



Australian Capital Territory

# **Births, Deaths and Marriages Registration Regulations**

**Subordinate Law No. 36 of 1998<sup>1</sup>**

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The Australian Capital Territory Executive makes the following Regulations under the *Births, Deaths and Marriages Registration Act 1997*.

Dated 4 December 1998.

GARY HUMPHRIES  
Minister

KATE CARNELL  
Minister

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## **1. Citation**

These Regulations may be cited as the *Births, Deaths and Marriages Registration Regulations*.

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## **2. Commencement**

These Regulations commence on the day on which the provisions of the *Births, Deaths and Marriages Registration Act 1997*, other than sections 1 and 2, commence.

## **3. Interpretation**

In these Regulations, unless the contrary intention appears—

“Act” means the *Births, Deaths and Marriages Registration Act 1997*.

## **4. Notification of birth**

(1) For the purposes of subsection 5 (3) of the Act, the following particulars are prescribed:

- (a) if the child was born in a hospital or was brought to a hospital within 24 hours after birth—the name of the hospital;
- (b) the sex of the child;
- (c) the date of birth of the child;
- (d) whether the child was born alive or still-born;
- (e) the weight of the child at birth and, if the child was still-born, the period of gestation of the child;
- (f) whether or not the birth was a multiple birth;
- (g) the name and place of residence of the mother of the child;
- (h) the name of the doctor or midwife responsible for the professional care of the mother at the birth;
- (i) if it is known that the child is to be adopted, an indication of that fact;
- (j) the name and occupation of the person giving the notice.

(2) For the purposes of paragraph (1) (e)—

- (a) a weight shall be expressed in grams; and
- (b) a period shall be expressed in completed weeks.

## **5. Registration of births**

For the purposes of subsection 11 (1) of the Act, the following particulars are prescribed:

- (a) the name of the child;
- (b) the sex of the child;

- (c) the date and place of birth of the child;
- (d) whether the child was born alive or still-born;
- (e) whether or not the birth was a multiple birth and, if it was, the number of children born as a result of the multiple birth and the number of those children born before the child;
- (f) the name, any former name and the occupation and place of residence of the mother of the child;
- (g) the place of birth of the mother of the child and her date of birth or, if the date of birth is not known, her age;
- (h) the name, any former name, and the occupation and place of residence of the father of the child;
- (i) the place of birth of the father of the child and his date of birth or, if the date of birth is not known, his age;
- (j) if the parents of the child are married, the date and place of marriage;
- (k) the name and age of each other child of the relationship of the parents of the child in order of birth (including any adopted or still-born child but not including any child given up for adoption);
- (l) the number of any deceased male and any deceased female children of the relationship of the parents of the child;
- (m) the name of not less than 1 person who witnessed the birth including, where the birth was witnessed by a doctor, midwife or nurse, the name of not less than 1 of them;
- (n) the name, occupation, place of residence and relationship to the child, if any, of the person providing the information.

**6. Application to alter Register to record change of sex**

(1) For the purposes of subsection 24 (4) of the Act, the following particulars are prescribed:

- (a) the name, any former name, the place of residence and the date and place of birth of the relevant person;
- (b) if known, the name and any former name of the relevant person's mother;
- (c) if known, the name and any former name of the relevant person's father;

- (d) the sex shown on the relevant person's original birth certificate;
  - (e) whether the relevant person has ever been married and, if so, the manner in which the marriage was terminated.
- (2) In this regulation, a reference to a relevant person shall be read as a reference to—
- (a) a person who lodges an application under subsection 24 (1) of the Act; or
  - (b) a child in relation to whom an application is lodged under subsection 24 (2) of the Act.

**7. Issue of birth certificates**

For the purposes of paragraph 27 (2) (c) of the Act, the following persons are specified:

- (a) a parent or guardian of the transsexual person;
- (b) a spouse or former spouse of the transsexual person;
- (c) an executor or administrator of the estate of the transsexual person;
- (d) a legal practitioner authorised by a person referred to in paragraph 27 (2) (a) or (b) of the Act or paragraphs (a), (b) or (c) of this regulation.

**8. Effect of certificates issued in respect of transsexual persons**

For the purposes of the definition of “interstate recognition certificate” in subsection 29 (3) of the Act, the following laws are prescribed:

- (a) the *Births, Deaths and Marriages Registration Act 1995* of New South Wales;
- (b) the *Sexual Reassignment Act 1988* of South Australia;
- (c) the *Births, Deaths and Marriages Registration Act* of the Northern Territory.

**9. Notification of deaths by funeral directors**

For the purposes of paragraph 37 (1) (d) of the Act, the following information is required:

- (a) the date and place of death of the deceased;
- (b) the sex of the deceased;

- (c) the date and place of birth of the deceased;
- (d) the usual occupation of the deceased;
- (e) if the deceased was born outside Australia, the length of the period during which he or she has been in Australia;
- (f) the marital status of the deceased immediately before death;
- (g) if the deceased had been married at any time, the date and place of each marriage and the name and any former name of each spouse;
- (h) the name of each child of the deceased (including any adopted child but not including any child given up for adoption) in order of birth, indicating the age of the child at the date of death of the deceased and whether the child predeceased the deceased;
- (i) the name, any former name and the occupation of the mother of the deceased;
- (j) the name, any former name and the occupation of the father of the deceased;
- (k) the date of the disposal of the remains of the deceased;
- (l) the name and address of the funeral director or other person who arranged for the disposal of the remains;
- (m) if a celebrant was present at the burial or cremation—the name of the celebrant and, if the celebrant is a minister of religion, his or her denomination;
- (n) the name of a person who witnessed the disposal of the remains.

**10. Removal of remains from the Territory**

For the purposes of subsection 37 (2) of the Act, the following particulars are required:

- (a) the name and last residential address of the deceased;
- (b) the name, occupation and address of the funeral director or other person who arranged the removal;
- (c) the date of the removal of the remains of the deceased;
- (d) the purpose of the removal and, if the removal was for anatomical examination, the name of the institution at which the examination is to take place;
- (e) whether or not the death was reported to a Coroner;

- (f) the information specified in paragraphs 9 (a) to (j) (inclusive) and, if the remains were disposed of within 30 days after the date of death, the information specified in paragraphs 9 (k) to (n) inclusive.

**11. Non-disposal of remains**

For the purposes of paragraph 37 (3) (c) of the Act, the following information is required:

- (a) the information specified in paragraphs 9 (a) to (j) (inclusive);
- (b) the name, occupation and place of residence of the person having custody of the remains.

**12. Manner of registration**

For the purposes of subsection 38 (1) of the Act, the following particulars are prescribed:

- (a) the name and last residential address of the deceased;
- (b) the matters set out in paragraphs 9 (a) to (n) (inclusive);
- (c) whether or not the death was reported to a Coroner;
- (d) the place and manner of the disposal of the remains of the deceased.

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**NOTE**

**Notification**

- 1. Notified in the ACT Gazette on 9 December 1998.