the person who is responsible for the executive management of the institution, by whatever title he is known;

(ii)

*Registration of Births, Deaths and Marriages.*No. 87, 1973

- (ii) referred to in paragraph (d) of that definition—means the manager, within the meaning of the Private Hospitals Act, 1908, of the institution;
- (iii) referred to in paragraph (f) of that definition—means the governor or other person in charge of the institution; or
- (iv) referred to in paragraph (g) of that definition—means the person specified or described, in relation to the institution, in the regulations;

“parent”—

- (a) in relation to a legitimate child—means the father, mother or guardian of the child; or
- (b) in relation to an illegitimate child—means the mother or guardian of the child;

“perinatal death” means—

- (a) the death of a child on the day of his birth or within the period of twenty-eight days thereafter; or
- (b) a still-birth;

“prescribed legitimation information” means such of the information with respect to the legitimation of a person as is required by the Commonwealth Marriage Regulations to be furnished to the Registrar-General in relation to that person;

“registered” means registered under this Act, the Act of 1899 or any Act repealed thereby;

“regulations” means regulations under this Act;

“still-birth” means the delivery of a still-born child;

“still-born

Registration of Births, Deaths and Marriages.

“still-born child” means a child who—

No. 87, 1973

- (a) is of at least twenty weeks gestation, or at least 400 grams weight, at delivery; and
- (b) has not breathed after delivery.

(2) In this Act—

- (a) a reference to a general register is a reference to a register kept by the Registrar-General under section 9;
- (b) a reference to a local register is a reference to a register kept at any time by a district registrar or assistant district registrar under the Act of 1899 or any Act repealed thereby or by a local registrar under section 10.

(3) In this Act—

- (a) a reference to a birth or to the birth of a child is a reference to the birth of a child who has breathed after delivery;
- (b) a reference to the delivery of a child or a still-born child is a reference to the complete expulsion or extraction of the child or still-born child from his mother.

(4) In this Act, a reference (however expressed) to the disposal of the body of a deceased person or still-born child is a reference to the lawful—

- (a) burial or cremation of the body;
- (b) placing of the body in a mausoleum or other permanent resting place;
- (c) reception of the body for anatomical or medical research; or
- (d) removal of the body from New South Wales for disposal elsewhere.

(5)

Registration of Births, Deaths and Marriages.

- No. 87, 1973** (5) In any Act or instrument under an Act, a reference (however expressed) to an entry in a register includes a reference to a recording in a register kept under this Act.
-

PART II.

ADMINISTRATION.

Local registrars.

5. (1) The Registrar-General may, by notification published in the Gazette, appoint such person as he thinks fit to be a local registrar or deputy local registrar for a city, town, suburb or other place specified in the notification.

(2) The Registrar-General may, by notification published in the Gazette, appoint the holder of a specified office or position at a city, town, suburb or other place specified in the notification to be a local registrar or deputy local registrar for a city, town, suburb or other place so specified without specifying his name, and, if an appointment is so made, the appointment shall be taken to include all persons who at any time thereafter occupy or act in that office or position.

(3) If the local registrar appointed for a city, town, suburb or other place dies or is, by reason of illness or absence, unable to exercise and perform his powers, authorities, duties and functions, the deputy local registrar (if any) appointed for that city, town, suburb or other place may act in his place and shall have and may exercise and perform the powers, authorities, duties and functions of the local registrar in whose place he is acting.

(4) The Registrar-General may, by notification published in the Gazette, cancel any appointment under subsection (2).

(5)

Registration of Births, Deaths and Marriages.

(5) Nothing in subsection (4) affects the operation of No. 87, 1973 section 30 of the Interpretation Act, 1897, in so far as that section applies in relation to an appointment under subsection (1).

(6) An appointment of a person as local registrar or deputy local registrar shall not be made under subsection (1) or (2)—

- (a) if he is a member of the public service—without the concurrence of the Public Service Board; or
- (b) if he is a member of the police force—without the concurrence of the Commissioner of Police.

(7) It shall be presumed, in the absence of evidence to the contrary—

- (a) that any act, matter or thing purporting to be done by a local registrar or deputy local registrar was done by a local registrar or deputy local registrar; and
- (b) that, where any act, matter or thing purports to have been done by a deputy local registrar, the deputy local registrar was properly acting in the place of a local registrar.

(8) The Registrar-General shall, for the purposes of Part III, be deemed to be a local registrar.

6. In addition to the powers, authorities, duties and functions conferred or imposed on a local registrar by or under this Act, he shall have such duties and perform such functions as the Registrar-General may, generally or in any particular case or class of cases, from time to time direct, for the purpose of carrying out or giving effect to this Act.

7.

Registration of Births, Deaths and Marriages.

No. 87, 1973
Delegation
to local
registrars.

7. (1) The Registrar-General may by instrument in writing delegate to any local registrar the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on the Registrar-General by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Registrar-General may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing had been done or suffered by the Registrar-General and shall be deemed to have been done or suffered by the Registrar-General.

(6) A delegation under this section may be made in relation to a local registrar or class or description of local registrars specified in the instrument of delegation or to all local registrars.

Registration of Births, Deaths and Marriages.

8. The Registrar-General shall cause seals of office to be made for use by local registrars.

Seal of
office of
local
registrar.

9. (1) The Registrar-General shall establish and keep in such manner and form as he thinks fit—

Registers
and
indexes to be
kept by
Registrar-
General.

- (a) registers of births, still-births, deaths, marriages and adoptions;
- (b) indexes to those registers, other than the register of still-births; and
- (c) an index of legitimations recorded by him under The Legitimation Act of 1902 or this Act.

(2) Without affecting the generality of subsection (1), a register referred to in that subsection may be established and kept in the form of a bound book or otherwise.

10. (1) A local registrar shall keep such registers (if any) of births, deaths and marriages and other records as the Registrar-General may, generally or in any particular case or class of cases, direct.

Registers
and records
kept by
local
registrars.

(2) The reference in subsection (1) to registers extends to registers in existence before the commencement of this Act as well as to registers coming into existence after that commencement.

(3) A register referred to in subsection (1) may be kept in the form of a bound book or otherwise.

PART

No. 87, 1973

PART III.

REGISTRATION.

DIVISION 1.—*Births.*Registration
of births.

11. (1) It is the duty of the Registrar-General to cause each birth occurring in New South Wales to be registered, where—

- (a) particulars of the birth have been furnished under this Division or otherwise ascertained or established under this Act; and
- (b) the Registrar-General, or a local registrar (if any) authorised by him in that behalf, is of the opinion that those particulars are sufficient to warrant registration of the birth being effected and has no reason to believe that those particulars are not correct.

(2) The Registrar-General may, upon application made to him in writing, cause the birth of a child who was born outside New South Wales (but not in another State of the Commonwealth or a Territory of the Commonwealth) to be registered, if it appears to the Registrar-General, upon such evidence as he considers to be sufficient—

- (a) that the birth has not already been registered elsewhere; and
- (b) that a parent of the child ordinarily resides in New South Wales or is about to take up residence in New South Wales.

(3) The registration of the birth of a child shall be effected by the recording—

- (a) in a general register of births; and
- (b) in such local register of births (if any) as the Registrar-General thinks fit,

of

Registration of Births, Deaths and Marriages.

of particulars, so far as ascertained or established for the purpose of registration, of the name, sex and parentage of, and date and place of birth of, the child and such other particulars as the Registrar-General thinks fit. **No. 87, 1973**

12. (1) Subject to subsection (4), within one month following the birth in New South Wales of a child, a parent of the child shall, for the purpose of enabling registration of the birth to be effected, furnish a local registrar with particulars of the birth in or to the effect of the approved form of information. **Notification of births.**

(2) Any person who is conversant with the facts may, for the purpose of enabling registration of a birth occurring in New South Wales to be effected, furnish a local registrar with particulars of the birth in or to the effect of the approved form of information.

(3) Without affecting the liability of any person for an offence arising under subsection (1), nothing in that subsection prevents a person from furnishing, or a local registrar from receiving, particulars of a birth after the expiration of one month following the birth.

(4) The furnishing in accordance with subsection (1) or (2) by a person of particulars of a birth within one month following the birth operates to discharge the obligation of any other person to furnish those particulars in accordance with subsection (1).

(5) Where particulars of a birth are furnished under this section after the expiration of one month following the birth, the particulars shall be verified by a statutory declaration made by the person furnishing the particulars.

(6) The Registrar-General may, in any particular case or class of cases, dispense with the requirement that particulars be verified by a statutory declaration under subsection (5).

