



Australian Capital Territory

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Australian Capital Territory

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1963

Reprinted as at 4 June 1992

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Australian Capital Territory

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1963

An Act relating to the Registration of Births, Deaths and Marriages

PART I—PRELIMINARY

Short title

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

Commencement

2. This Act shall come into operation on the date fixed by Proclamation under subsection (2) of section two of the *Marriage Act 1961* of the Commonwealth.¹

Repeal

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 (1) The Ordinances specified in the First Schedule to this Act are repealed.

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preceding subsection does not prevent the use, after the commencement of this Act, of a form prescribed by an Ordinance repealed by this Act instead of the corresponding form required by this Act.

Interpretation

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

“acknowledgement of paternity” means an acknowledgement of paternity made in accordance with subsection 10 (1) of the *Birth (Equality of Status) Act 1988* or in accordance with a corresponding law;

“body” means the body of a dead person;

“child” includes a child not born alive—

- (a) if the child weighs at least 400 grams; or
- (b) where the child weighs less than that—if the period of gestation was at least 20 weeks;

“coroner” includes a Deputy Coroner;

“corresponding law”, in relation to a law of the Territory, means a law of a State or another Territory that is similar, or has a similar effect, to the law of the Territory;

“declaration of parentage” means a declaration of parentage made pursuant to subsection 12 (1) of the *Birth (Equality of Status) Act 1988* or a declaration of parentage (however described) made pursuant to a corresponding law;

“de facto spouse”, in relation to a parent of a child, means a person of the opposite sex to the parent who lives with the parent as the husband or wife of the parent on a *bona fide* domestic basis although not married to the parent;

“ex-nuptial child” means a child whose father and mother were not married to each other at the time the child was conceived and have not subsequently married each other, not being a child who is a legitimate child, or is to be deemed to be a legitimate child, by virtue of Part VI of the *Marriage Act 1961* of the Commonwealth;

“guardian”, in relation to a child, does not include a parent of the child;

“hospital” means—

- (a) a hospital conducted by the Australian Capital Territory Community and Health Service; or
- (b) a private hospital registered under the Public Health (Private Hospitals) Regulations;

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

“midwifery nurse” means a person registered as a midwifery nurse under the *Nurses Act 1988*;

“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;

“principal witness”, in relation to the birth of a child, means—

- (a) if a medical practitioner was present at the birth—the practitioner;
- (b) if a midwifery nurse was present at the birth, but no medical practitioner was present—the nurse; or
- (c) in any other case—the principal person (other than a parent of the child) present at the birth for the purpose of assisting at the birth;

“registered nurse” means a person who is a registered nurse for the purposes of the *Nurses Act 1988*;

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

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

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

“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 Act—

- (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 Act; 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 Act.

(3) For the purposes of this Act, a child shall be taken to have been born alive if the child breathes, or if the heartbeat or other visible signs of life are observable in the child, after the child is completely expelled or extracted from his or her mother.

(3A) For the purposes of this Act, a child shall not be taken to have been born alive only because transient signs of life are observable in the child while attempts are being made to resuscitate him or her.

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

(5) In this Act, a reference to a Schedule by number shall be read as a reference to the Schedule to this Act 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 Act.

(6) A reference in a provision of this Act to a determined fee shall be read as a reference to a fee determined under section 62 for the purposes of that provision.

(7) A reference in this Act to a parent, in relation to a child, shall not be read as including a reference—

- (a) to a stepparent or foster parent of the child; or
- (b) where the de facto spouse (if any) of the parent is not the father or mother of the child—to the de facto spouse.

PART II—ADMINISTRATION

Registrar and other officers

6. (1) For the purposes of this Act, there shall be a Registrar of Births, Deaths and Marriages, who shall be appointed by the Minister.

(2) The Minister 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 Minister 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.

Powers of Acting Registrar, Deputy Registrar etc.

7. (1) A person appointed under subsection (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 subsection (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 Act (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 subsection (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.

Registers

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

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

(3) The Register of Marriages and Register of Parentage Information shall each be kept in the manner prescribed by this Act.

(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.

Particulars for the registration of births, deaths and marriages

9. (1) It is the duty of the Registrar to procure information concerning every birth, death and marriage occurring in the Territory.

(2) Subject to this Act, any particulars that a person is required to furnish to the Registrar under this Act 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 subsection shall be in such form as the Registrar directs in the notice.

(5) A person who furnishes a statement under subsection (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 Minister

10. The Registrar shall, in exercising any power conferred on him by this Act, comply with any directions given him by the Minister 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 Act; 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.

Notification of births

12. (1) Where a child is born in a hospital, or is admitted to a hospital shortly after birth, the officer in charge of the hospital shall give the Registrar written notice of the child's birth within 2 days after the date of birth.

(2) Where a child is not born in a hospital, nor admitted to a hospital shortly after birth, the principal witness at the birth shall give the Registrar written notice of the child's birth within 2 days after the date of birth.

