

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

No. 17 of 1963.

An Ordinance relating to the Registration of Births, Deaths and Marriages.

1. This Ordinance may be cited as the *Registration of Births, Deaths and Marriages Ordinance 1963*.* Short title.

2. This Ordinance shall come into operation on the date fixed by Proclamation under sub-section (2.) of section two of the *Marriage Act 1961*.† Commencement.

3. This Ordinance is divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Sections 1-5).

Part II.—Administration (Sections 6-10).

Part III.—Registration of Births.

Division 1.—General (Sections 11-17).

Division 2.—Names and Changes of Names
(Sections 18-23).

Division 3.—Children Not Born Alive (Sections
24-25).

Part IV.—Registration of Deaths (Sections 26-39).

Part V.—Registration of Marriages (Sections
40-43).

Part VI.—Registration of Legitimations (Sections
44-46).

Part VII.—Transitional Provisions (Sections 47-48).

Part VIII.—Miscellaneous (Sections 49-62).

4.—(1.) The Ordinances specified in the First Schedule to this Ordinance are repealed. Repeal.

* Made on 25th July, 1963; notified in the *Commonwealth Gazette* on 8th August, 1963.

† The date fixed was 1st September, 1963; see *Commonwealth Gazette*, 30th May, 1963, p. 1977.

(2.) The repeal effected by the last preceding sub-section does not prevent the use, after the commencement of this Ordinance, of a form prescribed by an Ordinance repealed by this Ordinance instead of the corresponding form required by this Ordinance.

Interpretation.

5.—(1.) In this Ordinance, unless the contrary intention appears—

“ body ” means the body of a dead person;

“ child ” includes a child not born alive, being a child—

(a) if the period of its gestation is reliably ascertainable—of not less than twenty weeks’ gestation; or

(b) in any other case—weighing not less than four hundred grammes at birth;

“ Coroner ” includes a Deputy Coroner;

“ medical practitioner ” means a person who is a registered medical practitioner for the purposes of the *Medical Practitioners Registration Ordinance 1930-1963*;

“ occupier ”, in relation to premises, means the principal occupier for the time being of the premises and, where the premises are a hospital, mental hospital, prison or lock-up or a public or charitable institution, means the person in actual charge of the hospital, mental hospital, prison, lock-up or public or charitable institution, as the case may be;

“ parent ”, in relation to a legitimate child, means the father or mother of the child and, in relation to an illegitimate child, means the mother of the child;

“ registered nurse ” means a person who is a registered nurse for the purposes of the *Nurses Registration Ordinance 1933-1960*;

“ the Registrar ” means the Registrar of Births, Deaths and Marriages holding office under this Ordinance, and includes an Assistant Registrar of Births, Deaths and Marriages exercising powers, or performing functions, delegated to him under this Ordinance;

“ the Repealed Ordinances ” means the Ordinances repealed by section four of this Ordinance;

“the Territory” includes the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915*;

“undertaker” includes a person having charge of the burial of a body;

“year” means the period of twelve months commencing on a first day of January.

(2.) For the purposes of this Ordinance—

(a) the particulars specified in the Second Schedule are the particulars required to be entered in the Register of Births in relation to a child born in the Territory or whose birth is permitted to be registered under section sixteen of this Ordinance; and

(b) the particulars specified in the Third Schedule are the particulars required to be entered in the Register of Deaths in relation to a person whose death is required to be registered under section twenty-six of this Ordinance.

(3.) A child shall be taken to have been born alive for the purposes of this Ordinance if the child has breathed after having been completely expelled or extracted from the child's mother.

(4.) References in this Ordinance to a person shall not be taken to include references to a child not born alive.

(5.) In this Ordinance, a reference to a Schedule by number shall be read as a reference to the Schedule to this Ordinance so numbered, and a reference to a Form by number shall be read as a reference to the Form so numbered in the Fourth Schedule to this Ordinance.

PART II.—ADMINISTRATION.

6.—(1.) For the purposes of this Ordinance, there shall be a Registrar of Births, Deaths and Marriages, who shall be appointed by the Attorney-General.

Registrar and other officers.

(2.) The Attorney-General may appoint—

(a) a person to be the Deputy Registrar of Births, Deaths and Marriages; and

(b) a person to be an Assistant Registrar of Births, Deaths and Marriages.

(3.) The Attorney-General may appoint a person to act in the office of Registrar of Births, Deaths and Marriages or Deputy Registrar of Births, Deaths and Marriages during any

vacancy in the office, or in the event of any illness or absence, of the Registrar of Births, Deaths and Marriages or Deputy Registrar of Births, Deaths and Marriages, as the case may be.

(4.) The persons holding office immediately before the commencement of this Ordinance as Principal Registrar of Births, Deaths and Marriages and Deputy Principal Registrar of Births, Deaths and Marriages under the *Registration of Births, Deaths and Marriages Ordinance 1929-1951* shall be deemed to have been appointed Registrar of Births, Deaths and Marriages and Deputy Registrar of Births, Deaths and Marriages, respectively, by the Attorney-General under this section.

Powers of
Acting
Registrar,
Deputy
Registrar, &c.

7.—(1.) A person appointed under sub-section (3.) of the last preceding section to act in the office of Registrar of Births, Deaths and Marriages has all the powers, and shall perform all the duties and functions, of the Registrar of Births, Deaths and Marriages during any vacancy in the office, or in the event of any illness or absence, of the Registrar of Births, Deaths and Marriages.

(2.) The Deputy Registrar of Births, Deaths and Marriages may, subject to any directions of the Registrar, exercise any power or perform any function of the Registrar.

(3.) A person appointed under sub-section (3.) of the last preceding section to act in the office of Deputy Registrar of Births, Deaths and Marriages may, subject to any directions of the Registrar, exercise any power and perform any function of the Registrar during any vacancy in the office, or in the event of any illness or absence, of the Deputy Registrar of Births, Deaths and Marriages.

(4.) The Registrar may, either generally or in relation to a matter or class of matters and either in relation to the whole or a part of the Territory, by writing under his hand, delegate to an Assistant Registrar of Births, Deaths and Marriages all or any of his powers or functions under this Ordinance (except this power of delegation).

(5.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(6.) A delegation under sub-section (4.) of this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Registrar or by the Deputy Registrar of Births, Deaths and Marriages.

8.—(1.) The Registrar shall keep registers, to be called the Register of Births, the Register of Deaths and the Register of Marriages, respectively. Registers.

(2.) The Register of Births and Register of Deaths shall each be kept in such form as the Attorney-General directs.

(3.) The Register of Marriages shall be kept in the manner prescribed by this Ordinance.

(4.) The Register of Births, Register of Deaths and Register of Marriages that were kept under the Repealed Ordinances shall, respectively, be incorporated with, and shall be deemed to form part of, the Register of Births, the Register of Deaths and the Register of Marriages, as the case may be, kept under this section.

9.—(1.) It is the duty of the Registrar to procure information concerning every birth, death and marriage occurring in the Territory. Particulars for the registration of births, deaths and marriages.

(2.) Subject to this Ordinance, any particulars that a person is required to furnish to the Registrar under this Ordinance in relation to a birth or death—

- (a) shall be furnished without reward;
- (b) shall be furnished in writing, under the hand of that person; and
- (c) shall be received by the Registrar without payment of any fee.

(3.) Where all or any of the particulars that are required to be entered in the Register of Births or the Register of Deaths, as the case may be, in relation to a birth or death have not been furnished to the Registrar, the Registrar may, by notice in writing to a person, require him to furnish to the Registrar, within fourteen days after his receipt of the notice or within such extended period as the Registrar allows, a statement of such of the particulars (being particulars that are required to be entered in that register) specified in the notice as are within the knowledge of, or are ascertainable with accuracy by, that person.

(4.) A statement furnished in pursuance of a notice under the last preceding sub-section shall be in such form as the Registrar directs in the notice.

(5.) A person who furnishes a statement under sub-section (3.) of this section shall certify in writing at the foot of the statement as to the correctness of the particulars included in the statement.

(6.) Before making an entry in the Register of Births or the Register of Deaths, the Registrar may make such inquiries as he thinks fit to inform himself correctly of the particulars required to be entered in the register.

Exercise of Registrar's powers subject to directions of Attorney-General.