13.

Registration of Births, Deaths and Marriages.

No. 87, 1973 **13.** (1) Where particulars of a birth occurring in New South Wales are furnished under section 12 and the Registrar-General refuses, or fails within three months after the furnishing of the particulars, to cause the birth to be registered, the person seeking to have the birth registered may apply to the Supreme Court for an order for registration of the birth.

Supreme Court may order registration of birth.

(2) Rules of court may be made under the Supreme Court Act, 1970, prescribing the form of application to the Supreme Court for an order under this section and the procedure thereon.

(3) Subsection (2) does not limit the rule-making powers conferred by the Supreme Court Act, 1970.

(4) Upon production to him of a copy certified by a registrar of the Supreme Court of a minute of an order of the Supreme Court for registration of a birth, the Registrar-General shall cause the birth to be registered.

Name of and other particulars relating to father of illegitimate child. **14.** (1) No person shall, as father of an illegitimate child, be obliged to furnish particulars under this Act concerning the birth of the child, nor shall the name of, or any other particulars relating to, any person as father of the child be recorded in a register of births kept under this Act except in accordance with this section.

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

(3) The name of, and other relevant particulars relating to, a person as father of an illegitimate child shall be recorded in a register of births kept under this Act—

(a) at the joint request, verified by statutory declaration, of the mother and the person acknowledging himself to be the father of the child; or

(b)

Registration of Births, Deaths and Marriages.

(b) at the sole request, verified by statutory declaration, No. 87, 1973
of the person acknowledging himself to be the father
of the child, where the Registrar-General—

(i) is satisfied that the mother of the child is
dead or that her whereabouts are unknown
or that she is unable to join in a request
and declaration referred to in paragraph
(a); and

(ii) approves of the sole request being given
effect to.

(4) A joint or sole request referred to in subsection
(3) may be made at the time when registration of the birth
of the child is being effected or at any time thereafter and,
in the latter case, may be so made whether registration was
effected before or after the commencement of this Act.

(5) Subject to subsection (7), the name of, and
other relevant particulars relating to, a person as father of an
illegitimate child may be recorded in a register of births kept
under this Act, upon proof to the satisfaction of the Registrar-
General—

(a) that a court of competent jurisdiction has, under
the law in force in New South Wales, made or given
an order or judgment the making or giving of which
is dependent on the court being satisfied that that
person is, or which adjudges or declares that person
to be, the father of the child; and

(b) that—

(i) the order or judgment has not been
terminated; or

(ii) if the order or judgment has been terminated
—it was not terminated on the ground, or
on grounds including the ground, that that
person is not, or may not be, the father of
the child.

(6)

Registration of Births, Deaths and Marriages.

No. 87, 1973

(6) In subsection (5), "terminated" means quashed, annulled, rescinded, reversed or otherwise terminated, but does not include terminated by reason only of the effluxion of time.

(7) The name of, and other particulars relating to, a person as father of an illegitimate child shall not be recorded under subsection (5) except upon an application made for that purpose by or on behalf of the mother, father or guardian of the child, or (unless he has not attained the age of eighteen years) the child, or any other person who has, in the opinion of the Registrar-General, a proper interest in making the application.

(8) An application referred to in subsection (7) may be made at the time when registration of the birth of the child is being effected or at any time thereafter and, in the latter case, may be so made whether registration was effected before or after the commencement of this Act.

(9) A joint or sole request referred to in subsection (3) or an application referred to in subsection (7) may be made notwithstanding that the child has died.

Finding of
deserted or
abandoned
child.

15. Where—

- (a) a child has been found deserted or abandoned in New South Wales;
- (b) at the date of his being found he was, or apparently was, less than seven years of age; and
- (c) the Registrar-General has—
 - (i) made such inquiries as he thinks fit; and
 - (ii) taken into consideration reports made by a member of the police force or by the permanent head of the Department of Youth and Community Services, or both, as to the

circumstances

Registration of Births, Deaths and Marriages.

circumstances of the case and the identity No. 87, 1973
of the child and his parents or other persons
in whose lawful custody he was,

the Registrar-General shall—

- (d) cause the birth of the child to be registered, if at the time of registration, the child has not, or apparently has not, attained the age of eighteen years; and
- (e) upon the recommendation of the permanent head of the Department of Youth and Community Services, establish a name and date and place of birth for the child, in so far as those particulars are not known, for the purpose of effecting registration of the birth.

DIVISION 2.—*Still-births.*

16. (1) It is the duty of the Registrar-General to cause **Registration of still-births.** each still-birth occurring in New South Wales to be registered, where—

- (a) particulars of the still-birth have been furnished under this Division or otherwise ascertained or established under this Act; and
- (b) the Registrar-General is of the opinion that those particulars are sufficient to warrant registration of the still-birth being effected and has no reason to believe that those particulars are not correct.

(2) The registration of a still-birth shall be effected, in such manner as the Registrar-General thinks fit, in a register of still-births kept under this Act.

17.

Registration of Births, Deaths and Marriages.

No. 87, 1973 **17.** (1) Subject to subsection (4), within one month following the occurrence in New South Wales of a still-birth, a parent of the still-born child shall, for the purpose of enabling registration of the still-birth to be effected, furnish a local registrar with particulars of the still-birth in or to the effect of the approved form of information.

Notification
of still-
births.

(2) Any person who is conversant with the facts may, for the purpose of enabling registration of a still-birth occurring in New South Wales to be effected, furnish a local registrar with particulars of the still-birth in or to the effect of the approved form of information.

(3) Without affecting the liability of any person for an offence arising under subsection (1), nothing in that subsection prevents a person from furnishing, or a local registrar from receiving, particulars of a still-birth after the expiration of one month following the still-birth.

(4) The furnishing in accordance with subsection (1) or (2) by a person of particulars of a still-birth within one month following the still-birth operates to discharge the obligation of any other person to furnish those particulars in accordance with subsection (1).

Medical
certificate
of cause of
perinatal
death.

18. (1) In this section—

“attending practitioner”, in relation to a still-birth, means a medical practitioner who attended the mother of the still-born child at any time during the confinement;

“non-attending practitioner”, in relation to a still-birth, means a medical practitioner (other than an attending practitioner) who viewed the body of the still-born child, whether or not the mother was at any time during the confinement attended by a medical practitioner.

(2)

Registration of Births, Deaths and Marriages.

(2) Where a still-birth occurs, an attending practitioner shall, as soon as practicable thereafter, and a non-attending practitioner may—

- (a) sign a medical certificate of cause of perinatal death;
or
- (b) subject to subsection (3), sign a notice of intention to sign such a certificate,

in or to the effect of the approved form.

(3) A medical practitioner shall not sign a notice of intention referred to in subsection (2) (b) unless the circumstances of the case are such that in his opinion it is, at the time of signing the notice, impracticable or undesirable to sign a certificate referred to in subsection (2) (a) in relation to the still-birth to which the notice relates.

(4) A medical practitioner who signs a certificate or notice under subsection (2) shall, as soon as practicable after so signing, cause the certificate or notice to be delivered or forwarded to the funeral director responsible for making arrangements for the disposal of the body of the still-born child or, if no funeral director is so responsible, to a local registrar.

(5) The signing and furnishing by a medical practitioner of a certificate or notice relating to a still-birth in accordance with subsections (2) and (4) operate to discharge the obligation of any other medical practitioner to sign and furnish a certificate or notice relating to that still-birth in accordance therewith.

(6) Where a medical practitioner has signed a notice under subsection (2), he shall, as soon as practicable thereafter, sign and cause to be delivered or forwarded to a local registrar the certificate to which that notice relates.

19.

Registration of Births, Deaths and Marriages.

No. 87, 1973 19. (1) In this section, "document" means—

Disposal
of body
of still-
born child.

- (a) a certificate or notice signed under section 18;
- (b) an order referred to in section 49; or
- (c) an instrument referred to in, or authorised to be issued, made or given under, the regulations for the purposes of this section.

(2) A person shall not bury or cremate the body of a still-born child, or place it in a mausoleum or other permanent resting place, or cause it to be buried, cremated or so placed, unless there has been delivered to him, or he has in his possession, a document that relates to the still-born child.

(3) A person shall not deliver or hand over the body of a still-born child for anatomical or medical research, or remove it from New South Wales, or cause it to be so delivered, handed over or removed, unless a document that relates to the still-born child has been signed, issued, made or given, as the case may require.

Action to
be taken
in respect
of disposal
of body of
still-born
child.