(3) A notice under subsection (1) or (2) shall contain such of the following particulars as are within the knowledge of, or ascertainable with accuracy by, the person required to give the notice:

- (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 child's mother;

- (d) in the case of a notice under subsection (1)—the full name and usual place of residence of the medical practitioner or midwifery nurse who attended the mother during the birth or shortly afterwards;
- (e) in the case of a notice under subsection (2)—the full name and usual place of residence of the principal witness.

Notification of registrable particulars

13. (1) Where a child is born in a hospital, or is admitted to a hospital shortly after birth—

- (a) in the case of a child born alive—a parent of the child; and
- (b) in any case—the officer in charge of the hospital;

shall, within 28 days after the date of birth, give the Registrar, in writing, 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 ascertainable with accuracy by, the parent or officer, as the case requires.

(2) Where a child is not born in a hospital, nor admitted to a hospital shortly after birth—

- (a) in the case of a child born alive—a parent of the child; and
- (b) in any case—the principal witness at the birth;

shall, within 28 days after the date of birth, give the Registrar, in writing, 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 ascertainable with accuracy by, the parent or witness, as the case requires.

(3) Where a child is born alive, an officer in charge of a hospital, or a principal witness, is not guilty of an offence against subsection (1) or (2) if he or she adduces evidence that—

- (a) a parent of the child has complied with the relevant subsection; or
- (b) the child's parents were not prevented from complying with the relevant subsection;

and that evidence is not rebutted.

Notification of birth of foundlings

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.

(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.

Registration of birth more than twenty-eight days after birth

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 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 Minister, or a person authorized by the Minister, has, by writing under his hand, approved the registration of the birth.

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

Registration of birth of 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 subsection—

- (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 subsection 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 Minister, or a person authorized by the Minister, has, by writing under his hand, approved the registration of the birth.

Division 2—Names and Changes of Names

Surname to be entered in Register of Births

18. (1) The name to be entered in the Register of Births as the surname of a child is the name nominated by one or both parents of the child and specified as the surname of the child in the particulars furnished to the Registrar in relation to the child pursuant to subsection 13 (1), being—

- (a) where the names of both parents are, or are to be, registered as the names of the child's parents—
 - (i) the maiden name or other surname of the child's mother;
 - (ii) the surname of the child's father; or
 - (iii) a surname formed by combining the mother's maiden name or other surname and the father's surname; or
- (b) where the name of only one parent is, or is to be, registered as the name of a parent of the child—the maiden name or other surname of that parent.

(1A) Where, within 12 months after the birth of a child, a parent of the child notifies the Registrar in writing that the parents disagree as to the name that is, or is to be, registered as the child's surname, the Registrar shall, subject to subsection (1D), register as the child's surname the surnames of the parents hyphenated in alphabetical order.

(1B) A parent of a child is not entitled to notify the Registrar in accordance with subsection (1A) unless the parent's name is registered, or is registrable, under this Act as the name of a parent of the child.

(1C) For the purposes of subsection (1A), the surname of a child's mother shall be taken to be her surname at the time of the child's birth.

(1D) Where the surname declared by the court, on an application under paragraph 20A (1) (a), to be the surname to be registered as a child's surname is not already registered, the Registrar shall enter the surname in the Register of Births as the surname of the child.

(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 Act 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 Act, is such surname as the Registrar gives to the child.

Additional name given at baptism or by notice to 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 and the parents of the child.

(2) The last preceding subsection does not apply in relation to a child who is baptised after he has attained the age of eighteen years.

(3) Subject to subsections (4) and (5), 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 subsection—

- (a) except before the expiration of 4 years 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 subsection or at the baptism of the child.

(5) A notice referred to in subsection (3) of this section is not effective until the determined fee is paid and the notice is furnished to the Registrar.

(6) Where a certificate is furnished to the Registrar under subsection (1) or a notice under subsection (3) is furnished to the Registrar and the fee referred to in subsection (5) is paid, 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) A reference in subsection (1) or (3) to the parents of a child shall be read as a reference—

- (a) where the names of both parents appear in the Register of Births as the names of the child's parents—to both parents; or
- (b) where the name of only one parent appears in the Register of Births as the name of a parent of the child—to that parent.

(8) Where the Registrar is satisfied that a parent of a child referred to in subsection (1) or (3) is dead, or that the parent's whereabouts are unknown, the Registrar may proceed under subsection (6) notwithstanding that the parent has not signed the certificate in respect of the child furnished to the Registrar pursuant to subsection (1), or the notice in respect of the child furnished to the Registrar in accordance with subsection (3), as the case requires.

Change of child's surname

20. (1) A person whose name appears in the Register of Births as the name of a parent of a child may, by instrument in writing in accordance with Form 2 in the Fourth Schedule, change the child's surname—

- (a) to that person's maiden name or other surname;
- (b) to the surname of the spouse or de facto spouse of that person; or
- (c) to a surname formed by combining the maiden name or other surname of that person and the surname of the spouse or de facto spouse of that person.