10. The Registrar shall, in exercising any power conferred on him by this Ordinance, comply with any directions given him by the Attorney-General as to the manner or circumstances in which the power is to be exercised.

PART III.—REGISTRATION OF BIRTHS.

Division 1.—General.

Register of Births.

11.—(1.) The Registrar shall register in the Register of Births—

- (a) the birth of each child who is born in the Territory on or after the date of commencement of this Ordinance; and
- (b) the birth of each child born in the Territory before that date whose birth was required to be registered under the Repealed Ordinances but was not, immediately before that date, registered in the Register of Births kept under the Repealed Ordinances.

(2.) Registration of the birth of a child shall be effected by entering in the Register of Births such of the particulars required to be entered in the Register of Births in relation to the child as the Registrar is reasonably able to ascertain.

Notice of birth to be given to Registrar.

12.—(1.) Subject to the next succeeding sub-section, the occupier of the premises in which a child is born shall, within two days after the birth, furnish to the Registrar notice of the birth together with such of the following particulars relating to the birth as are within the knowledge of, or are ascertainable with accuracy by, the occupier—

- (a) the date and place of the birth;
- (b) the sex of the child;
- (c) the full name and usual place of residence of the mother of the child; and
- (d) the full name and usual place of residence of any person who was in attendance on the mother during her confinement.

(2.) Where a parent of a child or the occupier of premises in which a child is born complies with the provisions of the next succeeding section within two days after the birth of the child, it is not necessary for the occupier to comply with the last preceding sub-section.

(3.) A notice and particulars furnished under sub-section (1.) of this section shall be in writing under the hand of the occupier.

(4.) Where a child is not born in any premises but is admitted to premises shortly after birth, this section applies as if the child had been born in the premises to which the child was so admitted.

13.—(1.) A parent of a child born in the Territory, and the occupier of the premises in which a child is born, shall, within twenty-eight days after the day on which the child was born, furnish to the Registrar such of the particulars that are required to be entered in the Register of Births in relation to the child as are within the knowledge of, or are ascertainable with accuracy by, the parent or occupier, as the case may be.

Particulars for registration of birth.

(2.) It is a defence if a person (not being a parent of the child) charged with an offence against the last preceding sub-section proves—

(a) that a parent of the child has complied with that sub-section; or

(b) that the parents of the child were not prevented, by reason of the death or inability of the mother of the child and the death, inability or absence from the Territory of the father of the child, from complying with that sub-section.

(3.) Where a child is not born in any premises but is admitted to premises shortly after birth, this section applies as if the child had been born in the premises to which the child was so admitted.

14.—(1.) Where a new-born child is found exposed or abandoned, the person who discovers the child shall, unless he is a member of the Police Force, forthwith report the discovery to such a member.

Notification of birth of foundlings.

(2.) Where the person who discovers the child is a member of the Police Force, or where the discovery is reported to a member of that Force, a member of the Police Force shall make such inquiries as he thinks reasonable to inform himself correctly of the particulars that are required to be entered in the Register of Births in relation to the child and shall then furnish the particulars that have come to his knowledge to the Registrar.

15.—(1.) Where a parent of a child or the occupier of the premises in which a child was born furnishes any particulars required to be entered in the Register of Births in relation to the child after the expiration of twenty-eight days from the day on

Registration of birth more than twenty-eight days after birth.

which the child was born, the parent or occupier shall make and furnish to the Registrar a statutory declaration verifying those particulars.

(2.) The Registrar shall not register the birth of a child in the Register of Births after the expiration of twelve months after the day on which the child was born unless the Attorney-General, or a person authorized by the Attorney-General, has, by writing under his hand, approved the registration of the birth.

Registration of birth of child born outside the Territory.

(3.) This section does not apply to or in relation to a child born outside the Territory.

16.—(1.) The Registrar may register the birth of a child born outside the Territory if—

- (a) the birth of the child is not registered under a law of a State, of the Northern Territory of Australia or of Norfolk Island relating to the registration of births;
- (b) the child is residing in the Territory with his parents, or with one of his parents or, in the case of a child that is dead, the child was so residing at the time of his death; and
- (c) the child had not attained the age of eighteen months when he commenced to reside in the Territory.

(2.) The Registrar shall not register the birth of a child under the last preceding sub-section—

- (a) unless a parent of the child has furnished to the Registrar the particulars required to be entered in the Register of Births in relation to the child;
- (b) unless a parent of the child has, in a statutory declaration furnished to the Registrar, verified those particulars and the matters referred to in paragraphs (a) and (b) of the last preceding sub-section and stated the date on which the child commenced to reside in the Territory; and
- (c) unless those particulars were furnished to the Registrar within twelve months after the child commenced to reside in the Territory or the Attorney-General, or a person authorized by the Attorney-General, has, by writing under his hand, approved the registration of the birth.

Registration of birth of illegitimate child.

17.—(1.) Subject to the next succeeding sub-section, the name of, and any other particulars relating to, the father of an

illegitimate child shall not be included in any particulars furnished to the Registrar in connexion with the registration of the birth of the child unless—

- (a) the mother and the father of the child each requests the Registrar, in writing, to include the name and other particulars in the entry of the birth in the Register of Births;
- (b) the father, by writing under his hand furnished to the Registrar, acknowledges that he is the father of the child; and
- (c) that acknowledgement is signed by the father in the presence of the Registrar or, in a case where the Registrar is satisfied that it is impracticable for the father so to sign that acknowledgement, a statutory declaration of the father verifying the facts contained in that acknowledgement is furnished to the Registrar.

(2.) Where the mother of an illegitimate child has not requested the Registrar to include the name and other particulars of the father of the child in the entry of the birth of the child in the Register of Births but the father of the child has so requested the Registrar and paragraphs (b) and (c) of the last preceding sub-section have been complied with, the name and other particulars of the father may be included in particulars furnished to the Registrar in connexion with the registration of the birth of the child if the Registrar is satisfied that the mother is dead or is of unsound mind.

(3.) The Registrar shall not enter in the Register of Births the name of, or any other particulars relating to, the father of an illegitimate child unless sub-section (1.) of this section or the last preceding sub-section has been complied with.

(4.) The Registrar shall bring the preceding provisions of this section to the notice of any person furnishing information concerning the birth of an illegitimate child.

Division 2.—Names and Changes of Names.

18.—(1.) For purposes of this Ordinance, the name to be entered in the Register of Births as the surname of a child is—

Surname to be entered in the Register of Births.

(a) if—

- (i) the child was born the legitimate child of his parents or is deemed by virtue of section ninety-one of the *Marriage Act* 1961 to be the legitimate child of his parents as from his birth;
- (ii) the registration of the birth is effected under section forty-four of this Ordinance; or

(iii) the name of the father of the child is, at the time the birth is registered, entered in the Register of Births in accordance with the last preceding section, the surname of his father at the date of the child's birth; or

(b) in any other case—the surname of his mother at the date of the child's birth.

(2.) Where particulars relating to the birth of a child are furnished to the Registrar by a member of the Police Force in pursuance of section fourteen of this Ordinance and the surname of the child has not come to the knowledge of the Registrar or of that member of the Police Force, the name to be entered in the Register of Births as the surname of the child, for the purposes of this Ordinance, is such surname as the Registrar gives to the child.

Additional name given at baptism or by notice to the Registrar.

19.—(1.) Where, after the birth of a child has been registered in the Territory—

(a) if no names (other than surname) were entered in the Register of Births as the names of the child—names are given to the child at baptism; or

(b) in any other case—the names given to the child at baptism differ in any way from the names entered in the Register of Births as the names of the child,

a parent of the child shall furnish to the Registrar, within twenty-eight days after the date of the baptism, a certificate, in accordance with or to the effect of Form 1, signed by the minister of religion who baptised the child.

(2.) The last preceding sub-section does not apply in relation to a child who is baptised after he has attained the age of twenty-one years.

(3.) Subject to the next succeeding sub-section, the parents of a child whose birth has been registered in the Territory may—

(a) if no names (other than surname) were entered in the Register of Births as the names of the child—give names to the child otherwise than at the baptism of the child; or

(b) in any other case—change the names of the child otherwise than at the baptism of the child,

by signing a notice containing particulars of the names so given or of the change of names, as the case may be.