20. (1) In this section, "document" means—

- (a) a certificate or notice signed under section 18;
- (b) an order referred to in section 49; or
- (c) an instrument referred to in paragraph (c) of the definition of "document" in section 19 (1).

(2) Where a funeral director is responsible for making arrangements for the disposal of the body of a still-born child or, if no funeral director is so responsible, another person is responsible for the disposal of the body—

- (a) except where the body is or is to be cremated at a crematorium—the funeral director or other person, as the case may be, shall, either before the

body

Registration of Births, Deaths and Marriages.

body is disposed of or forthwith after it has been disposed of, cause any document that relates to the still-born child and that, at or before the time when the body is disposed of, was delivered or forwarded to him or is otherwise in his possession, to be delivered or forwarded to a local registrar; or

- (b) where the body is or is to be cremated at a crematorium—the funeral director or other person, as the case may be, shall, either before the body is delivered to the crematorium for cremation or forthwith after it is so delivered, cause any document that relates to the still-born child and that, at or before the time when the body was so delivered, was delivered or forwarded to him or is otherwise in his possession, to be delivered or forwarded to the superintendent or officer-in-charge of the crematorium.

(3) Where the body of a still-born child is or is to be cremated at a crematorium, the superintendent or officer-in-charge of the crematorium shall, either before the body is cremated or forthwith after it is cremated, cause any document that relates to the still-born child and that, at or before the time when the body was cremated, was delivered or forwarded to him or is otherwise in his possession, to be delivered or forwarded to a local registrar.

(4) Where, after the body of a still-born child is disposed of or, if the body is or is to be cremated, after the body is delivered to a crematorium for cremation, any document that relates to the still-born child is delivered or forwarded to, or otherwise comes into the possession of, the funeral director responsible for making arrangements for the disposal of the body or any person responsible for the disposal of the body, that funeral director or person, as the case may be, shall forthwith cause the document to be delivered or forwarded to a local registrar.

(5) Where, after the body of a still-born child is cremated at a crematorium, any document that relates to the still-born child is delivered or forwarded to, or otherwise comes

Registration of Births, Deaths and Marriages.

No. 87, 1973 comes into the possession of, the superintendent or officer-in-charge of the crematorium, the superintendent or officer-in-charge, as the case may be, shall forthwith cause the document to be delivered or forwarded to a local registrar.

Destruction of certain records. **21.** Notwithstanding anything in this or any other Act, the Registrar-General may, after the expiration of two years following the registration of a still-birth, cancel or destroy any record held by him relating to the still-birth.

DIVISION 3.—*Deaths.*

Registration of deaths. **22.** (1) Subject to this Division, it is the duty of the Registrar-General to cause each death occurring in New South Wales to be registered, where—

- (a) particulars of the death have been furnished under this Division or otherwise ascertained or established under this Act; and
- (b) the Registrar-General, or a local registrar (if any) authorised by him in that behalf, is of the opinion that those particulars are sufficient to warrant registration of the death being effected and has no reason to believe that those particulars are not correct.

(2) The Registrar-General may, upon application made to him in writing, cause the death of a person occurring outside New South Wales (but not in another State of the Commonwealth or a Territory of the Commonwealth) to be registered, if it appears to the Registrar-General, upon such evidence as he considers to be sufficient—

- (a) that the death has not already been registered elsewhere; and

(b)

Registration of Births, Deaths and Marriages.

(b) that the person—

No. 87, 1973

- (i) ordinarily resided in New South Wales at the time of his death; or
- (ii) died on a vessel or aircraft on a voyage or flight to some place in New South Wales.

(3) The registration of the death of a person shall be effected by the recording—

- (a) in a general register of deaths; and
- (b) in such local register of deaths (if any) as the Registrar-General thinks fit,

of particulars, so far as ascertained or established for the purpose of registration, of the name and parentage of, and date, place and cause of death of, the person and such other particulars as the Registrar-General thinks fit.

(4) The death of a person shall not be registered unless—

- (a) a certificate or notice signed in accordance with section 24;
- (b) an order referred to in section 49;
- (c) a written notification referred to in section 25 (1) or (3); or
- (d) a document issued, made or given under the law of another State of the Commonwealth or a Territory of the Commonwealth or any other place, being a document which the Registrar-General is satisfied is equivalent to a certificate, notice, order or written notification referred to in paragraph (a), (b) or (c),

relating to the death has been furnished to a local registrar for retention by the Registrar-General permanently or for such period as he thinks fit.

(5)

*Registration of Births, Deaths and Marriages.***No. 87, 1973**

(5) Subsection (4) does not apply in relation to the registration of a death where the Registrar-General is of the opinion that, having regard to the circumstances of the case, it is proper that the death should be registered without any certificate, notice, order, written notification or document referred to in that subsection being furnished to a local registrar.

Notification of deaths.

23. (1) Subject to subsection (4), within one month following the death in New South Wales of a person—

- (a) where the death occurred in a house or the curtilage thereof or in an institution or any land occupied or used in connection therewith—the occupier of the house or institution; or
- (b) where the death occurred elsewhere or where no information is available as to where the death occurred—a relative of the deceased person,

shall, for the purpose of enabling registration of the death to be effected, furnish the funeral director or a local registrar with particulars of the death in or to the effect of the approved form of information.

(2) Any person who is conversant with the facts may, for the purpose of enabling registration of a death occurring in New South Wales to be effected, furnish the funeral director or a local registrar with particulars of the death in or to the effect of the approved form of information.

(3) Without affecting the liability of any person for an offence arising under subsection (1), nothing in that subsection prevents a person from furnishing, or a funeral director or local registrar from receiving, particulars of a death after the expiration of one month following the death.

(4) The furnishing in accordance with subsection (1) or (2) by a person of particulars of a death within one month following the death operates to discharge the obligation of any other person to furnish those particulars in accordance with subsection (1).

(5)

Registration of Births, Deaths and Marriages.

(5) In subsection (1), "relative" means—

No. 87, 1973

- (a) spouse, father, mother or guardian; or
- (b) son, daughter, brother, or sister, who has attained the age of eighteen years.

24. (1) In this section—

Medical
certificate
of cause
of death.

"attending practitioner", in relation to a deceased person, means a medical practitioner who attended that person immediately before his death or during the illness terminating in his death;

"non-attending practitioner", in relation to a deceased person, means a medical practitioner (other than an attending practitioner) who viewed the body of that person, whether or not that person immediately before his death, or during the illness terminating in his death, was attended by a medical practitioner.

(2) Subject to subsection (7), where a person dies, **an attending practitioner shall, as soon as practicable thereafter, and a non-attending practitioner may—**

(a) sign—

- (i) where the person dies on the day of his birth or within a period of twenty-eight days thereafter—a medical certificate of cause of perinatal death; or
- (ii) where the person dies after that period—a medical certificate of cause of death; or

(b) subject to subsection (3), sign a notice of intention to sign the relevant certificate referred to in paragraph (a),

in or to the effect of the approved form.

(3)

Registration of Births, Deaths and Marriages.

No. 87, 1973

(3) A medical practitioner shall not sign a notice of intention referred to in subsection (2) (b) unless the circumstances of the case are such that in his opinion it is, at the time of signing the notice, impracticable or undesirable to sign a certificate referred to in subsection (2) (a) in relation to the death to which the notice relates.

(4) A medical practitioner who signs a certificate or notice under subsection (2) shall, as soon as practicable after so signing, cause the certificate or notice to be delivered or forwarded to the funeral director responsible for making arrangements for the disposal of the body or, if no funeral director is so responsible, to a local registrar.

(5) The signing and furnishing by a medical practitioner of a certificate or notice relating to a death in accordance with subsections (2) and (4) operate to discharge the obligation of any other medical practitioner to sign and furnish a certificate or notice relating to that death in accordance therewith.

(6) Subject to subsection (7), where a medical practitioner has signed a notice under subsection (2), he shall, as soon as practicable thereafter, sign and cause to be delivered or forwarded to a local registrar the certificate to which that notice relates.

(7) A medical practitioner shall not sign a certificate or notice under subsection (2) or (6) in respect of the death of a person who, in the opinion of that medical practitioner—

- (a) has died a violent or unnatural death;
- (b) has died a sudden death the cause of which is unknown;
- (c) has died under suspicious or unusual circumstances;
- (d) has died, not having been attended by a medical practitioner within the period of three months immediately before his death; or

(e)

Registration of Births, Deaths and Marriages.

- (e) has died while under, or as a result of, or within **No. 87, 1973** a period of twenty-four 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.

