



Australian Capital Territory

# **Births, Deaths and Marriages Registration Regulation 1998**

**SL1998-36**

made under the

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

**Republication No 8**

**Effective: 12 March 2008 – 18 May 2008**

Republication date: 12 March 2008

Last amendment made by SL2008-6

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Births, Deaths and Marriages Registration Regulation 1998*, made under the *Births, Deaths and Marriages Registration Act 1997* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 March 2008. It also includes any amendment, repeal or expiry affecting the republished law to 12 March 2008.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### 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 Act 2001*, part 11.3 authorises 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 Act 2001*, s 115 and s 117). 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.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Births, Deaths and Marriages Registration Regulation 1998

made under the

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

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R8  
12/03/08

Births, Deaths and Marriages Registration Regulation  
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Australian Capital Territory

# **Births, Deaths and Marriages Registration Regulation 1998**

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R8  
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**1 Name of regulation**

This regulation is the *Births, Deaths and Marriages Registration Regulation 1998*.

**4 Notification of birth**

- (1) For the Act, section 5 (3), 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;
  - (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 subsection (1) (e)—
- (a) a weight must be expressed in grams; and
  - (b) a period must be expressed in completed weeks.

## 5 Registration of births

For the Act, section 11 (1), 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 or other parent of the child;
- (i) the place of birth of the father or other parent of the child and his date of birth or, if the date of birth is not known, his age;
- (j) whether or not the parents of the child are in a domestic partnership;  
*Note* For the meaning of *domestic partnership*, see the Legislation Act, s 169.
- (k) if the parents of the child are married—the date and place of marriage;
- (l) 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);

- (m) the number of any deceased male and any deceased female children of the relationship of the parents of the child;
- (n) the name of not less than 1 person who witnessed the birth including, if the birth was witnessed by a doctor, midwife or nurse, the name of not less than 1 of them;
- (o) the name, occupation, place of residence and relationship to the child, if any, of the person providing the information.

**5A Change of name entries in register—Act, s 21**

The following particulars are prescribed:

- (a) the person's name immediately before the change of name;
- (b) the name shown on the person's original birth certificate, and any other former names of the person;
- (c) the person's name as changed;
- (d) the person's sex;
- (e) the person's date and place of birth;
- (f) the name and any former name of the person's mother;
- (g) the name and any former name of the person's father.

**6 Application to alter register to record change of sex**

- (1) For the Act, section 24 (4), 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, how the marriage was terminated.
- (2) In this section, a reference to a *relevant person* is a reference to—
- (a) a person who lodges an application under the Act, section 24 (1); or
  - (b) a child in relation to whom an application is lodged under the Act, section 24 (2).

## **7 Issue of birth certificates**

For the Act, section 27 (2) (c), 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 lawyer authorised by a person mentioned in paragraph (a), (b) or (c) or in the Act, section 27 (2) (a) or (b).

## **8 Effect of certificates issued for transsexual people**

For the Act, section 29 (3), definition of *interstate recognition certificate*, 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);
- (d) the *Births, Deaths and Marriages Registration Act 1999* (Tas);

- (e) the *Gender Reassignment Act 2000* (WA).

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

For the Act, section 37 (1) (d), 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) whether the deceased was an Aboriginal or a Torres Strait Islander.
- (e) the usual occupation of the deceased;
- (f) if the deceased was born outside Australia—the length of the period during which he or she has been in Australia;
- (g) whether or not the deceased was in a domestic partnership at the time of death;
- (h) if the deceased had been in a domestic partnership at any time—
  - (i) if the deceased had been married—the date and place of each marriage; and
  - (ii) in any case—the name and any former name of each domestic partner.

*Note* For the meanings of *domestic partner* and *domestic partnership*, see the Legislation Act, s 169.

- (i) 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;

- (j) the name, any former name and the occupation of the mother of the deceased;
- (k) the name, any former name and the occupation of the father or other parent of the deceased;
- (l) the date of the disposal of the remains of the deceased;
- (m) the name and address of the funeral director or other person who arranged for the disposal of the remains;
- (n) 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;
- (o) the name of a person who witnessed the disposal of the remains.

## **10 Removal of remains from the ACT**

For the Act, section 37 (2), 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 where the examination is to take place;
- (e) whether or not the death was reported to a coroner;
- (f) the information specified in section 9 (a) to (k) and, if the remains were disposed of within 30 days after the date of death, the information specified in section 9 (l) to (o).