(4.) Names shall not be given to a child, and the names of a child shall not be changed, under the last preceding sub-section—

- (a) except before the expiration of one year after the birth of the child; or
- (b) if names have previously been given to the child, or the names of the child have previously been changed, under that sub-section or at the baptism of the child.

(5.) A notice referred to in sub-section (3.) of this section is not effective until it is furnished to the Registrar.

(6.) Where a certificate is furnished to the Registrar under sub-section (1.) of this section or a notice under sub-section (3.) of this section is furnished to the Registrar, the Registrar shall—

- (a) cause particulars of the names given to the child or of the change in the names of the child to be entered on the page of the Register of Births containing the entry of the birth of the child; and
- (b) sign his name immediately under those particulars and add the date on which the particulars were so entered.

(7.) For the purposes of sub-section (3.) of this section, references to the parents of a child shall be read as references—

- (a) in the case of a legitimate child both of whose parents are alive—
 - (i) if the next succeeding sub-paragraph of this paragraph is not applicable—to both parents of the child; or
 - (ii) if the parents are divorced or separated and the child lives permanently with one parent—to the parent with whom the child lives;
- (b) in the case of a legitimate child only one of whose parents is alive—to the surviving parent of the child; or
- (c) in the case of an illegitimate child whose mother is alive—to the mother of the child.

20.—(1.) Subject to this section, where the mother of a child whose birth is registered in the Register of Births is married to a person other than the father of the child and the person to whom she is married consents in writing to her doing so, the mother may, by signing an instrument in accordance with Form 2, change the surname of the child to the surname of the person to whom she is married.

**Change of
child's surname
by mother.**

(2.) An instrument referred to in the last preceding sub-section is not effective until it is registered in the General Register of Deeds kept under the *Registration of Deeds Ordinance 1957*.

(3.) An instrument referred to in sub-section (1.) of this section is not effective to change the surname of a child who has, when the instrument is signed, attained the age of sixteen years unless the consent of the child is written on the instrument.

(4.) Where the marriage of the parents of a child was, whether in the Territory or elsewhere, dissolved or annulled by the order of a court, an instrument referred to in sub-section (1.) of this section is not effective to change the surname of the child unless—

- (a) the mother of the child has, when she signs the instrument, the custody of the child by virtue of the order of a court; and
- (b) if the father of the child is alive—the father consents, by writing under his hand, to the change of the surname of the child.

Change of name of person who has attained the age of twenty-one years.

21.—(1.) A person who has attained the age of twenty-one years may, by signing an instrument in accordance with Form 3, change his name or any of his names (including a first or christian name).

(2.) An instrument referred to in the last preceding sub-section is not effective until it is registered in the General Register of Deeds kept under the *Registration of Deeds Ordinance 1957*.

(3.) A person who has changed his name under sub-section (1.) of this section shall cause notice of the change to be published in a newspaper published and circulating in the Territory.

Penalty: Five pounds.

(4.) In this section, a reference to a change of name includes a reference to the addition or omission of a name other than a surname and to the assumption of a surname or other name in substitution for any existing surname or other name.

Registration of change of name.

22.—(1.) Where the Registrar is satisfied that the name of a person whose birth is registered in the Register of Births has been lawfully changed (whether within or outside the Territory), the Registrar may, on payment of a fee of Ten shillings cause particulars of the change of name to be entered on the page of the Register of Births containing the entry of the birth of that person.

(2.) Where the Registrar issues a certified copy of an entry of the birth of a person in the Register of Births and particulars of a change of the name of the person have been entered in

that register, the Registrar shall include in the copy the matter contained in the entry and the particulars entered in accordance with section nineteen of this Ordinance or the last preceding sub-section, as the case may be.

(3.) Sub-section (1.) of this section does not apply to a change in a person's surname consequent upon the person's marriage.

23. Nothing in this Division shall be taken to prevent a change in a person's name from being effected in any manner in which the change could lawfully have been effected immediately before the commencement of this Ordinance. Application.

Division 3.—Children Not Born Alive.

24.—(1.) A medical practitioner who has examined the body of a child not born alive— Medical Certificate of cause of child not being born alive.

(a) shall sign a Medical Certificate of the Cause of a Child not being Born Alive, in accordance with a form approved by the Attorney-General and made available to medical practitioners, stating, to the best of his knowledge and belief, the particulars indicated in the certificate, being particulars of or relating to matters concerning the child specified in the next succeeding sub-section, and deliver that certificate to the Registrar forthwith after he has signed it; and

(b) shall sign and deliver to the occupier of the premises where the birth took place a notice, in accordance with Form 4, of the signing of the certificate.

(2.) The matters concerning a child not born alive that are referred to in paragraph (a) of the last preceding sub-section, in relation to a Medical Certificate of the Cause of a Child not being Born Alive, are—

(a) the full name and address of the medical practitioner signing the certificate;

(b) the full name, age and usual place of residence of the mother of the child;

(c) the date and place of the birth of the child;

(d) the sex of the child;

(e) whether or not the birth was a multiple birth;

(f) the weight of the child at birth and the period of its gestation;

(g) the cause of the child not being born alive;

(h) whether or not the medical practitioner was present at the birth of the child, saw the body of the child after the birth or attended the mother of the

child before the birth;

- (i) whether the death of the child occurred before labour commenced or during labour;
- (j) if the death of the child occurred before the time when labour commenced, approximately how long before that time the death occurred; and
- (k) what signs of life were present after the complete expulsion or extraction of the child from its mother.

(3.) A medical practitioner who signs a certificate referred to in sub-section (2.) of this section shall certify on the certificate as to the truth of the particulars stated in it.

Disposal of the body of still-born child.

25.—(1.) A person shall not dispose of the body of a child not born alive unless—

- (a) he has received a notice, in accordance with Form 4, relating to the birth, signed by a medical practitioner; or
- (b) the disposal is authorized, in writing, by a magistrate, or member of the Police Force not under the rank of sergeant, who has personally made inquiries into the circumstances relating to the birth.

Penalty: Twenty pounds.

(2.) Where a person referred to in paragraph (b) of the last preceding sub-section authorizes the disposal of the body of a child not born alive, the person shall furnish to the Registrar such of the following particulars relating to the birth as are within his knowledge—

- (a) the date and place of the birth;
- (b) the full name and usual place of residence of the mother or father of the child; and
- (c) the full name and usual place of residence of any person who was in attendance on the mother during her confinement.

(3.) A person who disposes of the body of a child not born alive shall forthwith give notice of the disposal to the Registrar by delivering to the Registrar a certificate, in accordance with Form 5, signed by him.

PART IV.—REGISTRATION OF DEATHS.

Register of Deaths.

26.—(1.) The Registrar shall register in the Register of Deaths—

- (a) the death of each person who dies in the Territory on or after the date of commencement of this Ordinance;

- (b) the death of each person who dies in circumstances referred to in section twenty-eight of this Ordinance; and
- (c) the death of each person who died in the Territory before the date of commencement of this Ordinance and whose death was not, immediately before that date, registered in the Register of Deaths kept under the Repealed Ordinances.

(2.) Registration of the death of a person shall be effected by entering in the Register of Deaths such of the particulars required to be entered in the Register of Deaths in relation to the person and the death of the person as the Registrar is reasonably able to ascertain.

27.—(1.) The occupier of the premises in which a person has died shall, within fourteen days after the day on which the person died, furnish to the Registrar—

Notification of death.

- (a) the particulars required to be entered in the Register of Deaths in relation to the person, other than the particulars relating to the cause of the death and the burial or cremation of the person;
- (b) the name and address of the medical practitioner who furnished a certificate of death in respect of the person; and
- (c) the name and address of the person by whom the body was buried or cremated.

(2.) Where a person does not die in any premises but the body of the person is taken into premises shortly after death, this section applies as if the person had died in the premises into which the body was so taken.

28.—(1.) Where a person dies, whether within or outside the Territory—

Deaths on aircraft, &c.

- (a) in an aircraft during a flight to an airport in the Territory; or
- (b) in a ship during a voyage to a port in the Territory, the pilot of the aircraft or the master of the ship, as the case may be, shall, as soon as practicable after the arrival of the aircraft at an airport, or the ship at a port, in the Territory, report the death of a member of the Police Force.

