

Births, Deaths and Marriages Registration Regulation 2017

[2017-434]



New South Wales

Status Information

Currency of version

Current version for 1 July 2024 to date (accessed 8 August 2024 at 14:05)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill 2024](#)
- **Staged repeal status**
This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2024

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Births, Deaths and Marriages Registration Regulation 2017



New South Wales

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Births, Deaths and Marriages Registration Regulation 2017



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Births, Deaths and Marriages Registration Regulation 2017*.

2 Commencement

This Regulation commences on 1 September 2017 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Births, Deaths and Marriages Registration Regulation 2011*, which is repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation—

fee unit—see Schedule 1, clause 4(1).

registered relationship and **interstate registered relationship** have the same meanings as in the *Relationships Register Act 2010*.

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

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Information required to be given to Registrar or noted in

Register

4 Notification of birth

For the purposes of section 12 (1) of the Act, the following particulars are required—

- (a) the sex and date, time 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 (including, if applicable, the original surname), date of birth and usual place of residence (at the time of delivery) of the birth mother of the child,
- (f) the full name, occupation, contact phone number, and email address (if any), of the person giving the notice.

5 Registration of birth

(1) For the purposes of sections 14 and 17 (1) of the Act, the following particulars are required—

- (a) the sex and date, time and place of birth of the child,
- (b) the weight of the child at birth,
- (c) whether or not the birth was a multiple birth,
- (d) the full name (including, if applicable, the original surname), date of birth (or age), place of birth, occupation and usual place of residence (at the time of delivery) of each parent of the child,
- (e) the date and place of marriage of the parents of the child (if applicable),
- (f) the full name, sex and date of birth of any other children (including any deceased children) of either of the parents of the child,
- (g) whether or not either of the parents of the child is of Aboriginal or Torres Strait Islander origin,
- (h) if either parent of the child was born outside Australia, the period of residence in Australia of that parent.

Note—

A birth registration statement given to the Registrar under section 14 of the Act 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 this clause.
- (3) If the particulars supplied to the Registrar under section 14 of the Act specify that—
- (a) a parent who is the father of the child wishes to be identified in the Register as the father, or
 - (b) a parent who is the birth mother of the child wishes to be identified in the Register as the mother,
- or both, the particulars entered in the Register under section 17 of the Act must identify the parent as the father or mother, as the case requires. This subclause does not limit the particulars which may be included in the Register.

6 Registration of adoption

For the purposes of section 24 (2) 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 (including, if applicable, the original surname), date of birth (or age), place of birth, occupation and usual place of residence of the child's adoptive parent or parents,
- (c) the date and place of marriage of the adoptive parents of the child (if applicable),
- (d) the full name and date of birth of any other children (whether adopted children or not and including any deceased children) of either of the adoptive parents of the child.

7 Registration of deceased person's former intention to adopt

For the purposes of section 24A (2) 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 parentage orders

For the purposes of section 25B (5) 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 State parentage order or Interstate parentage order or discharge of the order relates,
- (b) the full name (including, if applicable, the original surname), date of birth (or age), place of birth, occupation and usual place of residence of the child's intended parent or parents,

- (c) the date and place of marriage of the intended parents of the child (if applicable),
- (d) the full name and date of birth of any other children (including any adopted children or children born as a result of a surrogacy arrangement and any deceased children) of the intended parent, or either of the intended parents, of the child.

9 Registration of change of name

- (1) For the purposes of section 31 (1) 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 full name of the person immediately before the change of name,
 - (c) the full 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).
- (2) In this clause, **former name** of a person includes—
 - (a) a name acquired by the person informally by repute or usage, or
 - (b) any other name used by the person.

10 Application to alter Register to record change of sex

For the purposes of section 32C(1)(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 registered medical practitioner or authorised person who makes a statutory declaration under section 32C(1)(a) of the Act declaring that the registered medical practitioner or authorised person sighted proof of the identity of the person the subject of the application when making the statutory declaration,
- (b) documentary proof, to the Registrar's satisfaction, of the identity of the person the subject of the application.