(8) A medical practitioner who is precluded by subsection (7) from signing a certificate or notice under subsection (2) or (6) shall, as soon as practicable after the death, report that death to the officer-in-charge of a police station.

(9) The officer to whom a report under subsection (8) is made shall, as soon as practicable, inform a coroner of the death to which the report relates.

25. (1) Where an inquest or magisterial inquiry is held in respect of the death of a person, the coroner, justice or justices shall, for the purpose of enabling registration of the death to be effected or completed, notify in writing a local registrar of such particulars as are known to him or them relating to the identity of, and date, place and cause of death of, the deceased person. **Notification of particulars by coroner, justice or justices.**

(2) A notification under subsection (1) shall not include matter incriminating any specified person.

(3) Where—

- (a) under section 11 (2) of the Coroners Act, 1960, a coroner dispenses with the holding of an inquest; or
- (b) under section 28 of that Act, a coroner, justice or justices adjourn an inquest, inquiry or magisterial inquiry,

the

Registration of Births, Deaths and Marriages.

No. 87, 1973 the coroner, justice or justices, for the purpose of enabling registration of the death to be effected or completed, shall notify in writing a local registrar of such particulars as are known to him or them relating to the identity of, and date, place and cause of death of, the deceased person concerned.

Certificate of registration of death.

26. (1) Where the death of a person has been registered prior to the disposal of the body, the Registrar-General may, upon the application of a person who satisfies the Registrar-General that he requires the certificate for the purposes of section 27, issue a certificate that the death of the person has been duly registered.

(2) A certificate under this section shall be signed by the Registrar-General and sealed with his seal of office.

Disposal of body of deceased person.

27. (1) In this section, "document" means—

- (a) a certificate or notice signed under section 24;
- (b) a certificate referred to in section 26;
- (c) an order referred to in section 49; or
- (d) an instrument referred to in, or authorised to be issued, made or given under, the regulations for the purposes of this section.

(2) A person shall not bury or cremate the body of a deceased person, or place it in a mausoleum or other permanent resting place, or cause it to be buried, cremated or so placed, unless there has been delivered to him, or he has in his possession, a document that relates to the deceased person.

(3) A person shall not deliver or hand over the body of a deceased person for anatomical or medical research, or remove it from New South Wales, or cause it to be so delivered, handed over or removed, unless a document that relates to the deceased person has been signed, issued, made or given, as the case may require.

Registration of Births, Deaths and Marriages.

28. (1) In this section, "document" means—

- (a) a form of information referred to in section 23;
- (b) a certificate or notice signed under section 24;
- (c) a certificate referred to in section 26;
- (d) an order referred to in section 49; or
- (e) an instrument referred to in paragraph (d) of the definition of "document" in section 27 (1).

No. 87, 1973

Action to be taken in respect of disposal of body of deceased person.

(2) Where a funeral director is responsible for making arrangements for the disposal of the body of a deceased person or, if no funeral director is so responsible, another person is responsible for the disposal of the body—

- (a) except where the body is or is to be cremated at a crematorium—
 - (i) he shall, forthwith after the body has been disposed of, sign and cause to be delivered or forwarded to a local registrar a certificate in or to the effect of the approved form specifying the date and mode of disposal of the body and the place at or from which the body was disposed of; and
 - (ii) he shall, either before the body is disposed of or forthwith after it has been disposed of, cause any document that relates to the deceased person and that, at or before the time when the body is disposed of, was delivered or forwarded to him or is otherwise in his possession, to be delivered or forwarded to a local registrar; or
- (b) where the body is or is to be cremated at a crematorium—
 - (i) he shall, forthwith after delivering the body to the crematorium for cremation, sign and cause to be delivered to the superintendent or officer-in-charge of the crematorium a

certificate

Registration of Births, Deaths and Marriages.

No. 87, 1973

certificate in or to the effect of the approved form declaring that, and specifying the date on which, the body was so delivered; and

- (ii) he shall, either before the body is so delivered to the crematorium or forthwith after it is so delivered, cause any document that relates to the deceased person and that, at or before the time when the body was so delivered, was delivered or forwarded to him or is otherwise in his possession, to be delivered or forwarded to the superintendent or officer-in-charge of the crematorium.

(3) Where the body of a deceased person is or is to be cremated at a crematorium—

- (a) the superintendent or officer-in-charge of the crematorium shall, forthwith after the body has been cremated, sign and cause to be delivered or forwarded to a local registrar a certificate in or to the effect of the approved form declaring that, and specifying the date on which, the body was cremated; and
- (b) the superintendent or officer-in-charge of the crematorium shall, either before the body is cremated or forthwith after it is cremated, cause any document that relates to the deceased person and that, at or before the time when the body was cremated, was delivered or forwarded to him or is otherwise in his possession, and any certificate that relates to the deceased person and was delivered to him under subsection (2) (b) (i), to be delivered or forwarded to a local registrar.

(4)

Registration of Births, Deaths and Marriages.

(4) Where, after the body of a deceased person is disposed of or, if the body is or is to be cremated, after the body is delivered to a crematorium for cremation, any document that relates to the deceased person is delivered or forwarded to, or otherwise comes into the possession of, the funeral director responsible for making arrangements for the disposal of the body or any person responsible for the disposal of the body, that funeral director or person, as the case may be, shall forthwith cause the document to be delivered or forwarded to a local registrar. No. 87, 1973

(5) Where, after the body of a deceased person is cremated at a crematorium, any document that relates to the deceased person is delivered or forwarded to, or otherwise comes into the possession of, the superintendent or officer-in-charge of the crematorium, the superintendent or officer-in-charge, as the case may be, shall forthwith cause the document to be delivered or forwarded to a local registrar.

(6) A person shall not, in a certificate signed and delivered or forwarded under this section, make any statement that is false or misleading in a material particular.

DIVISION 4.—*Marriages.*

29. (1) In this section, "certificate" means official certificate of marriage prepared under the Commonwealth Marriage Act. Registration of marriages.

(2) It is the duty of the Registrar-General to register a marriage solemnized in New South Wales—

(a) in the case of a marriage solemnized in the office of the Registrar-General—upon the preparation of;
or

(b) in any other case—upon the receipt by him of,
the certificate relating to the marriage.

(3)

Registration of Births, Deaths and Marriages.

No. 87, 1973

(3) The Registrar-General may register—

- (a) a marriage solemnized in New South Wales but not in the office of the Registrar-General, where the certificate relating to the marriage has not been received by him; or
- (b) a marriage solemnized in New South Wales before the date fixed under section 2 (2) of the Commonwealth Marriage Act.

(4) The registration of a marriage shall be effected in such manner as the Registrar-General thinks fit, whether by placing the certificate relating to the marriage in a general register of marriages, or by recording therein such particulars relating to the marriage as he considers relevant, or otherwise.

(5) The registration of a marriage may be effected under this Division notwithstanding that the certificate relating to the marriage was forwarded to the Registrar-General after the expiration of the period within which the certificate was, by or under the Commonwealth Marriage Act, required to be furnished to him.

DIVISION 5.—*Adoptions.*

Registration of memorandum relating to adoption.

30. A memorandum sent to the Registrar-General under section 61 or 63 of the Adoption of Children Act, 1965, shall be registered by him, in such manner as he thinks fit, in a register of adoptions kept under this Act.

Registered memorandum to be referred to in register of births or adoptions.

31. (1) Upon registration under section 30 of a memorandum that—

- (a) relates to a person whose birth is registered in a general register of births, the Registrar-General shall cause a reference to the registered memorandum to be made in that register in relation to the recording which relates to that birth; or

(b)

Registration of Births, Deaths and Marriages.

(b) relates to a person in respect of whom such a memorandum has previously been registered in a register of adoptions kept under this Act, the Registrar-General shall cause a reference to the later registered memorandum to be made in that register in relation to the recording which relates to the previous memorandum. No. 87, 1973

(2) A reference made under subsection (1) (a) in relation to a recording which relates to a birth shall, for the purposes of Division 6, be deemed to be additional matter inserted under section 33 (1) in that recording.

DIVISION 6.—*Correction and alteration of registers.*

32. (1) The Registrar-General may, upon such evidence as appears to him to be sufficient and if he is satisfied that in the circumstances it is proper to do so, cause a clerical error or an error of fact or substance in a recording in a general or local register to be corrected. Correction of errors.

(2) Without affecting the generality of subsection (1), a reference in that subsection to an error includes a reference to any particulars established by the Registrar-General under section 15 and shown to be incorrect by reason of the discovery of information establishing the correct particulars.