(2.) Where the death of a person is reported to a member of the Police Force under the last preceding sub-section, the member shall make such inquiries as he thinks reasonable to inform himself correctly of the identity of the person, the cause of death, and the place at which the death occurred and shall furnish to the Registrar such of the particulars required to be

entered in the Register of Deaths in relation to the person as he has been able to ascertain.

Notification of the finding of a dead body.

29.—(1.) A person who finds a body—

(a) in such circumstances that he has reasonable cause to suspect that the dead person died a violent or an unnatural death; or

(b) in suspicious or unusual circumstances,

shall, unless he is a member of the Police Force, forthwith report the finding to such a member.

(2.) Where a member of the Police Force finds a body in any of the circumstances referred to in the last preceding sub-section or where the finding of a body is reported to such a member, a member of the Police Force shall forthwith notify the Coroner, who shall furnish to the Registrar particulars, in accordance with Form 6, relating to the finding of the body.

Notification of result of an inquest.

30.—(1.) A Coroner who holds an inquest into the death of a person shall furnish to the Registrar a notification of the holding of the inquest together with—

(a) the particulars required to be stated in the notification by the next succeeding sub-section; and

(b) such of the particulars required to be entered in the Register of Deaths in relation to the person as have come to the knowledge of the Coroner.

(2.) The particulars to be stated in a notification under the last preceding sub-section, in relation to the death of a person, are—

(a) the cause of the death of the person;

(b) whether or not the cause of the death was established or confirmed by a post-mortem examination of the body of the person;

(c) whether or not the death was from natural causes; and

(d) if the person died within twenty-eight days of birth—any disease or condition of the mother of the person directly leading to the death of the person or contributing to the death of the person.

Notification where inquest dispensed with.

31. A Coroner who dispenses, under section twelve of the *Coroners Ordinance* 1956, with the holding of an inquest into the death of a person shall notify the Registrar accordingly and furnish to the Registrar with that notification the particulars required by sub-section (2.) of the last preceding section to be stated in a notification under sub-section (1.) of that section.

32. Where the death of a person has been reported to the Coroner, the cause of death shall not be stated in the entry of the death in the Register of Deaths unless the Registrar has received a notification of the findings of the Coroner or that the Coroner has dispensed with the holding of an inquest.

Registration of death where death reported to Coroner.

33.—(1.) Where the death of a person has been reported to the Coroner and the Coroner is satisfied that there is no reason why the body of the dead person should not be buried in the Territory, the Coroner may, by writing under his hand, authorize the burial of the body of the person in the Territory.

Coroner's certificate permitting burial or cremation.

(2.) Where the death of a person has been reported to the Coroner and the Coroner is satisfied that there is no reason why the body of the dead person should not be cremated, or taken out of the Territory for burial or cremation, the Coroner may so certify in accordance with Form 7.

34.—(1.) Where a person who has died was attended during his last illness by a medical practitioner or where a child who has died within twenty-eight days after birth was attended by a medical practitioner during that period, the medical practitioner—

Certificate of death to be furnished by medical practitioner.

(a) shall sign a Medical Certificate of the Cause of a Death or a Medical Certificate of the Cause of a Child dying within Twenty-eight Days after Birth, whichever is appropriate, and deliver the certificate to the Registrar forthwith after he has signed it; and

(b) except where he is required by sub-section (5.) of this section to report the death to the Coroner, shall sign and deliver to the occupier of the premises where the death occurred a notice, in accordance with Form 4, of the signing of the certificate.

(2.) Where a person who has died was not attended during his last illness by a medical practitioner or where a child who has died within twenty-eight days after birth was not attended by a medical practitioner during that period, a medical practitioner who has viewed the body of the person or child after death—

(a) shall sign a Medical Certificate of the Cause of a Death or a Medical Certificate of the Cause of a Child dying within Twenty-eight Days after Birth, whichever is appropriate, and deliver the certificate to the Registrar forthwith after he has signed it; and

(b) except where he is required by sub-section (5.) of this section to report the death to the Coroner, shall sign and deliver to the occupier of the

premises where the death occurred a notice, in accordance with Form 4, of the signing of the certificate.

(3.) For the purposes of the last two preceding sub-sections, a Medical Certificate of the Cause of a Death or a Medical Certificate of the Cause of a Child dying within Twenty-eight Days after Birth—

- (a) shall be in a form approved by the Attorney-General and made available to medical practitioners;
- (b) shall, in the case of a Medical Certificate of the Cause of a Death, state, to the best of the knowledge and belief of the medical practitioner signing the certificate, the particulars indicated in the certificate, being particulars of or relating to some or all of the following matters concerning the dead person and the cause of death—
 - (i) the full name, usual place of residence, sex and age of the dead person;
 - (ii) the date and place of the death;
 - (iii) when the person was last seen alive by the medical practitioner;
 - (iv) whether or not the body of the person was seen by the medical practitioner after death;
 - (v) the cause of the death;
 - (vi) whether or not a post-mortem examination of the body of the dead person has been or is to be carried out;
 - (vii) any operation performed within the period of three months immediately preceding the death;
 - (viii) whether or not the person (being a woman) was pregnant within the period of three months immediately preceding the death and, if the person was so pregnant, the approximate date of the delivery of any child or of any miscarriage;
 - (ix) whether or not any injury contributed to the death of the person and, if an injury did so contribute, how the injury was received;
 - (x) whether or not the death of the person was reported to the Coroner by the medical practitioner; and

- (xi) the full name and address of the medical practitioner; and
- (c) shall, in the case of a Medical Certificate of the Cause of a Child dying within Twenty-eight days after Birth, state, to the best of the knowledge and belief of the medical practitioner signing the certificate, the particulars indicated in the certificate, being particulars of or relating to some or all of the following matters concerning the dead child and the cause of death:—
 - (i) the matters specified in paragraphs (a) to (f) (inclusive) of sub-section (2.) of section twenty-four of this Ordinance;
 - (ii) in the case of a child who died within twenty-four hours of birth—what signs of life were present after the complete expulsion or extraction of the child from the child's mother; and
 - (iii) whether or not the death of the child was reported to the Coroner by the medical practitioner.

(4.) A medical practitioner who signs a certificate referred to in this section shall certify on the certificate as to the truth of the particulars stated in it.

(5.) A medical practitioner who forwards to the Registrar a certificate in relation to the death of a person referred to in this section shall report the death to the Coroner if the person—

- (a) was killed;
- (b) was found drowned;
- (c) died a sudden death the cause of which is unknown;
- (d) died under suspicious or unusual circumstances;
- (e) died while under, or as a result of the administration of, an anaesthetic administered in the course of a medical, surgical or dental operation or operation of a like nature;
- (f) died, not having been attended by a medical practitioner at any period within three months prior to his death;
- (g) died within a year and a day from the date of any accident where the cause of death is directly attributable to the accident; or
- (h) died in a prison, lock-up or hospital for the insane.

(6.) In this section, references to the occupier of the premises where the death occurred shall be read, in the case of a person who did not die in any premises but whose body

was taken into premises shortly after his death, as references to the occupier of the premises into which the body was so taken.

Burials.

35.—(1.) A person shall not bury, or cause to be buried, the body of a person unless he has received—

- (a) a notice, in accordance with Form 4, signed by a medical practitioner; or
- (b) an instrument under the hand of the Coroner authorizing the burial of the body.

(2.) In the application of the last preceding sub-section in the case of the burial in the Territory of the body of a person who died outside the Territory—

- (a) a notice, signed by a medical practitioner duly qualified to practise as a medical practitioner at the place where the person died, stating that the medical practitioner has, in accordance with the law of that place, signed a certificate of death with respect to the death has the same force and effect as a notice in accordance with Form 4; and
- (b) an instrument under the hand of the Coroner at the place where the person died authorizing, in accordance with the law of that place, the burial of the body has the same force and effect as an instrument under the hand of the Coroner for the Territory authorizing the burial of the body.

Medical practitioner not to deliver notice of signing of certificate in certain circumstances.

36. A medical practitioner who is required by sub-section (5.) of section thirty-four of this Ordinance to report the death of a person to the Coroner shall not, without the consent of the Coroner, deliver to the occupier of the building or place where the death occurred the notice referred to in paragraph (b) of sub-section (1.) or in paragraph (b) of sub-section (2.) of that section, as the case may be, with respect to the death.