11 Application to register change of sex

For the purposes of section 32DB(1)(b) of the Act, the following documents are prescribed as documents that must accompany an application under section 32DA of the Act—

- (a) a signed statement by each registered medical practitioner or authorised person who

makes a statutory declaration under section 32DB(1)(a) of the Act declaring that the registered medical practitioner or authorised person sighted proof of the identity of the person the subject of the application when making the statutory declaration,

- (b) documentary proof, to the Registrar's satisfaction—
 - (i) that the person is an Australian citizen or permanent resident of Australia, and
 - (ii) that the person lives, and has lived for at least 1 year, in New South Wales.

12 Registration of relationship

The following particulars of the registration of a relationship under the *Relationships Register Act 2010* are required to be registered in the Register—

- (a) the sex, full name, occupation and usual place of residence of each party to the relationship,
- (b) the date and place of birth of each party to the relationship,
- (c) the full names (including, if applicable, the original surname) of the parents of each party to the relationship.

13 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,
- (g) whether or not the deceased was of Aboriginal or Torres Strait Islander origin,
- (h) whether, immediately before death, the deceased was married, divorced, widowed, in a registered relationship or an interstate registered relationship or in a de facto relationship or had never married,
- (i) if the deceased had married, the date of marriage (or age of the deceased at the date

of marriage), the place of marriage and the full name (including, if applicable, the original surname) of his or her spouse (and the same information in relation to each marriage of the deceased if the deceased had married more than once),

- (j) if the deceased had been in a registered relationship or an interstate registered relationship, the date of registration of the relationship (or age of the deceased at the date of registration), the place of registration and the full name (including, if applicable, the original surname) of his or her partner in the relationship (and the same information in relation to each registered relationship or interstate registered relationship of the deceased if the deceased had been in more than one such relationship),
- (k) the full name (including, if applicable, the original surname) of any de facto partner of the deceased,
- (l) the full names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (m) the full name (including, if applicable, the original surname) and occupation of each parent of the deceased.

14 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,
- (j) whether, immediately before death, the deceased was married, divorced, widowed, in

a registered relationship or an interstate registered relationship or in a de facto relationship or had never married,

- (k) if the deceased had married, the date of marriage (or age of the deceased at the date of marriage), the place of marriage and the full name (including, if applicable, the original surname) of his or her spouse (and the same information in relation to each marriage of the deceased if the deceased had married more than once),
- (l) if the deceased had been in a registered relationship or an interstate registered relationship, the date of registration of the relationship (or age of the deceased at the date of registration), the place of registration and the full name (including, if applicable, the original surname) of his or her partner in the relationship (and the same information in relation to each registered relationship or interstate registered relationship of the deceased if the deceased had been in more than one such relationship),
- (m) the full name (including, if applicable, the original surname) of any de facto partner of the deceased,
- (n) the full names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (o) the full name (including, if applicable, the original surname) and occupation of each parent of the deceased.

15 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,
- (g) whether, immediately before death, the deceased was married, divorced, widowed, in a registered relationship or an interstate registered relationship or in a de facto

relationship or had never married,

- (h) if the deceased had married, the date of marriage (or age of the deceased at the date of marriage), the place of marriage and the full name (including, if applicable, the original surname) of his or her spouse (and the same information in relation to each marriage of the deceased if the deceased had married more than once),
- (i) if the deceased had been in a registered relationship or an interstate registered relationship, the date of registration of the relationship (or age of the deceased at the date of registration), the place of registration and the full name (including, if applicable, the original surname) of his or her partner in the relationship (and the same information in relation to each registered relationship or interstate registered relationship of the deceased if the deceased had been in more than one such relationship),
- (j) the full name (including, if applicable, the original surname) of any de facto partner of the deceased,
- (k) the full names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (l) the full name (including, if applicable, the original surname) and occupation of each parent of the deceased.