**11 Nondisposal of remains**

For the Act, section 37 (3) (c), the following information is required:

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

**12 Manner of registration**

For the Act, section 38 (1), the following particulars are prescribed:

- (a) the name and last residential address of the deceased;
- (b) the matters set out in section 9 (a) to (o);
- (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.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This regulation was originally the *Births, Deaths and Marriages Registration Regulations*. It was renamed under the *Legislation Act 2001*.

#### **Births, Deaths and Marriages Registration Regulation 1998 No 36**

notified 9 December 1998 (Gaz 1998 No S211)  
commenced 24 June 1998 (s 2)

as amended by

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 36**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 36 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Births, Deaths and Marriages Registration Amendment Regulations 2002 No 13**

notified LR 11 June 2002  
s 1, s 2 commenced 11 June 2002 (LA s 75)  
remainder commenced 12 June 2002 (s 2)

#### **Parentage Act 2004 A2004-1 sch 1 pt 1.5**

notified LR 18 February 2004  
s 1, s 2 commenced 18 February 2004 (LA s 75 (1))  
sch 1 pt 1.5 commenced 22 March 2004 (s 2 and CN2004-3)

#### **Sexuality Discrimination Legislation Amendment Act 2004 A2004-2 sch 1 pt 1.2**

notified LR 18 February 2004  
s 1, s 2 commenced 18 February 2004 (LA s 75 (1))  
sch 1 pt 1.2 commenced 22 March 2004 (s 2 and CN2004-4)

#### **Statute Law Amendment Act 2004 A2004-42 sch 3 pt 3.4**

notified LR 11 August 2004  
s 1, s 2 commenced 11 August 2004 (LA s 75 (1))  
sch 3 pt 3.4 commenced 25 August 2004 (s 2 (1))

**Civil Unions Act 2006 A2006-22 sch 1 pt 1.5**

notified LR 19 May 2006  
 s 1, s 2 commenced 19 May 2006 (LA s 75 (1))  
 sch 1 pt 1.5 never commenced

*Note* Act repealed by disallowance 14 June 2006 (see Cwlth Gaz 2006 No S93)

**Births, Deaths and Marriages Registration Amendment Regulation 2006 (No 1) SL2006-44**

notified LR 14 August 2006  
 s 1, s 2 commenced 14 August 2006 (LA s 75 (1))  
 remainder commenced 15 August 2006 (s 2)

**Births, Deaths and Marriages Registration Amendment Regulation 2008 (No 1) SL2008-6**

notified LR 11 March 2008  
 s 1, s 2 commenced 11 March 2008 (LA s 75 (1))  
 remainder commenced 12 March 2008 (s 2)

**4 Amendment history****Name of regulation**

s 1 am R2 LA  
 sub A2004-42 amdt 3.21  
 am R6 LA

**Commencement**

s 2 om Act 2001 No 44 amdt 1.366

**Definition**

s 3 om Act 2001 No 44 amdt 1.366

**Registration of births**

s 5 am A2004-1 amdt 1.19; A2004-2 amdt 1.9; pars renum R4 LA (see A2004-2 amdt 1.10); A2006-22 amdt 1.20 (A2006-22 rep before commenced by disallowance (see Cwlth Gaz 2006 No S93))

**Change of name entries in register—Act, s 21**

s 5A ins SL2008-6 s 4

**Application to alter register to record change of sex**

s 6 am A2006-22 amdt 1.21 (A2006-22 rep before commenced by disallowance (see Cwlth Gaz 2006 No S93))

## Endnotes

### 5 Earlier replications

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#### **Issue of birth certificates**

s 7 am A2006-22 amdt 1.22 (A2006-22 rep before commenced by disallowance (see Cwlth Gaz 2006 No S93))

#### **Effect of certificates issued for transsexual people**

s 8 am 2002 No 13 s 4

#### **Notification of deaths by funeral directors**

s 9 am A2004-1 amdt 1.19; A2004-2 amdt 1.11; A2006-22 amdt 1.23 (A2006-22 rep before commenced by disallowance (see Cwlth Gaz 2006 No S93)); SL2006-44 s 4; pars renum R7 LA

## 5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Replication No</b>	<b>Amendments to</b>	<b>Replication date</b>
1	not amended	1 May 2000
2	Act 2001 No 44	12 September 2001
3	SL2002-13	12 June 2002
4	A2004-2	22 March 2004
5	A2004-42	25 August 2004
6	A2004-42	3 November 2004
7	SL2006-44	15 August 2006

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