



New South Wales

# Births, Deaths and Marriages Registration Regulation 2006

under the

Births, Deaths and Marriages Registration Act 1995

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

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to replace, with only minor amendments, the *Births, Deaths and Marriages Registration Regulation 2001*. That Regulation will be repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*. The amendments include an increase in the amounts of certain fees payable for services provided by the Registrar of Births, Deaths and Marriages (*the Registrar*).

This Regulation prescribes the following:

- (a) the particulars required to be notified to the Registrar concerning the birth of a child,
- (b) the particulars required to be given to the Registrar for the purpose of having the birth of a child registered,
- (c) the particulars required to be entered in the Register (*the Register*) kept under the *Births, Deaths and Marriages Registration Act 1995 (the Act)* in connection with the registration of adoptions,
- (d) the particulars required to be entered in the Register in connection with the registration of change of name,
- (e) the particulars required to be notified to the Registrar by funeral directors or other persons arranging for the disposal, or removal from the State, of human remains or (in certain circumstances) having custody of human remains,
- (f) the documents that are required to accompany an application for the alteration of the Register to record a change of sex,

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- (g) the persons (in addition to those specified in the Act) who may apply for a birth certificate showing the original sex of a person the record of whose sex has been altered under the Act,
- (h) the laws of certain other Australian jurisdictions for the purposes of the definition of *interstate recognition certificate* in the Act,
- (i) the fees to be paid for services provided by the Registrar under the Act.

This Regulation also contains certain formal and machinery matters.

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

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Clause 1 Births, Deaths and Marriages Registration Regulation 2006

Part 1 Preliminary

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# Births, Deaths and Marriages Registration Regulation 2006

under the

Births, Deaths and Marriages Registration Act 1995

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Births, Deaths and Marriages Registration Regulation 2006*.

### 2 Commencement

This Regulation commences on 1 September 2006.

**Note.** This Regulation replaces the *Births, Deaths and Marriages Registration Regulation 2001* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

- (1) In this Regulation:  
*the Act* means the *Births, Deaths and Marriages Registration Act 1995*.
- (2) Notes included in this Regulation do not form part of this Regulation.

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

### **4 Notification of birth**

For the purposes of section 12 (Notification of births) of the Act, 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 (at the time of delivery) usual place of residence of the mother of the child,
- (f) the full name and occupation of the person giving the notice.

### **5 Registration of birth**

- (1) For the purposes of sections 14 (How to have the birth of a child registered) and 17 (Registration) of the Act, the following particulars are required:

- (a) the sex and date and place 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 (at the time of delivery) 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 (at the time of delivery) 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),
- (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),

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(k) whether or not the mother or father of the child is of Aboriginal or Torres Strait Islander origin or both Aboriginal and 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).

(2) For avoidance of doubt, the Registrar is authorised to include in the Register the registrable information about the identity of the child's parents that is required to be provided under subclause (1).

### 6 Registration of adoptions

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

(a) the full name, sex and date and place of birth of the child to whom the record of adoption or discharge 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).

### 7 Registration of deceased person's former intention to adopt

For the purposes of section 24A (Registration of deceased person's former intention to adopt) of the Act, the following information is required:

(a) the full name and last residential address of the deceased person,

(b) the date and place of death of the deceased person.

**8 Registration of change of name**

For the purposes of section 31 (Entries to be made in the Register) of the Act, 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 registration of the person's birth).

**9 Application to alter Register to record change of sex**

For the purposes of section 32C (b) of the Act, the following documents are prescribed as documents that must accompany an application under section 32B of the Act:

- (a) a signed statement by each of the 2 doctors (or 2 medical practitioners) referred to in section 32C (a) of the Act declaring that the doctor or practitioner concerned sighted proof of the identity of the person the subject of the application when making the statutory declaration referred to in that paragraph,
- (b) documentary proof, to the Registrar's satisfaction, of the identity of the person the subject of the application.