16 Registration of death

For the purposes of section 42 (1) of the Act, the following particulars are required—

- (a) the date and place of death of the deceased,
- (b) the sex, date of birth (or age at death) and place of birth of the deceased,
- (c) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death,
- (d) the 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) whether, immediately before death, the deceased was married, divorced, widowed, in a registered relationship or an interstate registered relationship or in a de facto relationship or had never married,

- (i) if the deceased had married, the date of marriage (or age of the deceased at the date of marriage), the place of marriage and the full name (including, if applicable, the original surname) of his or her spouse (and the same particulars in relation to each marriage of the deceased if the deceased had married more than once),
- (j) if the deceased had been in a registered relationship or an interstate registered relationship, the date of registration of the relationship (or age of the deceased at the date of registration), the place of registration and the full name (including, if applicable, the original surname) of his or her partner in the relationship (and the same information in relation to each registered relationship or interstate registered relationship of the deceased if the deceased had been in more than one such relationship),
- (k) the full name (including, if applicable, the original surname) of any de facto partner of the deceased,
- (l) the full names, sex and date of birth (or age) of the children (if any) of the deceased (including deceased children),
- (m) the full name (including, if applicable, the original surname) and occupation of each parent of the deceased.

Part 3 Miscellaneous

16A Execution of documents—the Act, s 10(1)

- (1) For a digital certificate, a facsimile of the Registrar's signature and seal is authorised to be produced in digital form.
- (2) In this clause—
 - digital certificate** means an electronic certificate—
 - (a) issued by the Registrar under the Act, and
 - (b) displayed on a mobile phone or other electronic device.

digital form includes a digitised, electronic or computer generated image.

17 Persons who may apply for old birth certificate

- (1) For the purposes of section 32F (1) 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 de facto partner (or former spouse or de facto partner) of the transgender person,
- (d) an officer or person acting on behalf of any of the following law enforcement agencies—
 - (i) the NSW Police Force, or the police force of another State or a Territory,
 - (ii) the Australian Federal Police,
 - (iii) the New South Wales Crime Commission,
 - (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 a sex affirmation procedure, and
- (b) the record of whose sex has been altered under Part 5A of the Act.

18 Exemptions from certain provisions of Division 3 of Part 5 of the Act

(1) For the purposes of section 31B (3) of the Act, persons who are inmates, parolees, periodic detainees, forensic patients or correctional patients, or are subject to a supervision order, solely because of one or more of the following reasons are prescribed as not being a class of restricted person—

- (a) because of the commission or alleged commission of an offence under a law of the Commonwealth,
- (b) because the person is the subject of a warrant under section 170 (1) (a) of the [Defence Force Discipline Act 1982](#) of the Commonwealth by which an authorised officer under that Act has committed the person to a correctional centre pursuant to a punishment of imprisonment imposed under that Act,
- (c) because the person is a detainee within the meaning of the [Migration Act 1958](#) of the Commonwealth and is being held in a correctional centre as referred to in paragraph (b) (ii) of the definition of **immigration detention** in section 5 (1) of that Act,
- (d) because the person is in the keeping of a correctional officer under section 250 of the [Crimes \(Administration of Sentences\) Act 1999](#).

(2) A person is exempt from section 31F of the Act if the person is a former serious

offender only because of the commission or alleged commission of an offence under a law of the Commonwealth.

Note—

Terms used in this clause that are defined in Part 5 of the Act have the same meanings as they have in that Part.

19 Recognition of change of sex—interstate laws

(1) For the purposes of section 32I (3) of the Act, the following laws are prescribed—

- (a) *Births, Deaths and Marriages Registration Act 1997* of the Australian Capital Territory,
- (b) *Births, Deaths and Marriages Registration Act* of the Northern Territory,
- (c) *Births, Deaths and Marriages Registration Act 2003* of Queensland,
- (d) *Births, Deaths and Marriages Registration Act 1996* of South Australia,
- (e) *Births, Deaths and Marriages Registration Act 1999* of Tasmania,
- (f) *Births, Deaths and Marriages Registration Act 1996* of Victoria,
- (g) *Gender Reassignment Act 2000* of Western Australia.

(2) For the purposes of section 32J (3) of the Act, the *Gender Reassignment Act 2000* of Western Australia is prescribed.