Certificate of burial.

37. An undertaker who buries a body shall forthwith give notice of the burial to the Registrar by delivering to the Registrar a certificate, in accordance with Form 8, signed—

- (a) by the undertaker;
- (b) by two persons each of whom has apparently attained the age of eighteen years and was present at the burial; and
- (c) if a minister of religion performed a religious or funeral service at the burial—by that minister.

Certificate by Registrar upon registering death.

38. Where the Registrar has registered the death of a person in the Register of Deaths, the Registrar may grant a certificate, in accordance with Form 9, stating the date on which the death of the person was registered.

39.—(1.) A person shall not remove the body of a person from the Territory unless he has received—

Taking body out of the Territory.

- (a) a notice, in accordance with Form 4, signed by a medical practitioner;
- (b) a certificate by the Coroner, in accordance with Form 7; or
- (c) a certificate by the Registrar, in accordance with Form 9,

relating to the death of the person.

(2.) A person shall not remove, or cause or permit the removal of, a body from the Territory for burial or cremation outside the Territory except in a sealed leaden coffin.

(3.) An undertaker who removes, or arranges for the removal of, the body of a person from the Territory shall give notice of the removal to the Registrar, in writing, forthwith after the removal of the body.

PART V.—REGISTRATION OF MARRIAGES.

40. The Registrar shall register in the Register of Marriages all marriages solemnized in the Territory other than marriages to or in relation to which Division 3 of Part IV. of the *Marriage Act* 1961 applies.

Register of Marriages.

41.—(1.) The Registrar shall—

- (a) number in a regular arithmetical series commencing with the number one the official certificates of marriages received, during a year, by him as the appropriate registering authority of the Territory in accordance with paragraph (b) of sub-section (4.) of section fifty of the *Marriage Act* 1961;
- (b) sign his name on each official certificate so numbered and add the date on which the certificate was so numbered; and
- (c) cause those official certificates to be bound in a volume or volumes.

Registration of marriages.

(2.) Where the Registrar solemnizes a marriage in the Territory, he shall, for the purposes of the last preceding sub-section, be deemed to have received the official certificate of the marriage immediately that certificate has been signed in accordance with sub-section (2.) of section fifty of the *Marriage Act* 1961.

42. A marriage shall be taken to be registered in the Register of Marriages kept under this Ordinance when the Registrar has complied with paragraphs (a) and (b) of sub-section (1.) of the last preceding section in relation to the official certificate of the marriage, whether or not that official certificate has been bound in a volume.

When registration of marriage effected.

43.—(1.) Where the Registrar receives a notification under the hand of the Registrar, or another appropriate officer, of a prescribed court stating that a marriage solemnized in the

Notice of dissolution or annulment of marriage.

Territory on a specified date between specified parties has been dissolved or annulled by a decree or order of that court made on a specified date, the Registrar shall cause to be written in the Register of Marriages, on the page of the register containing the entry of that marriage, a notation of the dissolution or annulment of the marriage.

(2.) Where the Registrar causes a notation referred to in the last preceding sub-section to be written in the Register of Marriages, he shall sign the notation.

(3.) Every certified copy of an entry in the Register of Marriages that has a notation under this section written on it shall contain particulars of the notation.

(4.) In this section, "a prescribed court" means a court of a State or Territory of the Commonwealth.

PART VI.—REGISTRATION OF LEGITIMATIONS.

Registrar to re-register births of legitimated children.

44.—(1.) Subject to this section, where information with respect to the legitimation of a person whose birth is registered in the Register of Births is furnished to the Registrar by the persons or the person required under the *Marriage Act* 1961 to furnish that information, the Registrar shall, if he has no reason to believe that the person is not a legitimated child and that the information is not true and correct, re-register the birth of the person in the Register of Births in accordance with this Part.

(2.) The Registrar may make such inquiries (if any) as he thinks fit to inform himself whether the person to whom the information relates is a legitimated child and the information is true and correct.

(3.) Sub-section (1.) of this section does not authorize or require the Registrar to re-register the birth of a person in the Register of Births—

- (a) if the birth of the person has been registered in the Register of Births under section twenty-eight of the *Marriage Ordinance* 1929, or of that Ordinance as amended;
- (b) if the birth of the person has previously been re-registered in the Register of Births in accordance with this Part; or
- (c) if the birth of the person is registered in the Register of Births as if the person was, at the time of his birth, the legitimate child of his parents.

(4.) Where a parent of a legitimated child (not being a parent who has obtained an order under section ninety-two of the *Marriage Act* 1961 relating to the child) has furnished

information with respect to the legitimation of the child to the Registrar—

- (a) more than six months after the commencing date in a case where—
 - (i) the child was, under section eighty-nine or ninety of that Act, legitimated by virtue of the marriage of his parents and that marriage took place before the commencing date; or
 - (ii) the child was legitimated by virtue of section ninety-one of that Act and the parent who furnished the information had learned before the commencing date that the marriage of the parents of the child was void;
- (b) more than three months after the marriage of the parents of the child in a case where the child was, under section eighty-nine or ninety of that Act, legitimated by virtue of that marriage and that marriage took place on or after the commencing date; or
- (c) more than three months after the parent who furnished the information learned that the marriage of the parents of the child was void in a case where the parent so learned on or after the commencing date,

the Registrar shall not re-register the birth of the child unless the Attorney-General, or a person authorized by the Attorney-General, has, by writing under his hand, approved the re-registration of the birth.

(5.) In this section—

“information with respect to the legitimation of a person” means such of the information indicated in the relevant form in the Schedule to the Marriage Regulations made under the *Marriage Act* 1961 as is applicable in the circumstances of the particular case;

“legitimated child” means—

- (a) a person (whether born before or after the commencing date and whether the person is living or dead)—
 - (i) whose parents were not married to each other at the time of his birth but have subsequently married each other, whether before or after the commencing date; and

- (ii) who, under section eighty-nine or ninety of the *Marriage Act* 1961, is a legitimate child of his parents by virtue of the marriage; or
- (b) a person (whether born before or after the commencing date and whether the person is living or dead)—
 - (i) who is the child of a void marriage; and
 - (ii) who is the legitimate child of his parents by virtue of section ninety-one of the *Marriage Act* 1961;

“the commencing date” means the date fixed by Proclamation under sub-section (2.) of section two of the *Marriage Act* 1961.*

Method of re-registering birth.

45.—(1.) Re-registration of the birth of a person under the last preceding section shall be effected—

- (a) by entering in the Register of Births such of the particulars required to be entered in the Register of Births in relation to the person as the Registrar is reasonably able to ascertain;
- (b) by writing on the page of the register containing that entry a notation in accordance with the following form:—

“The birth of (*name of person*) is registered in pursuance of section forty-four of the *Registration of Births, Deaths and Marriages Ordinance* 1963.

Registrar.”; and

- (c) by signing that notation.

(2.) Where the Registrar re-registers the birth of a person under the last preceding section, the Registrar shall—

- (a) write on the page of the register containing the original entry of the birth in the Register of Births a notation in accordance with the following form:—

“The birth of (*name of person*) has, in pursuance of section forty-four of the *Registration of Births, Deaths and Marriages Ordinance* 1963, been re-registered on (*reference to volume and page*) of the Register of Births.

Registrar.”;

- (b) sign that notation; and
- (c) add the date on which he signed the notation.

* The date fixed was 1st September, 1963; see *Commonwealth Gazette*, 30th May, 1963, p. 1977.

(3.) The notation referred to in either of the last two preceding sub-sections shall not be included on any copy of, or extract from, an entry in the Register of Births issued by the Registrar.

46. Where the birth of a person has been re-registered in the Register of Births in pursuance of section forty-four of this Ordinance, the Registrar shall not issue to that person or to any other person a copy of or an extract from the original entry of the birth of that person unless the Registrar is satisfied that the copy or extract is properly required as evidence of a fact of which a copy of, or extract from, the entry of the birth of the person made in pursuance of that section would not be evidence.

Issue of copies of or extracts from entry of birth that has been re-registered.

PART VII.—TRANSITIONAL PROVISIONS.