33. (1) The Registrar-General may, upon such evidence as appears to him to be sufficient and if he is satisfied that in the circumstances it is proper to do so, cause additional matter to be inserted in a recording in a general or local register. Additional matter.

(2) Without affecting the generality of subsection (1), a reference in that subsection to additional matter includes—

(a) where the recording of the particulars in relation to a birth registered pursuant to section 15 is shown to be incomplete by reason of the discovery of information

Registration of Births, Deaths and Marriages.

No. 87, 1973

information establishing any particulars not contained in the recording—a reference to the particulars so established; and

- (b) a reference to the name of, and other particulars relating to, a person as father of an illegitimate child, required or permitted by section 14 to be recorded after the registration of the birth of the child was effected.

New name
or change
of name.

34. (1) Upon application in writing and upon such evidence as appears to him to be sufficient, the Registrar-General may—

- (a) where at the time of registration of the birth of a person that person was unnamed (except for surname)—cause the name (other than surname) that has, by baptism or otherwise, subsequently been given to him to be inserted in the recording relating to the birth; or
- (b) where the birth or adoption of a person has been registered and—
- (i) an additional name (other than surname) has, by baptism or other ceremony of a like nature, subsequently been given to him—cause the additional name to be inserted in the recording relating to the birth or adoption; or
- (ii) a lawful change of his name has been subsequently effected, other than a change of surname consequent upon or effected after the marriage of that person—cause the change of name to be inserted in the recording relating to the birth or adoption.

(2) Nothing in this section affects the powers of the Registrar-General under any other provision of this Division.

35.

Registration of Births, Deaths and Marriages.

- 35.** (1) In this section, "alteration" means—
- (a) the correction of an error;
 - (b) the insertion of additional matter;
 - (c) the recording of a change of name; or
 - (d) the cancellation of the registration of a birth, death or marriage under section 40.
- (2) No alteration shall be made in a register kept under this Act except in accordance with this Act.
- (3) Subject to section 36, where—
- (a) in relation to a recording relating to a birth, death or marriage, an alteration is made under this Act in a register; and
 - (b) another register kept under this Act contains a recording relating to that birth, death or marriage,
- the Registrar-General shall make, or, if that other register is kept by a local registrar, direct the local registrar to make, such alteration in that other register as may be necessary to secure uniformity between the two registers.
- (4) A direction given to a local registrar under subsection (3) shall be given effect to by him.
- (5) An alteration may be made under this Act in relation to a recording in such manner as the Registrar-General thinks fit, whether—
- (a) in the case of—
 - (i) the correction of an error or the recording of a change of name—by deleting the incorrect matter or former name and making an addition to that recording of the correct matter (if known to him) or new name;
 - (ii) the insertion of additional matter—by making an addition to that recording of the additional matter; or
 - (iii) the cancellation of the registration of a birth, death or marriage—by cancelling the recording; or

No. 87, 1973
General
provisions.

(b)

Registration of Births, Deaths and Marriages.

No. 87, 1973

- (b) by cancelling the recording and making another recording, containing the correct matter (if known to him) or new name or the additional matter, in substitution therefor,

or otherwise.

(6) Where an alteration is made under this Act in relation to a recording—

- (a) the alteration shall be authenticated in such manner as the Registrar-General thinks fit; and
 (b) the date of the authentication shall be inserted in the recording.

Registers not in use, etc., need not be corrected, etc.

36. (1) Where the Registrar-General is of the opinion that it is not practicable to make alterations that are, or may be required to be, made under section 35 (3) in a register or part of a register, he may cause to be affixed to the register or part a written warning in or to the effect of the prescribed form, and the warning shall not be removed or cancelled unless he is satisfied that all such alterations (if any) that are so required to be made in the register or part have been made.

(2) Nothing in this Division requires an alteration referred to in subsection (1) to be made in a register or part of a register while a warning is affixed to the register or part under that subsection.

DIVISION 7.—*General.*

Ascertainment of particulars by Registrar-General.

37. (1) The Registrar-General may make such inquiries as he thinks fit for the purpose of ascertaining any particulars of a birth, still-birth, death or marriage for the purpose of enabling registration thereof to be effected or completed.

(2) Nothing in this section affects the operation of section 14 (1).

38.

Registration of Births, Deaths and Marriages.

38. (1) For the purpose of enabling registration of any birth, still-birth, death or marriage to be effected or completed, the Registrar-General may, by instrument in writing, require any person whom he believes to be conversant with the facts to furnish, within the period and in the manner specified in the instrument, such particulars relating to that birth, still-birth, death or marriage as are required to effect or complete registration.

No. 87, 1973
Power of Registrar-General to require particulars.

(2) Nothing in this section affects the operation of section 14 (1).

39. (1) Forms of information furnished to a local registrar under this Part shall be forwarded by the local registrar to the Registrar-General in accordance with the directions of the Registrar-General.

Provisions relating to particulars furnished under this Part.

(2) Where a person is, by or in pursuance of any provision of this Part, required to furnish any particulars of a birth, still-birth, death or marriage, that provision shall be construed as requiring that person to furnish those particulars only in so far as they are within his knowledge or are ascertainable with accuracy by him by making reasonable inquiries.

40. Where—

- (a) a birth, death or marriage has been registered; and
- (b) the Registrar-General is, upon such evidence as appears to him sufficient, satisfied—
 - (i) that the birth, death or marriage did not take place;

Cancellation of registration.

(ii)

Registration of Births, Deaths and Marriages.

No. 87, 1973

- (ii) that any particulars furnished in relation to the birth, death or marriage are false and that the correct particulars are not available to him ; or
- (iii) that for any other reason the registration of the birth, death or marriage should be cancelled,

he may cause the registration thereof to be cancelled in such manner as he thinks fit.

PART IV.

RECORDING OF LEGITIMATIONS.

Registrar-General to record legitimations.

41. (1) Subject to this section and notwithstanding any other provision of this Act, where by the operation of the Commonwealth Marriage Act the legitimation is effected of any person—

- (a) whose birth is registered ; or
- (b) who was born in New South Wales but whose birth is not registered,

and the prescribed legitimation information is furnished to the Registrar-General in accordance with the Commonwealth Marriage Regulations, the Registrar-General shall, if he has no reason to believe that the person is not a legitimated person or that the information is not correct, record the legitimation by re-registering or registering, as the case may be, the birth of that person.

(2)

Registration of Births, Deaths and Marriages.

(2) The Registrar-General may make such inquiries, **No. 87, 1973** and require the production of such evidence, as he thinks fit to satisfy himself that the person to whom the prescribed legitimation information relates is a legitimated person and that the information is correct.

(3) Where, under the authority of this section, the Registrar-General re-registers or registers the birth of a person, he shall, by a reference to this section, or by the addition of the words "By Authority", or otherwise, indicate in the recording relating thereto that the re-registration or registration, as the case may be, was so authorised.

42. (1) Upon the re-registration of the birth of a person under the authority of section 41, the Registrar-General shall cause a reference to the re-registration to be made in the general register of births in relation to the recording which relates to the registration of that birth. **Original registration of birth to be noted where re-registration.**

(2) A reference made under subsection (1) in relation to a recording shall, for the purposes of Division 6 of Part III, be deemed to be additional matter inserted under section 33 (1) in that recording.

PART V.

CERTIFIED COPIES AND EXTRACTS.

43. (1) Subject to this Part, the Registrar-General or a local registrar, upon payment of the prescribed fee, shall furnish to any person who applies in writing stating the reason for requiring it, a certified copy of, or certified extract from, **Certified copy or extract.**

any

Registration of Births, Deaths and Marriages.

No. 87, 1973 any specified recording in a register, other than a register of still-births, kept by the Registrar-General or that local registrar, as the case may be.

(2) A certified copy or certified extract furnished by the Registrar-General shall be signed by him and sealed with his seal of office.

(3) A certified copy or certified extract furnished by a local registrar shall be signed by him and sealed with his seal of office.

(4) No certified copy of, or certified extract from, a recording in a register or part of a register shall be made while a warning is affixed to the register or part under section 36 (1).

Power to refuse to furnish copy or extract.

44. (1) Subject to section 46, if, in the opinion of the Registrar-General or local registrar to whom an application is made under this Part for a certified copy or certified extract, the reason stated for requiring the certified copy or certified extract is not sufficient, the Registrar-General or local registrar may refuse to furnish the certified copy or certified extract.

(2) Subject to section 46, the Registrar-General or local registrar to whom an application is made under this Part for a certified copy of a recording in a register may, upon consideration of the reason stated for requiring the certified copy and of any other circumstance appearing to him to be relevant, furnish instead a certified extract from that recording.