(2) Subject to subsection (3), an instrument referred to in subsection (1) is not effective to change the surname of the child to whom the instrument relates unless—

- (a) there appears on the instrument the consent of—
 - (i) where, at the time the instrument is executed, the child has attained the age of 16 years—the child;
 - (ii) where the name of the child's other parent appears in the Register of Births as the name of a parent of the child—the other parent;
 - (iii) where the child has a guardian or guardians—the guardian, or each guardian, as the case requires; and
 - (iv) where the child's surname is to be changed to the surname of the spouse or de facto spouse of the person referred to in subsection (1) (whether or not the latter surname is combined with the maiden name or other surname of that person)—the spouse or de facto spouse, as the case requires;
- (b) the signature on the instrument of that person and of any person whose consent is required pursuant to paragraph (a) has been witnessed by—
 - (i) a person authorised to administer an oath under subsection 11 (1) of the *Oaths and Affirmations Act 1984*; or
 - (ii) a Commissioner for Declarations within the meaning of the *Statutory Declarations Act 1959* of the Commonwealth; and
- (c) the instrument is registered in the General Register of Deeds kept pursuant to the *Registration of Deeds Act 1957*; and
- (d) the determined fee is paid to the Territory.

(3) The consent of the other parent, or of any guardian or guardians, is not required on an instrument referred to in subsection (1) if the Magistrates Court has, on an application under paragraph 20A (1) (b), declared that the instrument is to be effective without that consent.

(4) Where—

- (a) the Registrar is satisfied that the other parent of a child to whom an instrument referred to in subsection (1) relates is dead or that the parent's whereabouts are unknown; or

- (b) the Magistrates Court has made a declaration on an application under paragraph 20A (1) (b),

the Registrar may enter in the Register of Births, as the surname of the child, the surname to which the child's name is to be changed, notwithstanding that the parent's consent to the change does not appear on the instrument.

(5) Where—

- (a) the surname to which a child's name is to be changed has, pursuant to paragraph (4) (a), been entered in the Register of Births as the child's surname; and
- (b) the other parent of the child subsequently lodges with the Registrar an objection in writing to the change of the child's surname,

the Registrar shall give notice of the objection to the person who made the instrument by which the change was effected, and shall inform the person to the effect that, unless the Registrar is satisfied that the person has, within the period of 21 days after the date of the notice, made an application to the Magistrates Court pursuant to subsection 20A (2), the Registrar is required to re-register the child's former surname as the surname of the child.

(6) Where the other parent of a child has lodged an objection referred to in subsection (5), and—

- (a) the Registrar is not satisfied that an application under subsection 20A (2) has been lodged within the period referred to in subsection (5); or
- (b) the Magistrates Court has, on an application under subsection 20A (2), made a declaration to the effect that the former surname of the child is to be re-registered as the surname of the child,

the Registrar shall enter the former surname of the child in the Register of Births as the surname of the child.

(7) Where—

- (a) the Registrar has, pursuant to paragraph (6) (a), entered the former surname of a child in the Register of Births as the surname of the child; and
- (b) the Magistrates Court has, on an application under subsection 20A (2), made a declaration to the effect that the surname to which the child's name was changed by an instrument referred to in subsection 20 (1) is to be re-registered as the surname of the child,

the Registrar shall enter that surname in the Register of Births as the surname of the child.

(8) This section does not apply in relation to a child who has attained the age of 18 years.

Court declarations in respect of child's surname

20A. (1) A parent of a child may apply to the Magistrates Court for an order—

- (a) declaring which surname is to be registered as the child's surname in accordance with section 18; or
- (b) declaring that an instrument referred to in subsection 20 (1) is to be effective without the consent of the other parent or of any guardian or guardians, as the case requires.

(2) Where—

- (a) the surname to which a child's name is to be changed is entered in the Register of Births pursuant to paragraph 20 (4) (a); and
- (b) the other parent of the child subsequently lodges with the Registrar an objection to the change,

the person who made the instrument by which the change was effected may apply to the Magistrates Court for an order declaring that the surname is the surname to be registered as the surname of the child.

(3) When determining an application under subsection (1) or (2), the Magistrates Court shall have regard to—

- (a) the welfare of the child to whom the application relates;
- (b) the wishes of the child;
- (c) whether the child is living with one or both parents;
- (d) the nature and frequency of the child's contact with any parent with whom the child does not live;
- (e) the surnames of any other children of both the child's parents or of either parent with whom the child is living; and
- (f) in the case of an application under paragraph 20A (1) (b) for an order declaring that an instrument referred to in subsection 20 (1) is to be effective without the consent of the other parent—

- (i) whether the child ordinarily resides with the person who made the instrument;
- (ii) whether that person has the sole custody and control of the child; and
- (iii) whether either parent's guardianship of the child has been revoked by an order of a court.

(4) On an application under subsection (1) or (2), the Magistrates Court may make or refuse to make the order sought, and may make such other orders as it thinks just.

Change of name of adult

21. (1) A person who has attained the age of 18 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 subsection is not effective until it is registered in the General Register of Deeds kept under the *Registration of Deeds Act 1957*.

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

Penalty: Ten dollars.

(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 the determined fee 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 Act or the last preceding subsection, as the case may be.

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

Application

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 Act.