47.—(1.) Subject to this section, this Ordinance applies to and in relation to every birth and death that occurred in the Territory before the date of commencement of this Ordinance and was not, immediately before that date, registered under the Repealed Ordinances, in like manner as it applies to births and deaths occurring on or after that date and as if it had been in force on the day on which the birth or death occurred.

Application of Ordinance to births and deaths occurring before its commencement.

(2.) In the application of this Ordinance to and in relation to a birth or death that occurred before the date of commencement of this Ordinance, where a person has, before that date, furnished to a person who was a District Registrar for the purposes of the Repealed Ordinances—

- (a) particulars for the registration of a birth or death in the Register of Births or Register of Deaths, as the case requires, kept under the Repealed Ordinances;
- (b) a certificate stating the cause of a death; or
- (c) a certificate of the burial of the body of a dead person,

but the birth or death was not registered in that Register before that date, that person shall be deemed to have furnished those particulars or that certificate to the Registrar under this Ordinance, and this Ordinance applies to and in relation to those particulars or that certificate as if they or it had been furnished under this Ordinance and to and in relation to that person as if he had so furnished the particulars or certificate.

(3.) Where an act or omission of a person is an offence against this Ordinance and is also an offence against the Repealed Ordinances, the person may be prosecuted and con-

victed under either this Ordinance or the Repealed Ordinances, but is not liable to a greater penalty than that provided for the offence under the Repealed Ordinances.

(4.) Nothing in this section shall render a person liable to be punished twice in respect of the same offence.

Registration of marriages solemnized before commencement of this Ordinance.

48.—(1.) The Repealed Ordinances continue to apply, notwithstanding their repeal, to and in relation to the registration of every marriage solemnized in the Territory before the date of commencement of this Ordinance that had not been registered before that date, but, upon the registration of such a marriage, this Ordinance applies to and in relation to the entry of the marriage in the Register of Marriages as if it had been made under this Ordinance.

(2.) For the purposes of the application of the Repealed Ordinances under the last preceding sub-section, the Registrar has all the powers and shall perform all the duties and functions of the Principal Registrar and of a District Registrar under those Ordinances.

PART VIII.—MISCELLANEOUS.

Stamps.

49.—(1.) The Registrar shall have a stamp, the design of which shall be determined by the Attorney-General.

(2.) The Registrar shall sign, and stamp or cause to be stamped with the stamp referred to in the last preceding sub-section, every certificate, certified copy or extract issued in his office.

(3.) The Registrar may have a stamp for affixing on documents marks that are facsimiles of the signature of the Registrar.

(4.) Instead of signing his name on a document (including a register and an entry in a register) or on a copy of or an extract from a document in pursuance of, or for the purposes of, a provision of this Ordinance, the Registrar may stamp the document, copy or extract with, or cause the document, copy or extract to be stamped with, the stamp referred to in the last preceding sub-section, and the document, copy or extract shall then be deemed to have been so signed by the Registrar.

(5.) All courts and all persons acting judicially shall take judicial notice of the mark of a stamp referred to in this section affixed on a document or a copy of or extract from a document and, in the absence of proof to the contrary, shall presume that it was affixed by proper authority.

Indexes.

50. The Registrar shall keep an index of the entries in each register kept by him under this Ordinance.

51.—(1.) A person may make application in writing to the Registrar to cause a search to be made in an index and register kept by the Registrar under this Ordinance and to have issued to him a copy of, or an extract from, an entry in the register.

Searches and
copies.

(2.) An application under the last preceding sub-section shall be deemed not to have been duly made unless it specifies—

(a) the particular entry which the person desires to find or of or from which he desires to have issued to him a copy or an extract; and

(b) the reason for which the search, copy or extract is required.

(3.) Subject to this section, the Registrar shall, on receipt of an application under this section and of the prescribed fee—

(a) search for the entry in the index and register; and

(b) issue to the person making the application a copy of, or an extract from, the entry certified by the Registrar, in accordance with Form 10 or Form 11, as the case may be.

(4.) Where the Registrar is of opinion that a search, copy or extract is required for an improper reason or that the person requiring the search, copy or extract has not a proper reason for requiring it, he may refuse to make the search or to issue the copy or extract.

(5.) The Registrar shall not issue an extract from an entry in the Register of Births containing particulars of the date or place of the marriage of the parents of the child to whose birth the entry relates.

(6.) The Registrar shall not issue a copy of an entry in the Register of Births unless the Registrar is satisfied that the copy is properly required as evidence of particular facts contained in the entry or as evidence for a particular purpose and that an extract from the entry would not constitute evidence of those facts or evidence for that purpose.

(7.) The fees specified in the Third column of the Fifth Schedule are the fees prescribed in respect of the respective matters in the Second column of that Schedule opposite to which they are so specified.

52.—(1.) Where the Registrar is satisfied that the Register of Births or the Register of Deaths kept under this Ordinance contains an error or mis-statement in, or an omission from, any particulars entered in it, he may correct the register by causing the true particulars, or the particulars omitted from the register, as the case may be, to be entered in the register on the page of the register containing the entry of the birth or death, as the case may be, to which those last-mentioned particulars relate.

Correction of
errors in
Register of
Births, or Re-
gister of Deaths.

(2.) Where the Registrar causes particulars to be entered in a register under the last preceding sub-section, he shall sign his name immediately under the particulars and write the date on which those particulars were so entered.

Correction of errors in the Register of Marriages.

53.—(1.) The last preceding section applies to and in relation to an error or mis-statement in, or omission from, the Register of Marriages kept under this Ordinance in respect of the particulars of a marriage solemnized in the Territory before the commencement of this Ordinance, as if—

- (a) references to the Register of Births or the Register of Deaths were references to the Register of Marriages; and
- (b) references to a birth or death were references to a marriage so solemnized.

(2.) Where an authorized officer certifies, under section fifty-one of the *Marriage Act* 1961, that a specified correction to an official certificate of a marriage is necessary, the Registrar shall correct the Register of Marriages by making that correction in that register on the page of that register containing the entry of that marriage.

(3.) Where the Registrar makes a correction in the Register of Marriages under the last preceding sub-section, he shall sign his name immediately under the correction and write the date on which the correction was made.

Cancellation of entries in a register.

54.—(1.) Where the Registrar is satisfied that an entry of a birth, death or marriage in a register kept under this Ordinance is false, he may cancel the entry by writing in the margin of the entry the words “Cancelled under section fifty-four of the *Registration of Births, Deaths and Marriages Ordinance* 1963”, signing his name immediately under those words and adding the date on which the entry was cancelled.

(2.) The Registrar shall not cancel an entry in a register kept under this Ordinance—

- (a) if any error or mis-statement in, or omission from, the register can be corrected under whichever of the last two preceding sections is applicable; or
- (b) unless the Attorney-General, or a person authorized by the Attorney-General, has approved, by writing under his hand, the cancellation of the entry.

Evidence.

55.—(1.) A register kept under section eight of this Ordinance is evidence—

- (a) of the facts recorded in that register;
- (b) that those facts were duly recorded; and

(c) that a birth, death or marriage, as the case may be, registered in that register was duly registered, and is admissible in evidence without proof of the stamp or signature authenticating the register or any entry in the register or of the official character of the person appearing to have signed the register or any entry in the register.

(2.) A copy of, or an extract from, an entry in the Register of Births, the Register of Deaths or the Register of Marriages, being a copy, or an extract, duly issued under section fifty-one of this Ordinance, is evidence—

- (a) of the facts stated in the copy or extract; and
- (b) that those facts were duly recorded, and that the birth, death or marriage to which the copy or extract relates was duly registered, in the Register of Births, the Register of Deaths or the Register of Marriages, as the case may be,

and a document purporting to be such a copy or extract shall, unless the contrary is proved, be deemed to be such a copy or extract and to have been duly issued.

56.—(1.) Where a marriage between parties of whom one at least is a person whose ordinary place of residence is in the Territory is intended to be solemnized in a country outside Australia—

Marriage in an overseas country of person ordinarily resident in the Territory.

- (a) in accordance with the law of that country; or
- (b) under the Foreign Marriage Act, 1892, of the United Kingdom,

the party or parties ordinarily so resident may give the Registrar notice of the intended marriage, in accordance with Form 12, together with two copies of that notice.

(2.) A notice shall be deemed not to have been duly given to the Registrar under the last preceding sub-section if the party giving the notice did not have his ordinary place of residence in the Territory during the period of seven days immediately preceding the day on which the notice was given.

