



REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1963

[Consolidated as at 29 October 2014
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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23B, 23C and 23D)

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Registration of Births, Deaths and Marriages Act 1963

An Act relating to the registration of births, deaths and marriages.

PART 1 — PRELIMINARY

Short title

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

Parts

2. This Act is divided into Parts, as follows:

Part	1	—	Preliminary
Part	2	—	Administration
Part	3	—	Registration of Births.
Part	4	—	Registration of Deaths
Part	5	—	Registration of Marriages
Part	6	—	Registration of Legitimations
Part	7	—	Transitional Provisions
Part	8	—	Miscellaneous

Repeal

3. The Law and Act specified in Schedule 1 are repealed.

Saving

4. The repeal effected by section 3 does not prevent the use, after the commencement of this Act, of a form prescribed by the Law or an Act repealed by this Act instead of the corresponding form required by this Act.

Interpretation

5. (1) In this Act, unless the contrary intention appears —
 - “body” means the body of a dead person;
 - “child” includes a child not born alive, being a child —
 - (a) if the period of its gestation is reliably ascertainable - of not less than 20 weeks gestation; or
 - (b) in any other case - weighing not less than 400 grammes at birth;
 - “Coroner” includes a Deputy Coroner;
 - “medical practitioner” means a person who is registered as a medical practitioner under a law of a State, and includes a person holding the office, or performing the functions of the office, of Government Medical Officer in the Territory;

“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;

“parent”, in relation to a legitimate child, means the father or mother of the child and, in relation to an illegitimate child, means the mother of the child;

“the Registrar” means the Registrar of Births, Deaths and Marriages holding office under this Act;

“the Repealed Acts” means the Law and Acts repealed by section 3;

“the Territory” means Norfolk Island;

“undertaker” includes a person having charge of the burial of a body;

“year” means the period of 12 months commencing on 1 January.

(2) For the purposes of this Act —

- (a) 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 16; and
- (b) 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 26,

are those prescribed by regulation.

(3) A child shall be taken to have been born alive for the purposes of this Act if the child has breathed after having been completely expelled or extracted from the child's mother.

(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 Schedule 4.

(6) In this Act, references to the Register of Births, the Register of Deaths or the Register of Marriages kept under the Repealed Acts shall be read as references to the books in which particulars of births, marriages or deaths, as the case may be, were registered in accordance with the Repealed Acts.

PART 2 — 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 person to be the Deputy 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.

(4) The person holding office immediately before the commencement of this Act as Registrar of births, marriages, and deaths and Deputy Registrar of births, marriages, and deaths under the *Registration of Births, Marriages and Deaths Act 1913-1962* shall be deemed to have been appointed Registrar of Births, Deaths and Marriages and Deputy Registrar of Births, Deaths and Marriages, respectively, by the Minister under this section.

Powers of Acting Registrar, Deputy Registrar, etc

7. (1) A person appointed under subsection 6(3) 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 6(3) 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.

Registers

8. (1) The Registrar shall keep registers, to be called the Register of Births, 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 shall 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 Act 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 14 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 subsection 9(3) shall be in such form as the Registrar directs in the notice.

(5) A person who furnishes a statement under subsection 9(3) 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 3 — 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 Acts but was not, immediately before that date, registered in the Register of Births kept under the Repealed Acts.

(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.

Notice of birth to be given to Registrar

12. (1) Subject to subsection 12(2), the occupier of the premises in which a child is born shall, within 2 days after the birth, furnish to the Registrar notice of the birth together with such of the following particulars relating to the birth as are within the knowledge of, or are ascertainable with accuracy by, the occupier —

- (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 mother of the child; and
- (d) the full name and usual place of residence of any person who was in attendance on the mother during her confinement.

(2) Where a parent of a child or the occupier of premises in which a child is born complies with section 13 within 2 days after the birth of the child, it is not necessary for the occupier to comply with subsection 12(1).

(3) A notice and particulars furnished under subsection 12(1) shall be in writing under the hand of the occupier.

(4) Where a child is not born in any premises but is admitted to premises shortly after birth, this section applies as if the child had been born in the premises to which the child was so admitted.

Particulars for registration of birth

13. (1) A parent of a child born in the Territory, and the occupier of the premises in which a child is born, shall, within 28 days after the day on which the child was born, furnish to the Registrar 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 are ascertainable with accuracy by, the parent or occupier, as the case may be.