Contents of copy or extract.

45. (1) A certified extract furnished under this Part shall contain such particulars as, having regard to the reason stated for requiring the extract, the Registrar-General or local registrar to whom the application for the certified extract was made, thinks to be necessary, but no certified extract from a recording in a register of adoptions shall contain more than the particulars prescribed for the purposes of this subsection.

(2)

Registration of Births, Deaths and Marriages.

(2) Where—

No. 87, 1973

- (a) under this Act or the Act of 1899 or any Act repealed thereby, an error has been corrected, or a change of name has been recorded, or additional matter has been inserted, in a recording in a register; and
- (b) the recording contains both—
 - (i) the original matter; and
 - (ii) the corrected or additional matter or new name,

the original matter shall be shown in a certified copy of the recording, as well as the corrected or additional matter or new name, unless, in the case of the correction of an error or a change of name, the Registrar-General directs that the incorrect matter or the former name shall not be shown in any particular case or class of cases.

(3) Where, in a recording in a register, there appears the word “illegitimate” or any other word or expression directly referring to the fact that a child is or was illegitimate, that word or expression shall not be included in a certified copy of, or certified extract from, that recording furnished under this Part.

46. (1) The Registrar-General shall not furnish to any person a certified copy of a recording in a register of adoptions, being a copy that shows any particulars that are not prescribed for the purposes of this subsection, unless—

Copy of recording in register of adoptions.

- (a) the permanent head of the Department of Youth and Community Services so consents in writing;
- (b) the Supreme Court so orders; or
- (c) a court having jurisdiction in New South Wales so orders in any proceedings before it.

(2)

Registration of Births, Deaths and Marriages.

No. 87, 1973

(2) Where the permanent head of the Department of Youth and Community Services gives his consent to, or a court orders, the furnishing of a certified copy, as referred to in subsection (1)—

- (a) section 44 (1) does not authorise the Registrar-General to refuse to furnish the certified copy; and
- (b) section 44 (2) does not authorise the Registrar-General to furnish instead a certified extract.

(3) Rules of court may be made under the Supreme Court Act, 1970, prescribing the form of application to the Supreme Court for an order under subsection (1) (b) and the procedure thereon.

(4) Subsection (3) does not limit the rule-making powers conferred by the Supreme Court Act, 1970.

References to certified copies or extracts.

47. (1) In any Act or instrument under an Act, a reference (however expressed) to—

- (a) a certified copy of an entry in a register relating to an event includes a reference to a certified copy, furnished under this Part, of a recording in a register relating to the event; or
- (b) a certified extract from, or from an entry in, a register relating to an event includes a reference to a certified extract, furnished under this Part, from a recording in a register relating to the event.

(2) In subsection (1), “event” means birth, death, marriage or adoption.

Copies of old records of baptisms, burials, etc.

48. (1) In this section, “prescribed records” means—

- (a) the returns of baptisms, marriages and burials, and the transcripts, registers and records thereof, which, by virtue of the Clergy Returns Transfer Act of 1878, were transferred to the Registrar-General;
- (b)

Registration of Births, Deaths and Marriages.

- (b) any documents or records relating to births, baptisms, marriages or burials that under the Act 5 William IV No. 2, 3 Victoria No. 7 or 4 Victoria No. 14 were required to be transmitted to the Registrar of the Supreme Court and have come into the custody of the Registrar-General; or
- (c) any documents or records relating to births, baptisms, marriages or burials occurring before the commencement of the Act of 1899, being documents or records that are specified or described in the regulations for the purposes of this paragraph and that are in the custody of the Registrar-General.

(2) The Registrar-General, upon payment to him of the prescribed fee, may furnish to any person who applies in writing therefor, a certified copy of any particulars in any specified entry in a prescribed record.

(3) A certified copy furnished by the Registrar-General shall be signed by him and sealed with his seal of office.

(4) A certified copy of any particulars given under this section relating to any birth, baptism, marriage or burial shall be evidence—

- (a) of the fact of the birth, baptism, marriage or burial;
- (b) of the particulars contained in the certified copy respecting the birth, baptism, marriage or burial;
and
- (c) in the case of a marriage, that it was duly celebrated.

(5)

No. 87, 1973

(5) Nothing in the preceding sections of this Part applies to or in respect of a certified copy of particulars in a prescribed record.

PART VI.

MISCELLANEOUS.

Order
authorising
the disposal
of a body.

49. (1) An order in writing, in or to the effect of the approved form, authorising the disposal of a body may be made—

- (a) where the body is not that of a still-born child—
 - (i) by a coroner, justice or justices who are holding, have held or are intending to hold an inquest or magisterial inquiry in respect of the death; or
 - (ii) by a coroner who has, under section 11 (2) of the Coroners Act, 1960, dispensed with the holding of an inquest in respect of the death; or
- (b) where the body is that of a still-born child and a medical practitioner has not, in respect of the still-birth, signed a certificate referred to in section 18—by a coroner who has been informed by a member of the police force of the still-birth and who is, after consideration of any information in his possession, satisfied as to the occurrence of the still-birth.

(2)

*Registration of Births, Deaths and Marriages.***(2) Where—**

No. 87, 1973

- (a) at or during an inquest or magisterial inquiry held in respect of the death of a person it is established that the person was a still-born child; and
- (b) an order has previously been made under subsection (1) authorising the disposal of the body,

the making of the order is validated and the order shall be deemed to have been made by a coroner in the circumstances referred to in subsection (1) (b).

50. (1) A coroner may, by order in writing, direct any **medical practitioner** to perform an examination of a body referred to in section 49 (1) for the purpose of providing information as to whether the body is that of a still-born child. Examination of body for purposes of s. 49.

(2) A medical practitioner so directed shall not, without reasonable cause, fail to perform the examination.

(3) Where a medical practitioner so directed has performed the examination, he shall, as soon as practicable thereafter, furnish a report thereon to the coroner who gave the direction.

(4) Where a medical practitioner so directed has performed the examination, he shall be entitled to be paid the same fees as are payable under section 34 of the Coroners Act, 1960, to a medical practitioner making an examination referred to in that section.

51. (1) Where the Registrar-General is satisfied—

- (a) that any certified copy, certified extract or certificate issued under this Act or the Act of 1899 or any Act repealed thereby contains an error;
- (b) that an unauthorised alteration has been made to such a copy, extract or certificate; or
- (c) in the case of such a copy or extract issued in relation to a birth, death or marriage—that the registration of the birth, death or marriage has been cancelled,

Error in or unauthorised alteration of certified copy, etc.

he

Registration of Births, Deaths and Marriages.

No. 86, 1973 he may—

- (d) if the document comes into his possession—impound it; or
- (e) if the document is not in his possession—require any person in whose possession he believes it to be to deliver it up to him.

(2) In subsection (1), “error”, in relation to a document, means an error that arose in the course of the preparation of the document or that arose by reason of a subsequent correction or alteration of the recording, entry or other matter to which the document relates.

Certain other Acts, etc., not affected.

52. Nothing in this Act affects any provision contained in, or in any instrument under, any other Act relating to the disposal of a body, but the provisions of this Act prevail to the extent of any inconsistency between that provision and the provisions of this Act.

Approved forms.

53. For the purposes of this Act, the Registrar-General shall cause approved forms to be made available free of charge.

Information relating to births, still-births and perinatal deaths.

54. (1) The Registrar-General may make available or furnish to the Health Commission of New South Wales and the Deputy Commonwealth Statistician for New South Wales—

- (a) any form of information furnished pursuant to section 17 or 23 relating to a perinatal death;
- (b) any medical certificate of cause of perinatal death signed pursuant to section 18 or 24;
- (c) any order made under section 49 relating to the disposal of the body of—
 - (i) a still-born child; or
 - (ii) a child who died on the day of his birth or within the period of twenty-eight days thereafter,

together with any information furnished therewith by a coroner in relation to the perinatal death; or

(d)

Registration of Births, Deaths and Marriages.

(d) any particulars relating to a perinatal death and No. 87, 1973 notified under section 25.

(2) The Health Commission of New South Wales and the Deputy Commonwealth Statistician for New South Wales may make copies of or take extracts from forms of information, medical certificates, orders, information and particulars made available or furnished under subsection (1).

(3) Subject to subsection (4), where particulars of a birth or still-birth have been furnished under Division 1 or 2 of Part III or have been otherwise ascertained or established under this Act, the Registrar-General, a local registrar or a person employed in the Department of the Registrar-General or in the office of a local registrar shall not make available or furnish to the Commissioner of Police or any other member of the police force any of the particulars so furnished, ascertained or established.