(3.) Where a notice under sub-section (1.) of this section is duly given to the Registrar, the Registrar shall post up a copy of the notice in a conspicuous place in his office and keep it so posted up for a period of not less than seven days.

(4.) Where a copy of a notice duly given to the Registrar under sub-section (1.) of this section has been posted up in the office of the Registrar in accordance with the last preceding sub-section for a period of not less than seven days, the Registrar may, unless he is aware of any objection or impediment to the solemnization of the marriage to which the notice relates, upon payment of a fee of One pound, issue a certificate in accordance with Form 13.

(5.) Before giving a certificate under the last preceding sub-section, the Registrar may make such inquiries as he thinks necessary to ascertain whether there is any objection or impediment to the solemnization of the marriage.

(6.) The Registrar shall keep a register, to be called the Register of Foreign Marriage Notices, of all notices duly given to him under sub-section (1.) of this section.

(7.) A person may, upon payment of a fee of Five shillings and upon furnishing to the Registrar particulars of a notice which he believes to be registered in the Register of Foreign Marriage Notices, cause a search to be made for that notice and, if the notice has been registered in that register, may inspect, and take a copy of, or extract from, that notice.

(8.) A person shall not give a notice under sub-section (1.) of this section to the Registrar if, to the knowledge of the person, the notice contains a false statement or an error or is defective.

Offences.

57.—(1.) A person who is required by this Ordinance, or by the Registrar under section nine of this Ordinance, to furnish to the Registrar any particulars in relation to a birth or death shall not—

- (a) refuse or fail to furnish those particulars in accordance with the provisions of this Ordinance or the requirement of the Registrar, as the case may be; or
 - (b) furnish to the Registrar any such particulars that are, to the knowledge of the person, false or misleading in a material particular.
- (2.) A person shall not—
- (a) destroy, deface or damage a record or register kept under this Ordinance;
 - (b) bury or dispose of a body or the body of a child not born alive contrary to the provisions of this Ordinance;
 - (c) obtain the registration of the birth or death of a person (including a child not born alive) otherwise than in accordance with this Ordinance; or
 - (d) furnish to the Registrar, for the purposes of this Ordinance, a certificate that is, to the knowledge of the person, false or misleading in a material particular.
- (3.) The Registrar shall not—
- (a) omit, or refuse, without reasonable cause, to register, in accordance with this Ordinance, the birth, death or marriage of a person (including a child not born alive) who was born, died or was married, as the case may be, in the Territory; or

(b) enter any particulars in the Register of Births, the Register of Deaths or the Register of Marriages if those particulars are, to the knowledge of the Registrar, false or misleading in a material particular.

(4.) Where an offence is committed by a person by reason of his refusal or failure to comply with a provision of this Ordinance, or with a requirement of the Registrar under section nine of this Ordinance, by which he is required to furnish any particulars within a particular period—

(a) that offence shall, for the purpose of the next succeeding paragraph, be deemed to continue so long as the person refuses or fails to comply with the provision or requirement notwithstanding that the period has elapsed; and

(b) the person commits a further offence against this Ordinance on each day after the expiration of that period on which the offence is deemed to continue and he is punishable in respect of each such further offence, upon conviction, by a fine not exceeding Twenty pounds.

(5.) Proceedings for the summary conviction of a person, in respect of an offence against this Ordinance, shall not be instituted except by the Attorney-General or with the consent of the Attorney-General or of a person thereto authorized in writing by the Attorney-General.

58. Where a person contravenes or fails to comply with a provision of this Ordinance and a penalty for a contravention of, or failure to comply with, that provision is not expressly provided, the person is guilty of an offence against this Ordinance punishable, upon conviction, by a fine not exceeding Two hundred and fifty pounds or by imprisonment for a period not exceeding six months.

Penalties.

59. Strict compliance with the Forms contained in the Fourth Schedule is not necessary and substantial compliance is sufficient.

Compliance with forms.

60. Nothing in this Ordinance affects the right of a minister of religion to require or receive a fee for or in respect of the performance of the religious rite of baptism or burial.

Right of clergyman to receive fees.

61. Nothing in this Ordinance shall be taken to affect the operation of the *Adoption of Children Ordinance 1938-1949* not affected.

Adoption of Children Ordinance 1938-1949 not affected.

62. This Ordinance shall be administered by the Attorney-General.

Administration of this Ordinance.

THE SCHEDULES.

FIRST SCHEDULE.

Section 4.

ORDINANCES REPEALED.

*Registration of Births, Deaths and Marriages Ordinance 1929.**Registration of Births, Deaths and Marriages Ordinance (No. 2) 1929.**Registration of Births, Deaths and Marriages Ordinance 1944.**Registration of Births, Deaths and Marriages Ordinance 1951.*

SECOND SCHEDULE.

Section 5 (2.).

PARTICULARS RELATING TO THE BIRTH OF A CHILD.

1. Surname.
2. Other names (if given).
3. Sex.
4. Whether or not multiple birth, and, if multiple birth, whether first, second, &c., child.
5. Date and place of birth.
6. Full name, occupation, age and birth-place of the father of the child.
7. Full maiden name, age, usual place of residence and birth-place of the mother of the child.
8. When and where the parents of the child were married.
9. Names and ages of living issue, in order of birth, and number of issue, male and female, who are dead, of the marriage of the parents of the child (including, as issue, any persons legitimated by the marriage of the parents of the child and any persons adopted by the parents of the child but not including, as issue, any issue of the parents of the child who have been adopted by other persons).
10. Full name, occupation, place of residence and relationship (if any) to the child of the person furnishing the particulars.
11. Names of medical practitioner and registered nurse, or other persons, present at birth.

THIRD SCHEDULE.

Section 5 (2.).

PARTICULARS RELATING TO THE DEATH OF A PERSON.

1. Full name, occupation and usual place of residence.
2. Date and place of death.
3. Sex and age.
4. Place of birth, and length of residence in Australia.
5. Conjugal status.
6. If married, in respect of the marriage or of each marriage, as the case may be—
 - (a) Place of marriage.
 - (b) Age at marriage.
 - (c) To whom married.
 - (d) Names and ages of living issue, in order of birth.
 - (e) Number of issue, male and female, who are dead.
7. Cause of death.
8. Duration of the fatal illness.
9. Name of the medical practitioner who furnished a certificate of death, and when he last saw the dead person.
10. Full name and occupation of the father of the dead person.
11. Full maiden name of the mother of the dead person.
12. Name, occupation and place of residence of the person furnishing the particulars.
13. When, where and the name of the person by whom the dead person was buried or cremated.
14. Name and religion of the minister of religion (if any) who was present at the burial or cremation.
15. Names of persons who witnessed the burial or cremation.

FOURTH SCHEDULE.

Form 1.

Section 19.

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

CERTIFICATE OF GIVING OF NAMES AT BAPTISM.

I, _____, of _____, (here insert the designation of the minister of religion baptising the child), hereby certify that I have this day baptised by the name of _____ a boy (or girl) produced to me by _____ as the son (or daughter) of _____ and declared by the said _____ to have been born at _____ on the _____ day of _____, 19____, and to have been registered under the name of _____.

Dated the _____ day of _____, 19____.

Minister of Religion.

Form 2.

Section 20.

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

INSTRUMENT CHANGING CHILD'S SURNAME.

WHEREAS (full name) is the mother of (full name of child) who was born at _____, on the _____ day of _____, 19____:

* And whereas the marriage of the parents of the said child was dissolved on the _____ day of _____, 19____, by the death of (full name) the father of the said child (or by decree of the Supreme Court of _____):

* Leave out if inapplicable.

And whereas the said (full name) is now married to (full name of mother's present husband):

* And whereas the said child consents, by signing this instrument, to his surname being changed to _____:

Now therefore I, (full name of mother)

do, by this instrument, on my own behalf as well as for and on behalf of my said child—

(a) absolutely renounce and abandon the use of my child's former surname of _____ and do assume, in its place, the surname of _____;

(b) declare that I and my said child will at all times in all records, deeds and instruments, in all actions, suits and proceedings, in all dealings and transactions and upon all occasions use and sign the name of _____ as the surname of the child in place of the surname of _____ so renounced and abandoned; and

(c) authorize and request all persons to designate and address my said child by the name of (full name, including assumed surname).

