



Australian Capital Territory

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

**SL1998-36**

made under the

**Births, Deaths and Marriages Registration Act 1997**

**Republication No 1 (RI)**

**Effective: 1 May 2000 – 11 September 2001**

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Regulation not amended

## **About this republication**

### **The republished law**

This is a republication of the *Births, Deaths and Marriages Registration Regulations*, made under the *Births, Deaths and Marriages Registration Act 1997*, effective from 1 May 2000 to 11 September 2001.

### **Kinds of republications**

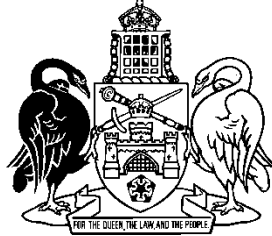
The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### **Editorial changes**

The *Legislation (Republication) Act 1996*, part 3, division 2 authorised the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation (Republication) Act 1996*, s 14 and s 16). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.



Australian Capital Territory

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

in force under the  
**Births, Deaths and Marriages Registration Act 1997**

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Australian Capital Territory

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

in force under the  
**Births, Deaths and Marriages Registration Act 1997**

## **1 Citation**

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

## **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 Definition**

In these regulations:

*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 stillborn;
- (e) the weight of the child at birth and, if the child was stillborn, the period of gestation of the child;

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- (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 stillborn;
- (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 stillborn 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;

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- (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* (NSW);
- (b) the *Sexual Reassignment Act 1988* (SA);
- (c) the *Births, Deaths and Marriages Registration Act* (NT).

## **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) and, if the remains were disposed of within 30 days after the date of death, the information specified in paragraphs 9 (k) to (n).

**11 Nondisposal 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);
- (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);
- (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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**ENDNOTES**

**1 About this republication**

This is a republication of the *Births, Deaths and Marriages Registration Regulations* as in force under the *Births, Deaths and Marriages Registration Act 1997* on 1 May 2000. The regulations had not been amended up to that date

Amending laws are annotated in the table of legislation and table of amendments.

The Parliamentary Counsel's Office currently prepares 2 kinds of republications of ACT laws: authorised printed republications to which the *Legislation (Republication) Act 1996* applies and unauthorised electronic republications. The status of this republication appears on the cover.

Section 13 of the *Legislation (Republication) Act 1996* authorises the Parliamentary Counsel, in preparing a law for republication, to make textual amendments of a formal nature which the Parliamentary Counsel considers desirable in accordance with current legislative drafting practice. The amendments do not effect a substantive change in the law.

In preparing this republication, amendments have been made under section 13.

Not all amendments made under section 13 are annotated in the table of amendments. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

**2 Abbreviation key**

Key to abbreviations in tables

am = amended	pres = present
amdt = amendment	prev = previous
ch = chapter	(prev...) = previously
cl = clause	prov = provision
def = definition	pt = part
dict = dictionary	r = rule/subrule
div = division	reg = regulation/subregulation
exp = expires/expired	renum = renumbered
Gaz = Gazette	reloc = relocated
hdg = heading	R[X] = Republication No
ins = inserted/added	s = section/subsection
LR = Legislation (Republication) Act 1996	sch = schedule
mod = modified	sdiv = subdivision
No = number	sub = substituted
notfd = notified	SL = Subordinate Law
o = order	sp = spent
om = omitted/repealed	* SL unless otherwise stated
orig = original	† Act or Ordinance unless otherwise stated
p = page	
par = paragraph	

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**3 Table of legislation**

Subordinate law*	Year and number*	Gazette notification	Commencement	Transitional provisions
<i>Births, Deaths and Marriages Registration Regulations</i>	1998 No 36	9 Dec 1998	24 June 1998 (see reg 2)	

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