Division 3—Children Not Born Alive

Medical Certificate of cause of child not being born alive

24. (1) A medical practitioner who has examined the body of a child not 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 Minister 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 subsection, 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 (1) (a), 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 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;

- (g) the period of gestation of the child expressed in weeks and calculated, if possible, having regard to the first day of the last menstrual period of the mother occurring before the conception of the child;
- (h) the disease or condition of the child that was the cause of the child not being born alive;
- (i) any other disease or condition of the child;
- (j) any disease or condition of the mother of the child that was the cause of the child not being born alive;
- (k) any other disease or condition of the mother of the child affecting the child;
- (l) the nature of the delivery of the child;
- (m) whether or not the mother of the child was attended by a medical practitioner or registered nurse during the birth of the child;
- (n) whether or not the medical practitioner signing the certificate 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;
- (o) whether the death of the child occurred before labour commenced or during labour;
- (p) if the death of the child occurred before the time when labour commenced, approximately how long before that time the death occurred;
- (q) what signs of life were present after the complete expulsion or extraction of the child from its mother;
- (r) the number of occasions on which the mother of the child was attended by a medical practitioner before the birth of the child in relation to her pregnancy;
- (s) the number of previous pregnancies of the mother of the child; and
- (t) whether the last previous pregnancy of the mother of the child terminated in the birth of a child born alive, in a still-birth or in an abortion and the date on which that pregnancy terminated.

(3) A medical practitioner who signs a certificate referred to in subsection (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: Forty dollars.

(2) Where a person referred to in paragraph (b) of the last preceding subsection 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 Act;
- (b) the death of each person who dies in circumstances referred to in section twenty-eight of this Act; and
- (c) the death of each person who died in the Territory before the date of commencement of this Act 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.

Notification of death

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—

- (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.

Deaths on aircraft etc.

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

- (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 to 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 subsection, 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 subsection 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 subsection; 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 subsection, 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 or postponed

31. (1) A Coroner who dispenses, under section 12 or 34 of the *Coroners Act 1956*, with the holding or further 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 subsection (2) of the last preceding section to be stated in a notification under subsection (1) of that section.

(2) Where, by virtue of section 34 of the *Coroners Act 1956*, a Coroner is required not to proceed further with an inquest, the Coroner shall notify the Registrar accordingly and shall give the Registrar, with that notification, such of the particulars referred to in subsection 30 (1) as are known to the Coroner.

Registration where death reported to Coroner

32. Where the death of a person has been reported to the Coroner, particulars of 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 or further holding of, or is not to proceed further with, an inquest.

Coroner's certificate permitting burial or cremation

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.

(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.

Certificate of death to be furnished by medical practitioner

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—

- (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 subsection (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 subsection (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 subsections 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 Minister 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 (t) (inclusive) of subsection 24 (2);
 - (ii) in the case of a child who died within 24 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 during or within 72 hours after, or as a result of—
 - (i) an operation of a medical, surgical, dental or like nature; or
 - (ii) an invasive medical or diagnostic procedure;
- (f) died, not having been attended by a medical practitioner at any period within three months prior to his or her 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—
 - (i) in a prison, a remand centre within the meaning of the *Remand Centres Act 1976*, or a lock-up; or
 - (ii) while the subject of emergency procedures, or while subject to a treatment order, under the *Mental Health Act 1983*.

(5A) In paragraph (5) (e) a reference to—

- (a) an operation of a medical, surgical, dental or like nature; or
- (b) an invasive medical or diagnostic procedure;

shall be read as a reference to such an operation or procedure within the meaning of paragraph 11 (1) (e) of the *Coroners Act 1956*, as construed in accordance with regulations (if any) made for the purposes of subsection 11 (1A) of that Act.

(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 subsection 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 subsection (5) of section thirty-four of this Act 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 subsection (1) or in paragraph (b) of subsection (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.

Taking body out of the Territory

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

- (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—

- (a) where it is proposed to move the body to a State or the Northern Territory of Australia—except in a hermetically sealed polyethylene container; and
- (b) where it is proposed to move the body outside Australia—except in a sealed zinc-lined coffin.

(3) A person who removes, or arranges for the removal of, the body of a person from the Territory shall, forthwith after the removal of the body, give to the Registrar notice of the removal of the body in accordance with Form 9A.

PART V—REGISTRATION OF MARRIAGES

Register of Marriages

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

Registration of marriages

41. (1) The Registrar shall—

- (a) number in a regular arithmetical series commencing with the number one the official certificates of marriage received, during a year, by him as the appropriate registering authority of the Territory in accordance with paragraph (b) of subsection (4) of section fifty of the *Marriage Act 1961* of the Commonwealth;
- (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.

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

When registration of marriage effected

42. A marriage shall be taken to be registered in the Register of Marriages kept under this Act when the Registrar has complied with paragraphs (a) and (b) of subsection (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.

Notice of dissolution or annulment of marriage

43. (1) Where the Registrar receives a notification under the hand of the Registrar, or another appropriate officer, of a court of Australia stating that a marriage solemnised in the 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 subsection to be written in the Register of Marriages, he shall sign the notation.

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

PART VI—REGISTRATION OF LEGITIMATIONS AND PARENTAGE INFORMATION

Division 1—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* of the Commonwealth 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) Subsection (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.