(2) It is a defence if a person (not being a parent of the child) charged with an offence against subsection 13(1) proves —

- (a) that a parent of the child has complied with that subsection; or
- (b) that the parents of the child were not prevented, by reason of the death or inability of the mother of the child and the death, inability or absence from the Territory of the father of the child, from complying with that subsection.

(3) Where a child is not born in any premises but is admitted to premises shortly after birth, this section applies as if the child had been born in the premises to which the child was so admitted.

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 the 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 28 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 28 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 12 months after the day on which the child was born unless the Minister, or a person authorised 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 the Australian Capital Territory 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 18 months when he commenced to reside in the Territory.

(2) The Registrar shall not register the birth of a child under subsection 16(1) —

- (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 paragraph 16(1)(a) and 16(1)(b) 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 12 months after the child commenced to reside in the Territory or the Minister, or a person authorised by the Minister, has, by writing under his hand, approved the registration of the birth.

Registration of birth of illegitimate child

17. (1) Subject to subsection 17(2), the name of, and any other particulars relating to, the father of an illegitimate child shall not be included in any particulars furnished to the Registrar in connection with the registration of the birth of the child unless —

- (a) the mother and the father of the child each requests the Registrar, in writing, to include the name and other particulars in the entry of the birth in the Register of Births;
- (b) the father, by writing under his hand furnished to the Registrar, acknowledges that he is the father of the child; and
- (c) that acknowledgement is signed by the father in the presence of the Registrar or, in a case where the Registrar is satisfied that it is impracticable for the father so to sign that acknowledgment, a statutory declaration of the father verifying the facts contained in that acknowledgment is furnished to the Registrar.

(2) Where the mother of an illegitimate child has not requested the Registrar to include the name and other particulars of the father of the child in the entry of the birth of the child in the Register of Births but the father of the child has so requested the Registrar and paragraphs 17(1)(b) and 17(1)(c) have been complied with, the name and other particulars of the father may be included in particulars furnished to the Registrar in connection with the registration of the birth of the child if the Registrar is satisfied that the mother is dead or is of unsound mind.

(3) The Registrar shall not enter in the Register of Births the name of, or any other particulars relating to, the father of an illegitimate child unless subsection 17(1) or 17(2) has been complied with.

(4) The Registrar shall bring the provisions of this section to the notice of any person furnishing information concerning the birth of an illegitimate child.

Division 2 — Names and Changes of Names

Surname to be entered in the Register of Births

18. (1) For purposes of this Act, the name to be entered in the Register of Births as the surname of a child is —

- (a) if —
 - (i) the child was born the legitimate child of his parents or is deemed by virtue of section 91 of the *Marriage Act 1961* to be the legitimate child of his parents as from his birth;
 - (ii) the registration of the birth is effected under section 44 of this Act; or
 - (iii) the name of the father of the child is, at the time the birth is registered, entered in the Register of Births in accordance with section 17,
the surname of his father at the date of the child's birth; or
- (b) in any other case - the surname of his mother at the date of the child's birth.

(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 14 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 the 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 28 days after the date of the baptism, a certificate, in accordance with or to the effect of the form prescribed by regulation, signed by the minister of religion who baptised the child.

(2) Subsection 19(1) does not apply in relation to a child who is baptised after he has attained the age of 18 years.

(3) Subject to subsection 19(4), 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 subsection 19(3) if the child has attained the age of 18 years.

(5) A notice referred to in subsection 19(3) is not effective until it is furnished to the Registrar.

(6) Where a certificate is furnished to the Registrar under subsection 19(1) or a notice under subsection 19(3) is furnished to the Registrar, 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) For the purposes of subsection 19(3) references to the parents of a child shall be read as references —

- (a) in the case of a legitimate child both of whose parents are alive —
 - (i) if subparagraph 19(7)(a)(ii) is not applicable - to both parents of the child; or
 - (ii) if the parents are divorced or separated and the child lives permanently with one parent - to the parent with whom the child lives;
- (b) in the case of a legitimate child only one of whose parents is alive - to the surviving parent of the child; or
- (c) in the case of an illegitimate child whose mother is alive - to the mother of the child.

Change of child's surname by mother

20. (1) Subject to this section, where the mother of a child whose birth is registered in the Register of Births is married to a person other than the father of the child and the person to whom she is married consents in writing to her doing so, the mother may, by signing an instrument in accordance with the form prescribed by regulation, change the surname of the child to the surname of the person to whom she is married.

