



Australian Capital Territory

Births, Deaths and Marriages Registration Regulation 1998

SL1998-36

made under the

Births, Deaths and Marriages Registration Act 1997

Republication No 10

Effective: 19 November 2009 – 16 December 2009

Republication date: 19 November 2009

Last amendment made by A2009-41

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 19 November 2009. It also includes any amendment, repeal or expiry affecting the republished law to 19 November 2009.

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):

- 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 includes 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

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



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R10
19/11/09

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Births, Deaths and Marriages Registration Regulation
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Effective: 19/11/09-16/12/09

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 or in a civil partnership—the date and place of the marriage or civil partnership;
- (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.
- (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 civil partner, or former spouse or civil partner, 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).

8A Civil partnership—prescribed particulars

- (1) For the Act, section 32AA (2) and (4), the following particulars are prescribed:
 - (a) if the civil partnership was entered into by registration under the *Civil Partnerships Act 2008*, section 8—the date and place of registration;
 - (b) if the civil partnership was entered into before a civil partnership notary under the *Civil Partnerships Act 2008*, section 8B—
 - (i) the date and place of the declaration before the notary;
and
 - (ii) the full name of at least 1 witness to the civil partnership;
 - (c) the following particulars for each person who is a party to the civil partnership:
 - (i) the person’s full name;
 - (ii) the person’s home address;
 - (iii) the person’s date and place of birth;
 - (iv) the person’s relationship status before entering into the civil partnership;
 - (v) the person’s occupation;
 - (vi) the full name of each of the person’s parents.
- (2) For the Act, section 32AA (4), the following particulars are also prescribed:
 - (a) the civil partnership notary’s full name;
 - (b) details of the notary’s registration as a civil partnership notary under the *Civil Partnerships Act 2008*, part 2A (Civil partnership notaries).

(3) In this section:

relationship status means the status or condition of being—

- (a) single; or
- (b) divorced; or
- (c) widowed; or
- (d) the domestic partner (other than the spouse or civil partner) of someone else.

Note For the meaning of ***domestic partner***, see the Legislation Act, s 169.

8B Termination of civil partnership—prescribed particulars

For the Act, section 32B (2), the following particulars are prescribed:

- (a) for a civil partnership terminated under the *Civil Partnerships Act 2008*, section 10 (Termination by parties)—
 - (i) the date the termination notice was given to the registrar-general under that Act, section 10 (1); and
 - (ii) the date of effect of the termination;
- (b) for a civil partnership terminated under the *Civil Partnerships Act 2008*, section 11 (Termination by court order)—
 - (i) the date the order was made; and
 - (ii) the date of effect of the termination.

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 or in a civil partnership—the date and place of each marriage and civil partnership; 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

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 Cwlt
 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)

Civil Partnerships Act 2008 A2008-14 sch 1 pt 1.4

notified LR 15 May 2008
 s 1, s 2 commenced 15 May 2008 (LA s 75 (1))
 sch 1 pt 1.4 commenced 19 May 2008 (s 2 and CN2008-8)

Civil Partnerships Amendment Act 2009 A2009-41 sch 1 pt 1.2

notified LR 18 November 2009
 s 1, s 2 commenced 18 November 2009 (LA s 75 (1))
 sch 1 pt 1.2 commenced 19 November 2009 (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

Endnotes

4 Amendment history

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)); A2008-14 amdt 1.10

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)); A2008-14 amdt 1.11

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)); A2008-14 amdt 1.12

Effect of certificates issued for transsexual people

s 8 am 2002 No 13 s 4

Civil partnership—prescribed particulars

s 8A ins A2008-14 amdt 1.13
am A2009-41 amdts 1.2-1.4; pars and ss renum R10 LA

Termination of civil partnership—prescribed particulars

s 8B ins A2008-14 amdt 1.13

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; A2008-14 amdt 1.14

5 Earlier republications

Some earlier republications 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 republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No | Amendments to | Republication date |
|------------------|----------------|--------------------|
| 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 |
| 8 | SL2008-6 | 12 March 2008 |
| 9 | A2008-14 | 19 May 2008 |

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