(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* of the Commonwealth 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* of the Commonwealth, 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* of the Commonwealth;

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

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 Act 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 Act 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.

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

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

46. Where the birth of a person has been re-registered in the Register of Births in pursuance of section forty-four of this Act, 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.

Division 2—Parentage Information

Registration of information about parentage

46A. (1) Where the Registrar receives—

- (a) an acknowledgement of paternity;
- (b) a sealed copy of a declaration of parentage;
- (c) a sealed copy of an order referred to in subsection 9 (1) or (2) of the *Birth (Equality of Status) Act 1988*;
- (d) a sealed copy of an order setting aside an order referred to in subsection 9 (1) or (2) of the *Birth (Equality of Status) Act 1988*; or
- (e) a sealed copy of an order annulling an acknowledgement of paternity or a declaration of parentage;

the Registrar shall register the acknowledgement, declaration or order by filing it in the Register of Parentage Information.

(2) The Registrar shall keep an index of instruments registered in the Register of Parentage Information.

(3) The Registrar shall bring this Division to the notice of any person providing information to the Registrar concerning the birth of an ex-nuptial child.

Births not registered in the Territory

46B. Where—

- (a) the Registrar receives, in respect of a child whose birth is not registered in the Register of Births, an acknowledgement of paternity, or a sealed copy of a declaration of parentage or of an order referred to in paragraph 46A (1) (c), (d) or (e); and
- (b) the child's birth is registered in a State or another Territory;

the Registrar may send the acknowledgement or copy to the registrar of births (however described) of the State or other Territory.

Alteration of entries in Register of Births

46C. (1) On receipt of an acknowledgement of paternity of a child whose birth is or is to be registered in the Register of Births, the Registrar shall cause to be entered on the page of the register containing the entry of the child's birth, the name of, and other particulars relating to, the person who executed the acknowledgement as father of the child.

(2) On receipt of a sealed copy of a declaration of parentage in respect of a child whose birth is registered in the Register of Births, or a sealed copy of an order referred to in paragraph 46A (1) (c), (d) or (e) in relation to such a child, the Registrar shall cause to be made such additions and alterations to the page of the register containing the entry of the child's birth as are consistent with the declaration or order.

(3) Where the Registrar makes an entry in, or an alteration or addition to, the Register of Births in accordance with this section, the Registrar shall sign his or her name immediately under the entry, alteration or addition and write the date on which it was made.

Copies of acknowledgements, declarations and orders

46D. (1) A person who is—

- (a) a party to an acknowledgement of paternity registered under this Division;
- (b) the child to which the acknowledgement of paternity relates, or a guardian of the child; or
- (c) any other person who, in the Registrar's opinion, has a proper interest in the matter;

may apply to the Registrar for a certified copy of the instrument of acknowledgement.

(2) Where a declaration of parentage, or a copy of an order referred to in paragraph 46A (1) (c), (d) or (e) has been filed in the Register of Parentage Information—

- (a) the person found by the court that made the declaration or order to be a parent of the child to whom the declaration or order relates;
- (b) any other party to the proceedings in which the declaration or order was made;
- (c) the child to whom the declaration or order relates, or a guardian of the child; or
- (d) any other person who, in the Registrar's opinion, has a proper interest in the matter;

may apply to the Registrar for a certified copy of the declaration or order.

(3) An application shall—

- (a) be in writing signed by the applicant; and
- (b) be accompanied by the determined fee.

(4) Where the Registrar is satisfied that a person who makes an application is entitled to do so, the Registrar shall issue to the person the certified copy for which the person applied.

Searches in relation to ex-nuptial children

46E. (1) An executor, administrator or trustee of the estate of a deceased person may, by application in writing signed by the applicant and accompanied by the determined fee, request the Registrar to search the Register of Births and the Register of Parentage Information to ascertain whether the registers disclose that the deceased person was a parent of an ex-nuptial child.

(2) If the Registrar is satisfied that the applicant is entitled to make the application, the Registrar shall—

- (a) cause a search of the registers to be carried out; and
- (b) notify the applicant in writing of the result of the search.

Review of decisions

46F. An application may be made to the Administrative Appeals Tribunal for a review of a decision of the Registrar refusing to issue a certified copy under section 46D.

Notification of decisions

46G. (1) Where the Registrar makes a decision referred to in section 46F, the Registrar shall, within 28 days after the date of the decision, cause written notice of the decision to be given to each person whose interests are affected by the decision.

(2) A notice under subsection (1) shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 26 of that Act.

(3) The validity of the decision shall not be taken to have been affected by a failure to comply with subsection (2).

PART VII—TRANSITIONAL PROVISIONS**Application of Act to births and deaths occurring before its commencement**

47. (1) Subject to this section, this Act applies to and in relation to every birth and death that occurred in the Territory before the date of commencement of this Act 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.