**10 Persons who may apply for old birth certificate**

- (1) For the purposes of section 32F (Issuing of old birth certificate) of the Act, the following persons are prescribed as persons who may apply to the Registrar for a birth certificate that shows the sex of a transgender person before the record of the transgender person's sex was altered under Part 5A of the Act:

- (a) the executor or administrator of the transgender person's estate,
- (b) a parent of the transgender person,
- (c) a spouse (or former spouse) of the transgender person,
- (d) an officer or person acting on behalf of any of the following law enforcement agencies:
  - (i) NSW Police, or the police force of another State or Territory,
  - (ii) the Australian Federal Police,
  - (iii) the New South Wales Crime Commission,

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- (iv) the Australian Crime Commission,
  - (v) the Office of the Director of Public Prosecutions of this State, of another State or a Territory, or of the Commonwealth,
  - (vi) the Independent Commission Against Corruption.
- (2) In this clause, **transgender person** means a person:
- (a) who has undergone sexual reassignment surgery (within the meaning of section 32A of the Act), and
  - (b) the record of whose sex has been altered under Part 5A of the Act.

### 11 Prescribed interstate laws

For the purposes of section 32I (Effect of alteration of register and interstate recognition certificates) of the Act, the following laws are prescribed:

*Births, Deaths and Marriages Registration Act* of the Northern Territory

*Births, Deaths and Marriages Registration Act 1996* of Victoria

*Births, Deaths and Marriages Registration Act 1997* of the Australian Capital Territory

*Births, Deaths and Marriages Registration Act 1999* of Tasmania

*Births, Deaths and Marriages Registration Act 2003* of Queensland

*Gender Reassignment Act 2000* of Western Australia

*Sexual Reassignment Act 1988* of South Australia

### 12 Information concerning human remains

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,



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- (g) whether or not the deceased was of Aboriginal or Torres Strait Islander origin or both Aboriginal and Torres Strait Islander origin,
  - (h) the marital status of the deceased immediately before death,
  - (i) if the deceased had married:
    - (i) only once—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
    - (ii) 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,
  - (j) the given names, sex and date of birth (or age) of the children (if any) 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.

### 13 Information concerning human remains removed from the State

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 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 or both Aboriginal and Torres Strait Islander origin,

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- (j) the marital status of the deceased immediately before death,
- (k) if the deceased had married:
  - (i) only once—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
  - (ii) 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 (if any) of the deceased (including deceased children),
- (m) the full name, maiden family name and occupation of the mother of the deceased,
- (n) the full name and occupation of the father of the deceased.

### **14 Information concerning human remains not disposed of within 30 days after death**

For the purposes of section 41 (3) (c) of the Act, the following information is 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 funeral director or other 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 or both Aboriginal and Torres Strait Islander origin,
- (g) the marital status of the deceased immediately before death,

- (h) if the deceased had married:
  - (i) only once—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
  - (ii) 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 (if any) of the deceased (including deceased children),
- (j) the full name, maiden family name and occupation of the mother of the deceased,
- (k) the full name and occupation of the father of the deceased.

**15 Registration of death**

For the purposes of section 42 (Registration) of the Act, the required particulars are the particulars contained in the information required by clause 12.

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Part 3 Miscellaneous

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### **Part 3 Miscellaneous**

#### **16 Fees**

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

#### **17 Savings provision**

Any act, matter or thing that had effect under the *Births, Deaths and Marriages Registration Regulation 2001* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

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**Schedule 1 Fees**

(Clause 16)

Item	Service provided	Fee \$
1	Furnishing a certificate certifying particulars contained in an entry in the Register or a certificate certifying that no entry was located in the Register about a relevant registrable event, including the fee for search under any one name in respect of a period not exceeding 10 years	33.00
2	Furnishing a certificate as to a recording in the Register where the applicant has provided the relevant number of the recording from an index published by the Registry of Births Deaths & Marriages	25.00
3	Search against any one name in the Register (including an index to the Register) in respect of a period not exceeding 10 years pursuant to an application under section 50 (Issue of certificate relating to children of deceased person) of the Act, including the fee for a certificate of result of any such search	32.00
4	Continuation of any search under any one name in respect of each period of 10 years, or part of such a period	32.00
5	Giving priority to a search or to the issue of a certificate of result of search in addition to any other fee	17.00
6	Registering a change of name or inserting an additional name or other particulars in a recording of a name	89.00
7	Altering the record of a person's sex in the registration of the person's birth	56.00
8	Recording in the Register, subsequent to registration of the birth of a child, the name of (or other particulars relating to) a person as a parent of the child	56.00
9	Furnishing a certified copy of any record or document kept by the Registry of Births Deaths & Marriages, for which no fee is otherwise provided	31.00 per sheet
10	Providing any other service	Such fee as is fixed by negotiation between the Registrar and the person who asks for the relevant service

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 BY AUTHORITY