20 Law enforcement agencies

For the purposes of section 46A (5) (d) of the Act, Corrective Services NSW within the meaning of the *Crimes (Administration of Sentences) Act 1999* is prescribed as a law enforcement agency.

21 Fees

- (1) For the Act, section 54(1), Schedule 1 specifies fees for certain services provided by the Registrar.
- (2) For the Act, section 54(2), if a fee for a service provided by the Registrar is not specified in Schedule 1, the fee for the service is the fee fixed by negotiation between the Registrar and the person who asks for the service.

22 Savings

Any act, matter or thing that, immediately before the repeal of the *Births, Deaths and Marriages Registration Regulation 2011*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Fees

Part 1 Fees payable

1 Definitions

In this part—

family history certificate means a certificate issued by the Registrar in relation to a search of the Register for—

- (a) a birth over 100 years ago, or
- (b) a death over 30 years ago, or
- (c) a marriage over 50 years ago.

priority processing means the processing of an application ahead of other applicants.

standard certificate—

- (a) means a certificate issued by the Registrar following a search under a particular name that is—
 - (i) a certificate certifying particulars contained in an entry in the Register, or
 - (ii) a No Trace certificate certifying that no entry was found in the Register about a relevant registrable event, and
- (b) does not include a family history certificate or a certificate issued under the Act, section 50(2).

2 Table of fees

Item	Type of fee	Fee (in fee units)
1	Issue of a standard certificate—	
	(a) standard processing	0.56
	(b) priority processing	0.88
2	Additional fee for issue of a standard certificate if the search period exceeds 10 years, for each further period of 10 years or part of 10 years	0.52
3	Issue of a family history certificate, if an index or registration number is supplied—	

	(a) standard processing	0.40
	(b) priority processing	0.71
4	Issue of a family history certificate, if an index or registration number is not supplied—	
	(a) standard processing	0.55
	(b) priority processing	0.87
5	Issue of a certificate under the Act, section 50(2)—	
	(a) standard processing	0.55
	(b) priority processing	0.87
6	Additional fee for issue of a certificate under the Act, section 50(2) if the search period exceeds 10 years, for each further period of 10 years or part of 10 years	0.52
7	Registering a change of name under the Act, Part 5—	
	(a) standard processing	1.55
	(b) priority processing	1.84
8	Altering the record of a person’s sex in the birth registration of the person under the Act, Part 5A—	
	(a) standard processing	0.86
	(b) priority processing	1.14
9	Recording in the Register, after the registration of the birth of a child, the name of, or other particulars relating to, a person as a parent of the child under the Act, section 18—	
	(a) standard processing	0.83
	(b) priority processing	1.12
10	Manual verification of the authenticity of a document following use of the national Document Verification Service provided under the <i>Identity Verification Services Act 2023</i> of the Commonwealth.	0.16

11	Supplying a certified copy of a record or document kept by the Registrar, for which no fee is otherwise provided by this schedule	0.47 per sheet
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Part 2 Adjustment of fees for inflation

3 Definitions

In this part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

4 Calculation of fee unit for regulation

(1) For this regulation, a **fee unit** is as follows—

- (a) in the financial year 2024-25—\$100,
- (b) in the financial year 2025-26—the amount calculated as follows—

$$\$100 \times \frac{A}{B}$$

where—

A is the CPI number for the March quarter of 2025.

B is the CPI number for the March quarter of 2024.

- (c) in the financial year 2026-27 and each subsequent financial year—the amount calculated as follows—

$$\$100 \times \frac{A}{B}$$

where—

A is the CPI number for the March quarter of 2026.

B is the CPI number for the March quarter of 2024.

- (2) The amount of a fee unit must be rounded to the nearest cent and an amount of 0.5 cent must be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

5 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit must be rounded to the nearest dollar and an amount of 50 cents must be rounded down.

6 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Bureau of Statistics, the Registrar is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount may be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this part.
- (2) This part operates to change an amount of a fee that is calculated by reference to a fee unit and the change is not dependent on the notification or other notice required by this clause.