(2) In the application of this Act to and in relation to a birth or death that occurred before the date of commencement of this Act, 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 Act, and this Act applies to and in relation to those particulars or that certificate as if they or it had been furnished under this Act 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 Act and is also an offence against the Repealed Ordinances, the person may be prosecuted and convicted under either this Act 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 solemnised before commencement of this Act

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 Act that had not been registered before that date, but, upon the registration of such a marriage, this Act applies to and in relation to the entry of the marriage in the Register of Marriages as if it had been made under this Act.

(2) For the purposes of the application of the Repealed Ordinances under the last preceding subsection, 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 Minister.

(2) The Registrar shall sign, and stamp or cause to be stamped with the stamp referred to in the last preceding subsection, 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 Act, 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 subsection, 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 Act.

Searches and issue of documents

51. (1) Subject to this section, the Registrar shall, on receiving an application under this section together with the determined fee, cause a search to be made in the appropriate index and register and issue to the applicant—

- (a) a copy of, or an extract from, the relevant entry certified by the Registrar in accordance with Form 10 or 11, as the case may be; or
- (b) a notification of the result of the search,

as the case requires.

(2) An application under subsection (1) shall—

- (a) be in writing signed by the applicant;
- (b) contain sufficient particulars to enable the relevant search to be made; and
- (c) specify the reason for which the search is required.

(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.

(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.

(8) Where—

- (a) a person has paid the determined fee on an application for a search in a register and the issue to him of a copy of an entry in the register; and
- (b) the Registrar issues to that person a notification of the result of the search because the search failed to locate such an entry,

that person is entitled to have refunded to him an amount equal to the amount by which the fee determined for a search in the register and the issue of a copy of an entry exceeds the fee determined for a search in the register and the issue of a notification of the result of the search.

(9) The Registrar shall not issue under this section an extract from an entry in the Register of Births or the Register of Parentage Information if the extract discloses that a child is an ex-nuptial child or that a person is a parent of an ex-nuptial child.

Correction of errors in Register of Births, or Register of Deaths

52. (1) Where the Registrar is satisfied that the Register of Births or the Register of Deaths kept under this Act 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.

(2) Where the Registrar causes particulars to be entered in a register under the last preceding subsection, 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 Act in respect of the particulars of a marriage solemnized in the Territory before the commencement of this Act, 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* of the Commonwealth, 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 subsection, 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 Act 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 Act 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 Act—

- (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 Minister, or a person authorized by the Minister, has approved, by writing under his hand, the cancellation of the entry.

Evidence

55. (1) A register kept under section eight of this Act 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 Parentage Information the Register of Deaths or the Register of Marriages, being a copy, or an extract, duly issued under section fifty-one of this Act, 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 Parentage Information 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.

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

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—

- (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 subsection 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 subsection (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 subsection (1) of this section has been posted up in the office of the Registrar in accordance with the last preceding subsection 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 the determined fee, issue a certificate in accordance with Form 13.

(5) Before giving a certificate under the last preceding subsection, 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 subsection (1) of this section.

(7) A person may, upon payment of the determined fee 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 subsection (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 Act, or by the Registrar under section nine of this Act, 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 Act 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 Act;
- (b) bury or dispose of a body or the body of a child not born alive contrary to the provisions of this Act;
- (c) obtain the registration of the birth or death of a person (including a child not born alive) otherwise than in accordance with this Act; or
- (d) furnish to the Registrar, for the purposes of this Act, 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 Act, 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 Act, or with a requirement of the Registrar under section nine of this Act, 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 Act 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 Forty dollars.

Penalties

58. Where a person contravenes or fails to comply with a provision of this Act 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 Act punishable, upon conviction, by a fine not exceeding Five hundred dollars or by imprisonment for a period not exceeding six months.

Compliance with forms

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

Right of clergyman to receive fees

60. Nothing in this Act 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.

Adoption of Children Ordinance 1938 not affected

61. Nothing in this Act shall be taken to affect the operation of the *Adoption of Children Ordinance 1938-1949*.

Power of Minister to determine fees

62. The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of this Act.

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 mother and of the father of the child.
7. Any former surnames of the mother or father of the child (including the mother's maiden name where applicable).
8. If the child's parents were married to each other at the date of the child's birth—the date and place of their marriage.
9. Names and ages of living children, in order of birth, and the number of any male children and female children who are dead, being children of the same parents (including children who have been adopted by those parents, but not including children not born alive or children of the parents who have been adopted by another person).
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.
- 6A. Where the dead person had children—
 - (a) Names and ages of living children in order of birth.

THIRD SCHEDULE-continued

- (b) Number of any male children and female children 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 mother and of the father of the dead person.
 11. Any former surnames of the mother or father of the dead person (including the mother's maiden name where applicable).
 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 Act 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

(*mother*)

(*father*)

FOURTH SCHEDULE—continued

FORM 2

Section 20

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages Act 1963

INSTRUMENT CHANGING CHILD'S SURNAME

WHEREAS I, (*full name*) am the mother (*or father*) of (*full name of child*) who was born at
on 19 :

*And whereas the marriage of the parents of the child was dissolved by the death of (*full name*), the father (*or mother*) of the child (*or by decree of the (name of court)*) on
19 :

*And whereas I, (*full name*), the mother (*or father*) of the child ceased living with (*full name of other parent of child*), the father (*or mother*) of the child as the spouse (*or de facto spouse*) of the father (*or mother*) on
19 :