Dated the _____ day of _____, 19____.

Signed by the said (full name of mother) }
in the presence of— }

I, (full name of mother's present husband), being the husband of the abovenamed (full name of mother), hereby consent to her changing the surname of her son (or daughter) (full name of child) to _____.

Dated the _____ day of _____, 19____.

Signed by the said (full name of husband) }
in the presence of— }

* I, (full name, including existing surname of child) hereby consent to my surname being changed to _____.

Signed by the said (full existing name of child) }
in the presence of— }

* I, (full name), being the father of the abovenamed (full name of child), consent to the surname of my said child being changed to _____.

Signed by the said (full name of father) }
in the presence of— }

FOURTH SCHEDULE—*continued.*

Form 3.

Section 21.

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

INSTRUMENT CHANGING PERSON'S NAME.

I, (*full existing name*), of _____, who was
born at _____, on the _____ day of _____,
19____, do hereby—

- (a) change my said name of (*full existing name*) to (*full new name*);
- (b) declare that I will at all times, in all records, deeds and instruments, in all actions, suits and proceedings, in all dealings and transactions and upon all occasions use and sign the name of (*full new name*) as my full name in place of the name of (*full existing name*); and
- (c) authorize and request all persons to designate and address me by my name of (*full new name*).

Dated the _____ day of _____, 19____.

Signed by the said (*full existing name*) }
in the presence of— }

Form 4.

Sections 24 and 34.

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

MEDICAL PRACTITIONER'S NOTICE OF SIGNING CERTIFICATE.

I give notice that I have, this day, signed a Medical Certificate of the Cause of a Death (*or* Medical Certificate of the Cause of a Child not being Born Alive *or* Medical Certificate of the Cause of a Child dying within Twenty-eight Days after Birth) with respect to _____.

Dated the _____ day of _____, 19____.

Medical Practitioner.

Address: _____

Form 5.

Section 25 (3.).

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

CERTIFICATE OF DISPOSAL OF BODY OF CHILD NOT BORN ALIVE.

I, _____, of _____,
hereby certify that the body of _____,
the child of _____,
was, on the _____ day of _____, 19____,
(*here state how and where the body was disposed of*) in my presence and in
the presence of the person whose signature appears hereunder.

Signature of Witness _____

Dated the _____ day of _____, 19____.

(*Signature.*)

Address: _____

FOURTH SCHEDULE—*continued.*

Form 6.

Section 29.

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

CORONER'S PARTICULARS OF THE FINDING OF A DEAD BODY.

To the Registrar.

I hereby give notice that the dead body of _____
 was found at _____ on the _____
 day of _____, 19 ____ . The body is now (*here state where body*
now located).

Dated the _____ day of _____, 19 ____ .

Coroner.

Form 7.

Section 33.

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

CORONER'S CERTIFICATE.

Full name of deceased _____

Usual place of residence of deceased _____

I hereby certify that the death of the abovenamed was duly reported to me
 on _____, 19 ____, and, in the medical report of
 Dr. _____, it was stated that the cause of death was _____.

I am satisfied that no circumstance exists that can render necessary any further
 examination of the remains, any analysis of any part of the body or the making
 of any toxicological examination and that there is no reason why the body should
 not be cremated (*or taken out of the Territory for* ^{burial} _{cremation}).

Accordingly, I authorize the burial (*or cremation*) of the body.

Dated the _____ day of _____, 19 ____ .

Coroner.

Form 8.

Section 37.

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

CERTIFICATE OF BURIAL.

I, _____, Undertaker, hereby certify that
 the body of _____ was on the _____
 day of _____, 19 ____, duly buried at _____
 in my presence and in the presence of the persons *and minister of religion whose
 signatures appear hereunder.

Signatures of Witnesses _____

†Signature of Minister of Religion _____

Dated the _____ day of _____, 19 ____ .

Undertaker.

Address: _____

* Leave out
 "and minister
 of religion"
 if inapplicable.

† Leave out if
 inapplicable.

FOURTH SCHEDULE—*continued.*

Form 9.

Section 38.

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

CERTIFICATE OF REGISTRATION OF DEATH.

I, _____, the Registrar of Births, Deaths and Marriages for the Australian Capital Territory, hereby certify that the death of _____, was duly registered by me on the _____ day of _____, 19 _____.

Dated the _____ day of _____, 19 _____.

Registrar.

Form 10.

Section 51.

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

CERTIFICATE OF ENTRY IN THE REGISTER OF _____.

I, _____, the Registrar of Births, Deaths and Marriages for the Australian Capital Territory, hereby certify that—

- (a) the copy of the entry of the _____ of _____ in the Register of _____ appearing above is a true copy of that entry;
- (b) the _____ of _____ was registered in the Register of _____ by _____ at _____; and
- (c) the Register of _____ in which that entry appears is now in my custody.

Dated the _____ day of _____, 19 _____.

Registrar.

Form 11.

Section 51.

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

CERTIFICATE OF EXTRACT OF ENTRY IN THE REGISTER OF _____.

Number of entry _____

I, _____, the Registrar of Births, Deaths and Marriages for the Australian Capital Territory, hereby certify that an entry in the Register of _____ kept in my office in pursuance of the *Registration of Births, Deaths and Marriages Ordinance 1963* gives the following particulars concerning the _____ of _____ (Here set out the particulars.)

Dated the _____ day of _____, 19 _____.

Registrar.

FOURTH SCHEDULE—*continued.*

Form 12.

Section 56 (1.).

AUSTRALIAN CAPITAL TERRITORY.

Registration of Births, Deaths and Marriages Ordinance 1963.

NOTICE OF INTENDED MARRIAGE.

Notice is given of the intended marriage at _____, under the Foreign Marriage Act, 1892, of the United Kingdom (or in accordance with the law of _____), between the following parties:—

Particulars.	Intended Bridegroom.	Intended Bride.
1. Surname		
2. Christian or other names		
3. Usual occupation		
4. Usual place of residence and length of residence immediately preceding the giving of this notice		
5. Conjugal status		
6. Birthplace		
7. Date of birth		
8. Father's name in full		
9. Mother's maiden name in full		
10. Whether previously married or not		

The parties ^{are} related to each other.
are not

If the parties are related to each other, state the relationship.

If a party has been previously married, state, in respect of that marriage, or the last previous marriage, as the case may be—

(a) Date and place of previous marriage

(b) How dissolved

(c) Date and place of death, or date on which decree dissolving marriage became absolute.

Dated the _____ day of _____, 19 .. .

(Signature of party giving the notice.)

(Signature of witness.)

Address of witness _____

Form 13.

Section 56 (4.).

AUSTRALIAN CAPITAL TERRITORY.

*Registration of Births, Deaths and Marriages Ordinance 1963.*REGISTRAR'S CERTIFICATE RELATING TO INTENDED MARRIAGE
OUTSIDE AUSTRALIA.

I, _____, the Registrar of Births, Deaths and Marriages for the Australian Capital Territory, hereby certify that—

(a) on the _____ day of _____, 19 .. . I received a notice of intended marriage, a copy of which is annexed hereto and marked with the letter "A";

(b) the notice was duly given in accordance with the provisions of section 56 of the *Registration of Births, Deaths and Marriages Ordinance 1963* and was posted up, in accordance with the provisions of that section, in a conspicuous place in the office of the Registrar of Births, Deaths and Marriages at Canberra in the Australian Capital Territory and kept so posted up for a period of seven days; and

(c) I am not aware of any impediment or objection to the solemnization of the intended marriage.

Dated the _____ day of _____, 19 .. .

Registrar.

FIFTH SCHEDULE.

Section 51.

FEES.

First Column. Item.	Second Column. Matters.	Third Column. Fees.
		£ s. d.
1	Search in register and issue of copy of entry	1 0 0
2	Search in Register of Births and issue of extract from entry containing only the name, and date and place of birth, of person ..	5 0
3	Search in Register of Births and issue of extract from entry containing particulars in addition to name, and date and place of birth, of person	10 0
4	Search in register, other than Register of Births, and issue of extract from entry	10 0
5	Where correct particulars of entry not stated in application, additional fee for searching for and identifying correct entry ..	5 0