(2) An instrument referred to in subsection 20(1) is not effective until it is deposited with the Registrar.

(3) An instrument referred to in subsection 20(1) is not effective to change the surname of a child who has, when the instrument is signed, attained the age of 16 years unless the consent of the child is written on the instrument.

(4) Where the marriage of the parents of a child was, whether in the Territory or elsewhere, dissolved or annulled by the order of a court, an instrument referred to in subsection 20(1) is not effective to change the surname of the child unless —

- (a) the mother of the child has, when she signs the instrument, the custody of the child by virtue of the order of a court; and
- (b) if the father of the child is alive - the father consents, by writing under his hand, to the change of the surname of the child.

Change of name of person who has attained the age of 18 years

21. (1) A person who has attained the age of 18 years may, by signing an instrument in accordance with the form prescribed by regulation, change his name or any of his names (including a first or christian name).

(2) An instrument referred to in subsection 21(1) is not effective until it is deposited with the Registrar.

(3) A person who has changed his name under subsection 21(1) shall cause notice of the change to be published in the Gazette.

Penalty: 0.50 penalty unit.

(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 a fee prescribed by regulation, 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 19 or subsection 22(1).

(3) Subsection 22(1) 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 2A — Reassignment of Sex

When a sexual reassignment may be noted

23A. (1) The reassignment of a person's sex after sexual reassignment surgery may be noted in the person's entry in the register of births only if the person is not married.

(2) This division applies to the reassignment of the sex of a person whose entry in the register of births has been made under an order for adoption under the *Adoption of Children Act 1932*.

(3) The reassignment of a person's sex includes noting that a person's sex is non-specific.

(4) In this Division, the noting of reassignment of a person's sex means that the Registrar must have and maintain the noting of the reassignment of a person's sex but any extract or certificate of an entry in the register must show only the person's sex as reassigned not that there has been a reassignment by the Registrar.

Note: See also subsection 23D(2) and (3).

Application to note a reassignment of sex

23B. (1) An adult may apply to note the reassignment of the adult's sex.

(2) An application to note the reassignment of the sex of a child under the age of 18 years may be made by —

- (a) the child's parents; or
- (b) one of the child's parents if —
 - (i) the other parent is dead; or
 - (ii) the other parent's whereabouts are unknown; or
 - (iii) the other parent refuses to sign the application; or
 - (iv) the other parent is, for another justifiable reason, unable to apply; or
- (c) the child's guardians.

Note: Where the Registrar is satisfied that the reassignment procedure has occurred, then if the applicant does not wish to be assigned as being male or female but of non-specific sex, the Registrar must accept that decision of the applicant (*NSW Registrar of Births, Deaths and Marriages v Norrie*: High Court of Australia 2014).

(3) Despite subsection (2), the Registrar must accept an application to note the reassignment of a child's sex if a court, on the application of a parent or guardian of the child, orders the Registrar to do so.

- (4)** The application must be —
 - (a) in the approved form; and
 - (b) accompanied by —
 - (i) statutory declarations, by two doctors, verifying that the person the subject of the application has undergone sexual reassignment surgery; or
 - (ii) a recognition certificate;

- (c) accompanied by other information as may be prescribed; and
- (d) accompanied by other documents as may be prescribed; and
- (e) accompanied by such fee as may be prescribed.

(5) For paragraph (4)(b), a statutory declaration made by a doctor in another country may be sworn before a notary public in the other country.

(6) In this section —

doctor includes a person registered as a medical practitioner under a law of another State or country corresponding to the *Medical Practitioners Registration Act 1983*.

parent in the case of an adopted child means the adoptive parents of the child or where one parent is the natural parent and the other an adoptive parent includes both.

sexual reassignment surgery means a surgical procedure involving the alteration of a person's reproductive organs carried out—

- (a) to help the person to be considered to be a member of the opposite sex; or
- (b) to correct or eliminate ambiguities about the sex of the person.

Effect of reassignment of sex

23C. (1) A person who has had the reassignment of the person's sex entered into a register maintained under a corresponding law is a person of the sex as reassigned.

(2) A person who is the subject of a recognition certificate is a person of the sex stated in the recognition certificate.

(3) However, the person must comply with section 23B for the reassignment of the person's sex to be noted under this Act.

(4) If the reassignment of a person's sex is noted under this Act, the person is a person of the sex as reassigned, that is to say, male, female or non-specific.