*And whereas I, (*full name*), the mother (*or father*) of the child have never lived with (*full name of other parent of child*) as the spouse or de facto spouse of the father (*or mother*):

*And whereas I, (*full name*), am now married to (*or living as de facto spouse with*) (*full name of spouse or de facto spouse*):

*And whereas the child, having attained the age of 16 years, consents, by signing this instrument, to his (*or her*) surname being changed to :

*And whereas (*full name of other parent*), the father (*or mother*) of the child consents, by signing this instrument, to the child's surname being changed to :

*And whereas (*full name of other parent*) is dead:

*And whereas the whereabouts of (*full name of other parent*) are unknown:

*And whereas (*full name of guardian of child*) consents, by signing this instrument, to the child's surname being changed to :

*And whereas the child has no guardian:

*And whereas (*full name of spouse or de facto spouse*) consents, by signing this instrument, to the child's surname being changed to :

Now therefore I, (*full name*), do, by this instrument, on behalf of myself and my child—

- (a) absolutely renounce the use of my child's former surname of , and assume, in its place, the surname of ;
- (b) declare that I and my 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 renounced surname of ; and
- (c) authorise and request all persons to designate and address my child by the name of (*full name of child, including assumed surname*).

Dated 19

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

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

Dated 19

FOURTH SCHEDULE—continued

Signed by (*full name of
child, including
existing surname*)
in the presence of—

}

*I, (*full name of other parent*), being the father (*or* mother) of (*full name of child, including existing surname*), consent to my child's surname being changed to

Dated 19

Signed by (*full name of
other parent*)
in the presence of—

}

*I, (*full name of spouse or de facto spouse*), being the spouse (*or* de facto spouse) of (*full name*) consent to her (*or* his) changing the surname of her (*or* his) child (*full name of child, including existing surname*) to

Dated 19

Signed by (*full name of
spouse or de facto
spouse*) in the
presence of—

}

**Leave out if inapplicable*

FOURTH SCHEDULE—continued

FORM 3

Section 21

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages Act 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 Act 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:

FOURTH SCHEDULE—continued

FORM 5

Section 25 (3)

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages Act 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:

FORM 6

Section 29

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages Act 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.

FOURTH SCHEDULE—continued

FORM 7

Section 33

AUSTRALIAN CAPITAL TERRITORY
Registration of Births, Deaths and Marriages Act 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 Act 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

FORM 9

Section 38

AUSTRALIAN CAPITAL TERRITORY
Registration of Births, Deaths and Marriages Act 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.

FOURTH SCHEDULE—continued

FORM 9A

Section 39

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages Act 1963

NOTICE OF REMOVAL OF BODY FROM TERRITORY

To the Registrar

1. I, _____, of _____, hereby give notice that on the _____ day of _____, 19____, the body of _____ was removed from the Territory for _____
 *burial
 *cremation
 *anatomical examination

at†

2. The person responsible for making arrangements for the disposal of the body is _____, undertaker, of _____.

3. The death of _____

* was _____ reported to the Coroner.
 * was not _____ reported to the Coroner.

Dated the _____ day of _____, 19____.

(Signature)

* Strike out whichever is not applicable.

† If anatomical examination, insert name and address of university or other institution at which examination to take place.

FORM 10

Section 51

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages Act 1963

CERTIFICATE OF ENTRY IN REGISTER

I, _____, the Registrar of Births, Deaths and Marriages for the Australian Capital Territory, hereby certify that the above is a true copy of an entry in a Register kept by me.

Dated the _____ day of _____, 19____.

Registrar

FOURTH SCHEDULE—continued

FORM 11

Section 51

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages Act 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 Act 1963* gives the following particulars concerning the _____ of _____.

(Here set out the particulars.)

Dated the _____ day of _____, 19 _____.

Registrar.

FORM 12

Section 56 (1)

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages Act 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 _____ are not _____ related to each other.

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—

FOURTH SCHEDULE—continued

- (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 Act 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 Act 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.

NOTE

1. The *Registration of Births, Deaths and Marriages Act 1963* as shown in this reprint comprises Act No. 17, 1963 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Registration of Births, Deaths and Marriages Ordinance 1963</i>	17, 1963	8 Aug 1963	1 Sept 1963 (see s. 2 and <i>Gazette</i> 1963, p. 1977)	
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
<i>Ordinances Revision (Age of Majority) Ordinance 1974</i>	47, 1974	24 Oct 1974	1 Nov 1974	—
<i>Registration of Births, Deaths and Marriages Ordinance 1975</i>	29, 1975	16 Sept 1975	16 Sept 1975	—
<i>Ordinances Revision (Administrative Arrangements) Ordinance 1977</i>	18, 1977	21 June 1977	21 June 1977	S. 28
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance 1977</i>	50, 1977	27 Sept 1977	3 Oct 1977	—
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance (No. 2) 1977</i>	58, 1977	24 Oct 1977	24 Oct 1977	Ss. 4 (2) and 5 (2)
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance 1979</i>	17, 1979	29 June 1979	1 July 1979	—
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance 1980</i>	24, 1980	24 July 1980	24 July 1980	—
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance (No. 2) 1980</i>	40, 1980	17 Oct 1980	17 Oct 1980	—
<i>Registration of Births, Deaths and Marriages Ordinance 1981</i>	32, 1981	30 Sept 1981	30 Sept 1981	—
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance 1982</i>	52, 1982	9 July 1982	9 July 1982	—