(4) Nothing in subsection (3) prevents the making available or furnishing of particulars of a birth or still-birth—

(a) to a local registrar or a person employed in the office of a local registrar;

(b) pursuant to—

(i) an application made under Part V; or

(ii) a written request that specifies the identity of the child or of his mother or father; or

(c) in accordance with regulations made for the purposes of subsection (5).

(5) The regulations may authorise the making available or furnishing of a prescribed class or description of particulars of births or still-births to a member of the police force in such cases or class of cases as may be prescribed.

55. Where he considers it expedient to do so, the Registrar-General may assume custody of any local registers of births, deaths or marriages, and he may, subject to the Archives Act, 1960, destroy or otherwise dispose of those registers in any manner he considers fit. Disposal
of certain
registers.

56.

Registration of Births, Deaths and Marriages.

- No. 87, 1973** **56.** No proceedings shall lie or be sustained against the Crown, the Minister, the Registrar-General or any other person for or in respect of any damage, loss or injury sustained or alleged to be sustained by reason of any act, matter or thing done or omitted by the Registrar-General or any other person bona fide for the purpose of executing this Act.
- Protection from liability.**
- Offences.** **57.** (1) A person shall not furnish under this Act any form of information containing any matter that is to his knowledge false or misleading in a material particular.
- (2) A person shall not furnish under section 38 any information that is to his knowledge false or misleading in a material particular.
- (3) A person shall not, without reasonable excuse, fail to comply with a requirement under section 38 or 51.
- (4) A person who contravenes or fails to comply with any provision of this Act is guilty of an offence against this Act.
- Penalty.** **58.** A person who is guilty of an offence against this Act is liable to a penalty not exceeding \$200 or imprisonment for a term not exceeding six months, or both.
- Proceedings for offences.** **59.** (1) Proceedings for an offence against this Act or the regulations may be taken in a summary manner before a court of petty sessions constituted by a stipendiary magistrate sitting alone.
- (2) Proceedings for an offence against this Act or the regulations may be commenced at any time within twelve months from the time when the facts first come to the knowledge of the Registrar-General.
- Fees.** **60.** Subject to the Audit Act, 1902, all fees, charges and expenses recoverable by a local registrar under the regulations shall be retained by him for his own use, but fees, charges and expenses paid to the Registrar-General shall be paid to the Consolidated Revenue Fund.

61.

Registration of Births, Deaths and Marriages.

61. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to— **No. 87, 1973**
Regulations.

- (a) the management and operation of any of the offices of the Registrar-General in so far as those offices are concerned with the execution or intended execution of this Act;
- (b) the fees, charges and expenses recoverable by the Registrar-General and local registrars in the exercise or performance of his or their powers, authorities, duties or functions under this Act; or
- (c) any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this Act.

(2) The regulations may impose a penalty not exceeding \$200 for any breach thereof.

(3) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

62. Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of Schedule 1, hereby repealed. **Repeals.**

63. Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2. **Amendment of Acts.**

64. The provisions in Schedule 3 shall have effect.

Savings, transitional and other provisions.

SCHEDULE

Registration of Births, Deaths and Marriages.

No. 87, 1973

SCHEDULE 1.

Sec. 62.

REPEALS.

Year and number of Act.	Short title of Act.	Extent of repeal.
1899, No. 15	Marriage Act, 1899	The unrepealed portion.
1899, No. 17	Registration of Births Deaths and Marriages Act 1899.	The unrepealed portion.
1902, No. 23	The Legitimation Act of 1902	The whole.
1924, No. 12	Marriage (Amendment) Act, 1924	The whole.
1925, No. 1 ..	Marriage Amendment Act, 1925	The whole.
1930, No. 17	Registration of Births, Deaths, and Marriages (Amendment) Act, 1930.	The whole.
1934, No. 1 ..	Marriage (Amendment) Act, 1934	The whole.
1934, No. 20	Guardianship of Infants Act, 1934	Section 7.
1934, No. 43	Registration of Births, Deaths, and Marriages (Amendment) Act, 1934.	The whole.
1937, No. 35	Statute Law Revision Act, 1937	So much of the Second Schedule as amended Acts No. 15, 1899 and No. 17, 1899.
1944, No. 21	Registration of Births, Deaths, and Marriages (Amendment) Act, 1944.	The whole.
1946, No. 54	Economic Stability and War-time Provisions Continuance Act, 1946.	Section 25.
1948, No. 19	Registration of Births, Deaths, and Marriages (Amendment) Act, 1948.	The whole.
1956, No. 3 ..	Marriage (Amendment) Act, 1956	The whole.
1960, No. 2 ..	Coroners Act, 1960	Part VIII and so much of section 2 as relates to Part VIII.
1963, No. 15	Coroners (Amendment) Act, 1963	Sections 1 (3) and 3.

SCHEDULE

*Registration of Births, Deaths and Marriages.*SCHEDULE 1—*continued.*

No. 87, 1973

REPEALS—*continued.*

Year and number of Act.	Short title of Act.	Extent of repeal.
1963, No. 25	Legitimation (Amendment) Act, 1963 ..	The whole.
1965, No. 23	Adoption of Children Act, 1965	Part VIII and so much of section 3 as relates to Part VIII.
1966, No. 53	Registration of Births, Deaths, and Marriages (Amendment) Act, 1966.	The whole.
1967, No. 45	Registration of Births, Deaths and Marriages (Amendment) Act, 1967.	The whole.
1970, No. 93	Registration of Births Deaths and Marriages (Amendment) Act, 1970.	The whole.
1970, No. 52	Supreme Court Act, 1970	So much of the Second Schedule as amended Act No. 17, 1899.
1972, No. 41	Supreme Court (Amendment) Act, 1972 ..	So much of the Second Schedule as relates to Act No. 17, 1899.

SCHEDULE

Registration of Births, Deaths and Marriages.

No. 87, 1973

Sec. 63.

SCHEDULE 2.

AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1912, No. 41..	Parliamentary Electorates and Elections Act, 1912.	Section 41 (1)— (a) Omit “Every district registrar under the Registration of Births, Deaths, and Marriages Act, 1899, shall”, insert instead “The Registrar-General shall cause to be forwarded”; (b) Omit “forward”; (c) Omit “by the district registrar”.
1919, No. 6 ..	Conveyancing Act, 1919.	Section 202 (1)— After “1900” wherever occurring insert “, and the Registration of Births, Deaths and Marriages Act, 1973”. Section 202 (3)— After “thereunder” insert “and the Registration of Births, Deaths and Marriages Act, 1973, and the regulations made thereunder”.
1923, No. 25..	Veterinary Surgeons Act, 1923.	Section 18 (2) and (3)— Omit the subsections.
1962, No. 17..	Chiropodists Registration Act, 1962.	Section 25 (2) and (3)— Omit the subsections.

SCHEDULE

Registration of Births, Deaths and Marriages.

SCHEDULE 3.

No. 87, 1973

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Sec. 64.

1. (1) The copies of registers of births, deaths and marriages **Registers.** transmitted to the General Registry for New South Wales under the Act of 1899 or any Act repealed thereby shall be deemed to be registers of births, deaths and marriages established under section 9.

(2) The registers of births, deaths and marriages kept by the Registrar-General under the Act of 1899 or any Act repealed thereby shall be deemed to be established under section 9.

(3) The register of still-births kept by the Registrar-General under section 30E of the Act of 1899 shall be deemed to be established under section 9.

(4) The register of adoptions referred to in section 26A of the Act of 1899 shall be deemed to be established under section 9.

(5) Any index caused by the Registrar-General to be kept under the Act of 1899 or any Act repealed thereby shall be deemed to be established under section 9.

2. (1) A person who was appointed to be or to act as a district **District registrars.** registrar or assistant district registrar under the Act of 1899 and whose appointment as such remained in force immediately before the commencement of this Act shall be deemed to have been appointed to be a local registrar under this Act for the city, town, suburb or other place specified in the instrument of his appointment as the place at which he was to be or to act as district registrar or assistant district registrar, as the case may require.

(2) Subject to subclause (3), a reference (however expressed) in any Act enacted before the commencement of this Act, other than this Act, or in any instrument under an Act issued, made or published before that commencement, to a district registrar or an assistant district registrar holding office under the Act of 1899 shall be construed as including a reference to a **local registrar.**

(3) The regulations may provide that a reference referred to in subclause (2) to a district registrar or an assistant district registrar, or a class of any such references, specified or described in the regulations, shall be construed as including a reference to the local registrar so specified or described, or to the Registrar-General, or both.

