



New South Wales

# Births, Deaths and Marriages Registration Regulation 1996

under the

Births, Deaths and Marriages Registration Act 1995

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Births, Deaths and Marriages Registration Act 1995*.

JEFFREY SHAW, Q.C., M.L.C.,

Attorney General and Minister for Industrial Relations

## Explanatory note

The object of this Regulation is to repeal and remake, with minor changes, the provisions of the *Registration of Births, Deaths and Marriages Regulations 1973*. The Regulations were originally made under the *Registration of Births, Deaths and Marriages Act 1973* and were continued in force under the *Births, Deaths and Marriages Registration Act 1995* (which repealed and replaced the 1973 Act).

The new Regulation provides for the following:

- (a) the particulars required to be notified to the Registrar of Births, Deaths and Marriages concerning the birth of a child (clause 5),
- (b) the particulars required to be given to the Registrar for the purpose of having the birth of a child registered under the Act (clause 6),
- (c) the particulars required to be entered in the Register kept under the Act in connection with the registration of adoptions (clause 7),
- (d) the particulars required to be entered in the Register in connection with the registration of changes of name (clause 8),
- (e) the particulars required to be notified to the Registrar concerning the death of a person and the disposal of the person's remains (clause 9),

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Explanatory note

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- (f) the fees required to be paid for services provided by the Registrar under the Act (clause 10 and Schedule 1),
- (g) the repeal of the 1973 Regulations (clause 11),
- (h) certain formal and machinery matters (clauses 14).

This Regulation is made under the *Births, Deaths and Marriages Registration Act 1995* including section 62 (the general regulation making power) and the sections referred to in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Part 1 Preliminary

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**Births, Deaths and Marriages Registration  
Regulation 1996**

**Part 1 Preliminary**

**1 Name of Regulation**

This Regulation is the *Births, Deaths and Marriages Registration Regulation 1996*.

**2 Commencement**

This Regulation commences on 1 September 1996.

**3 Definitions**

In this Regulation:

*the Act* means the *Births, Deaths and Marriages Registration Act 1995*.

**4 Notes**

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## **Part 2 Information required to be given to Registrar or noted in Register**

### **5 Notification of birth**

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 weight of the child at birth and, if the child was stillborn, the period of gestation of the child,
- (d) whether or not the birth was a multiple birth,
- (e) the full name, maiden family name, date of birth and usual place of residence of the mother of the child,
- (f) the full name and occupation of the person giving the notice.

### **6 Registration of birth**

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) whether or not the birth was a multiple birth,
- (e) the full name, maiden family name, occupation and usual place of residence of the mother of the child,
- (f) the date of birth (or age) and place of birth of the mother of the child,
- (g) the full name, occupation and usual place of residence of the father of the child,
- (h) the date of birth (or age) and place of birth of the father of the child,
- (i) the date and place of marriage of the parents of the child (if applicable),

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- (j) 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),
- (k) whether or not the mother or father of the child is of Aboriginal or Torres Strait Islander origin,
- (l) 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).

## 7 Registration of adoptions

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 parents have any other children (whether adopted children or not), the given names and date of birth of each of those children (including any deceased children).

## 8 Registration of change of name

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

- (a) the sex and 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).

**9 Notifications by funeral directors and others**

- (1) For the purposes of section 41 (1) (d) of the Act, the following information is required from a funeral director or other person who arranges for the disposal of human remains:
  - (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 (including maiden family 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 (including maiden family name) of each spouse,

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- (i) 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 from a funeral director or other person who arranges for the removal of human remains (other than cremated remains) from the State:
- (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 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 (including maiden family 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 (including maiden family name) of each spouse,
  - (l) the given names, sex and date of birth (or age) of the children of the deceased (including deceased children),



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- (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 from a funeral director or other person who has custody of human remains that have not been disposed of within 30 days after the date of death:
- (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 (including maiden family 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 (including maiden family name) of each spouse,
  - (i) the given names, sex and date of birth (or age) of the children of the deceased (including deceased children),
  - (i) 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.

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Part 3 Fees

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**Part 3 Fees**

**10 Fees**

For the purposes of section 54 of the Act (Fees), the fee for a service provided by the Registrar is the amount set out opposite the service concerned in Schedule 1.

**Part 4 Miscellaneous**

**11 Repeal**

- (1) The *Registration of Births, Deaths and Marriages Regulations 1973* are repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Registration of Births, Deaths and Marriages Regulations 1973*, had effect under those Regulations is taken to have effect under this Regulation.