NOTE—continued

Table 1—continued

Table of Ordinances—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance (No. 2) 1982</i>	80, 1982	1 Oct 1982	1 Oct 1982	—
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance 1983</i>	41, 1983	29 Sept 1983	1 Oct 1983	—
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance 1986</i>	8, 1986	28 May 1986	28 May 1986	—
<i>Sex Discrimination (Miscellaneous Amendments) Ordinance 1986</i>	31, 1986	31 July 1986	1 Aug 1986	—
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance 1987</i>	51, 1987	16 Sept 1987	16 Sept 1987	—
<i>Nurses (Consequential Amendments) Ordinance 1988</i>	62, 1988	7 Sept 1988	5 Dec 1988 (see <i>Gazette</i> 1988, No. S369)	—
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance 1988</i>	92, 1988	21 Dec 1988	24 Mar 1989 (see <i>Gazette</i> 1989, No. S101)	S. 6 (2)
<i>Registration of Births, Deaths and Marriages (Amendment) Ordinance 1989</i>	29, 1989	3 May 1989	3 May 1989	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see S. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

NOTE—continued

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Director of Public Prosecutions (Consequential Provisions) Act 1990</i>	23, 1990	25 June 1990	Ss. 1 and 2: 25 June 1990 Remainder: 1 July 1990 (see <i>Gazette</i> 1990, No. S44, p. 2)	S. 4
<i>Registration of Births, Deaths and Marriages (Amendment) Act 1991</i>	47, 1991	30 Sept 1991	1 Jan 1992 (see <i>Gazette</i> 1991, No. S146, p. 2)	—
<i>Statute Law Revision (Miscellaneous Provisions) Act 1992</i>	23, 1992	4 June 1992	4 June 1992	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 3	rep. No. 58, 1977
S. 5	am. Nos. 24 and 40, 1980; No. 41, 1983; No. 31, 1986; Nos. 62 and 92, 1988; No. 29, 1989
S. 6	am. No. 18, 1977
S. 8	am. No. 18, 1977; No. 92, 1988
S. 10	am. No. 18, 1977
S. 12	am. No. 58, 1977 rs. No. 29, 1989
S. 13	am. No. 58, 1977; No. 31, 1986 rs. No. 29, 1988
Ss. 15, 16.....	am. No. 18, 1977
S. 17	rs. No. 40, 1980 rep. No. 92, 1988
S. 18	am. No. 58, 1977; No. 31, 1986
S. 19	am. No. 47, 1974; No. 58, 1977; No. 40, 1980; No. 41, 1983; No. 31, 1986
S. 20	rs. No. 31, 1986 am. No. 51, 1987; No. 92, 1988; No. 38, 1989
S. 20A.....	ad. No. 31, 1986
S. 21	am. No. 19, 1966; No. 29, 1975
S. 22	am. No. 19, 1966; No. 29, 1975; No. 50, 1977; No. 80, 1982; No. 41, 1983
S. 24	am. No. 18, 1977; No. 24, 1980
S. 25	am. No. 19, 1966
S. 28	am. No. 58, 1977
Ss. 31, 32.....	am. No. 8, 1986

NOTE—continued**Table of Amendments**—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 34	am. No. 18, 1977; No. 24, 1980; Act No. 47, 1991
S. 39	am. No. 58, 1977
S. 43	am. No. 58, 1977; No. 31, 1986
Heading to Part VI	rs. No. 92, 1988
Heading to Div. 1 of Part VI	ad. No. 92, 1988
S. 44	am. Nos. 18 and 58, 1977
Div. 2 of Part VI (ss. 46A-46G)	ad. No. 92, 1988
Ss. 46A-46F	ad. No. 92, 1988
S. 46G	ad. No. 92, 1988 am. Act No. 23, 1992
S. 49	am. No. 18, 1977
S. 51	am. No. 52, 1982; No. 41, 1983; No. 92, 1988
S. 54	am. No. 18, 1977
S. 55	am. No. 92, 1988
S. 56	am. No. 19, 1966; No. 50, 1977; No. 80, 1982; No. 41, 1983
S. 57	am. No. 19, 1966; No. 18, 1977; Act No. 23, 1990
S. 58	am. No. 19, 1966
S. 62	rep. No. 18, 1977 ad. No. 41, 1983
Second, Third Schedules ...	am. No. 31, 1986
Fourth Schedule	am. No. 58, 1977; No. 31, 1986
Fifth Schedule	am. No. 19, 1966 rs. No. 29, 1975; No. 50, 1977 am. No. 17, 1979; No. 32, 1981; Nos. 52 and 80, 1982 rep. No. 41, 1983