SCHEDULE

Registration of Births, Deaths and Marriages.

No. 87, 1973

SCHEDULE 3—*continued.*

(4) Subject to subclause (3), where a reference to a district registrar, referred to in subclause (2), includes a reference (whether expressed or otherwise) to the Registrar-General in his capacity as district registrar for the district of Sydney under the Act of 1899, the firstmentioned reference shall be construed as including a reference to the Registrar-General.

(5) The division of New South Wales into registry districts under the Act of 1899 is abolished.

Application of Act to events occurring before commencement of Act.

3. (1) Subject to this Schedule, this Act applies to and in respect of the registration of unregistered births, still-births, deaths, marriages and adoptions occurring before as well as after the commencement of this Act.

(2) Without affecting the generality of subclause (1), section 15 applies to children found deserted or abandoned in New South Wales before as well as after the commencement of this Act.

(3) Without affecting the generality of subclause (1), an order may be made under section 13 in relation to a birth that occurred before the commencement of this Act as well as to a birth that occurs after that commencement.

Saving re repeal of Marriage Act, 1899.

4. The repeal by this Act of the Marriage Act, 1899, or of any other Act mentioned in Schedule 1, does not affect the validity or invalidity of a marriage that took place before the date fixed under section 2 (2) of the Commonwealth Marriage Act.

Saving re repeal of The Legitimation Act of 1902.

5. Notwithstanding the repeal by this Act of The Legitimation Act of 1902—

(a) a legitimation effected under that Act shall continue to have the same force and effect as it would have had if this Act had not been enacted; and

(b) that Act shall continue to apply to and in relation to such a legitimation in all respects as if this Act had not been enacted.

SCHEDULE

*Registration of Births, Deaths and Marriages.*SCHEDULE 3—*continued.*

No. 87, 1973

6. (1) Subject to this Schedule, a request, consent, order, notification, instrument or document made, given or in existence under or for the purposes of the Act of 1899, Parts I, II, VII and section 14 excepted, shall, if the class to which it belongs corresponds to a class of requests, consents, orders, notifications, instruments or documents that may or are to be made, given or in existence under or for the purposes of this Act, be deemed to be so made, given or in existence. Documents, etc., under Act of 1899 deemed to be under this Act.

(2) Subclause (1) does not apply to any request, consent, order, notification, instrument or document specified or described in the regulations as being one to which that subclause does not apply.

(3) Notwithstanding section 41 (1) (b) of the Interpretation Act, 1897, a regulation, shall, in so far as it is made for the purposes of subclause (2), take effect from the date of its publication in the Gazette or a date specified therein for the purpose, whether before, on or after the date of its publication, but not before the date of commencement of this Act.

(4) A reference (however expressed) in any Act enacted before the commencement of this Act, other than this Act, or in any instrument under an Act issued, made or published before that commencement, to an order or a certificate of an order referred to in section 30 (2) of the Act of 1899 shall be construed as including a reference to an order referred to in section 49.

7. (1) Without affecting the generality of clause 6 (1), particulars of or information relating to a birth, still-birth or death furnished for the purposes of the Act of 1899 before the commencement of this Act shall be deemed to have been furnished for the purposes of this Act. Particulars and information furnished before commencement of Act.

(2) Section 41 applies in relation to prescribed legitimation information furnished to the Registrar-General before as well as after the commencement of this Act.

8. Where a birth occurred in New South Wales within sixty days before the commencement of this Act and the district registrar was not, before that commencement, informed of the particulars concerning the birth in accordance with section 19 of the Act of 1899, section 12 of this Act applies to that birth as if the references in section 12 to one month were references to sixty days. Times for furnishing particulars of birth occurring before commencement of Act.

SCHEDULE

Registration of Births, Deaths and Marriages.

No. 87, 1973

SCHEDULE 3—*continued.*

Time for
furnishing
particulars
of still-birth
occurring
before com-
mencement
of Act.

9. Where a still-birth occurred in New South Wales within twenty-one days before the commencement of this Act and the district registrar was not, before that commencement, informed of the particulars concerning the still-birth in accordance with section 30B of the Act of 1899, section 17 of this Act applies to that still-birth as if the references in section 17 to one month were references to twenty-one days.

Furnishing
of particu-
lars of death
occurring
before com-
mencement
of Act.

10. Where a death occurred in New South Wales within thirty days before the commencement of this Act and the district registrar was not, before that commencement, informed of the particulars concerning the death under section 27 of the Act of 1899, section 23 of this Act applies to that death as if subsection (1) thereof were omitted and the following subsection inserted instead:—

(1) Within thirty days following the death in New South Wales of a person, the tenant (as defined in section 3 (1) of the Act of 1899) of the house or place in which the death occurred shall, for the purpose of enabling registration of the death to be effected, furnish the funeral director responsible for the disposal of the body, or a local registrar, with particulars of the death in or to the effect of the approved form of information.

Applications
to Supreme
Court or
District
Court.

11. (1) An application made under section 22 of the Act of 1899 to the Supreme Court and pending at the commencement of this Act shall be deemed to be an application made under section 13.

(2) An application made under section 22 of the Act of 1899 to the District Court and pending at the commencement of this Act shall be dealt with as if this Act had not been enacted.

(3) An order for the registration of a birth made by the Supreme Court under section 22 of the Act of 1899 before the commencement of this Act shall be deemed to have been made under section 13.

(4) An order for the registration of a birth made by the District Court under section 22 of the Act of 1899 before the commencement of this Act, or made in pursuance of an application referred to in subclause (2), shall have the same effect as if it were a copy certified by a registrar of the Supreme Court of a minute of an order of the Supreme Court made under section 13 for the registration of that birth.

SCHEDULE

*Registration of Births, Deaths and Marriages.*SCHEDULE 3—*continued.*

No. 87, 1973

12. (1) Where a still-birth occurred before the commencement of this Act and a certificate referred to in section 30C of the Act of 1899 was not signed and delivered or forwarded under that section before that commencement, the provisions of sections 18, 19, 49 and 50 shall apply to and in respect of the still-birth and the body of the still-born child. **Special provisions as to still-births before commencement of Act.**

(2) Where a still-birth occurred before the commencement of this Act and a certificate referred to in section 30C of the Act of 1899 was signed and delivered or forwarded under that section before that commencement—

- (a) the provisions of sections 18, 19, 49 and 50 shall not apply to or in respect of the still-birth and the body of the still-born child; and
- (b) the provisions of sections 30C and 30F of that Act shall continue to apply to and in respect of the still-birth and the body of the still-born child as if this Act had not been enacted.

13. (1) Where a death occurred before the commencement of this Act and— **Special provisions as to deaths before commencement of Act.**

- (a) a certificate referred to in section 27A of the Act of 1899 was not signed and delivered or forwarded under that section before the commencement of this Act; and
- (b) a coroner was not informed of the death under section 27A (3) of that Act,

the provisions of sections 24, 25, 26, 27, 28, 49 and 50 shall apply to and in respect of the death and the body of the deceased person.

(2) Where a death occurred before the commencement of this Act and—

- (a) a certificate referred to in section 27A of the Act of 1899 was signed in relation to the death and delivered or forwarded under that section before that commencement; or
- (b) a coroner was informed of the death under section 27A (3) of that Act,

then—

- (c) the provisions of sections 24, 25, 26, 27, 28, 49 and 50 shall not apply to or in respect of the death and the body of the deceased person; and

SCHEDULE

Registration of Births, Deaths and Marriages.

No. 87, 1973

SCHEDULE 3—*continued.*

- (d) the provisions of sections 27A (2) and (3), 29 (2) and (3) and 30 of the Act of 1899 shall continue to apply to and in respect of the death and the body of the deceased person as if this Act had not been enacted, but a reference in those provisions of that Act to a district registrar shall be construed as including a reference to any local registrar or the Registrar-General.

Application for copy of recording in register of adoptions.

14. An application made to the Supreme Court under section 12 (c) (i) (b) of the Act of 1899 and pending at the commencement of this Act shall be deemed to be an application made under section 46 (1) (b).

Approved forms.

15. Except to the extent that the Registrar-General otherwise directs, a form that, immediately before the commencement of this Act, was authorised for use for certain purposes under the Act of 1899 shall be deemed to be a form approved by the Registrar-General for the like purposes under this Act.

Director of the Child Welfare Department.

16. A reference in this Act to the permanent head of the Department of Youth and Community Services includes a reference to the Director of the Child Welfare Department.

WHEAT