(5) A person who has an entitlement —

- (a) under a will; or
- (b) under a trust; or
- (c) otherwise by operation of law;

does not, except as otherwise provided under the will, the trust or by the law conferring the entitlement, lose the entitlement only because the reassignment of the person's sex has been noted.

(6) A person whose application to note the reassignment of their sex, may at the same time as making the application, apply for a change of name or names and if the application is granted then the name change takes effect upon acceptance of the application and noting of the reassignment.

(7) In this section —

corresponding law means a law of another State or Territory that provides for the registration of births, deaths and marriages.

entitlement includes a right.

Confidentiality

23D. (1) If, in accordance with this division, an entry is made in a register noting the reassignment of a person's sex the fact of that entry having been made and of its content is confidential information and may not be disclosed without the order of a Court or the written consent of the person affected.

Penalty: 10 penalty units or 6 months imprisonment.

(2) Subject to subsection (3), a certificate of the content of an entry in the register of births must not give any indication that there has been a reassignment of the sex of the person the subject of the certificate.

(3) A person whose sex has been reassigned may apply to the Registrar for a certificate stating that the person's sex has been reassigned and stating the sex from and to which the change has been made and the date the change was entered in the register.

(4) A person seeking to make a search of a register in which the change of a person's sex reassignment has been noted is not entitled to observe, receive, or take any copy or record of, the entry of any such note and any application that may disclose the existence of any such entry must be refused by the Registrar.

Note: This provision does not prevent the person affected by reassignment making a search with respect to their own particulars.

(5) A person who enables another person to see or obtain information (other than information relating to that person) in a register or information held by the Registrar in response to which an entry in a register was made concerning the reassignment of a person's sex commits an offence.

Penalty: 10 penalty units or 6 months imprisonment.

(6) A person who makes an inference concerning the existence of an entry in a register by reason of having been refused access to a register and who publishes or makes an oral disclosure of that inference is deemed to have made a disclosure contrary to the provisions of subsection (1).

(7) It is not an offence under subsection (1) if the person the subject of the reassignment of sex has made it publicly known that the reassignment has been noted.

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 subsection 24(2), 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 the form prescribed by regulation, of the signing of the certificate.

(2) The matters concerning a child not born alive that are referred to in paragraph 24(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 the 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 and the period of its gestation;
- (g) the cause of the child not being born alive;
- (h) whether or not the medical practitioner 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;
- (i) whether the death of the child occurred before labour commenced or during labour;
- (j) if the death of the child occurred before the time when labour commenced, approximately how long before that time the death occurred; and
- (k) what signs of life were present after the complete expulsion or extraction of the child from its mother.

(3) A medical practitioner who signs a certificate referred to in subsection 24(2) 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 the form prescribed by regulation, relating to the birth, signed by a medical practitioner; or
- (b) the disposal is authorised, 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: 2 penalty units.

(2) Where a person referred to in paragraph 25(1)(b) authorises 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 the form prescribed by regulation, signed by him.

PART 4 — 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 28; 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 Acts.

(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 Register is reasonably able to ascertain.

Notification of death

27. (1) The occupier of the premises in which a person has died shall, within 14 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 (if any) 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 dies in premises and a medical practitioner has not signed a certificate referred to in section 34 in relation to the death within 24 hours after the person died, the occupier of the premises shall report the death of the person to the Coroner.

(3) 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 of a member of the Police Force.

(2) Where the death of a person is reported to a member of the Police Force under subsection 28(1), 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 subsection 29(1) 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 the form prescribed by regulation, 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 subsection 30(2); 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 subsection 30(1), 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 postmortem examination of the body of the person;
- (c) whether or not the death was from natural causes; and
- (d) if the person died within 28 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

31. A Coroner who dispenses, under section 10 of the *Coroners Act 1927*, with the 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 30(2) to be stated in a notification under subsection 30(1).

Registration of death where death reported to Coroner

32. Where the death of a person has been reported to the Coroner, 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 of 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, authorise 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 taken out of the Territory for burial or cremation, the Coroner may so certify in accordance with the form prescribed by regulation.

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 28 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 28 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 34(5) 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 the form prescribed by regulation, 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 28 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 28 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 34(5) 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 the form prescribed by regulation, of the signing of the certificate.

(3) For the purposes of subsection 34(1) and 34(2), a Medical Certificate of the Cause of a Death or a Medical Certificate of the Cause of a Child dying within 28 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 3 months immediately preceding the death;
 - (viii) whether or not the person (being a woman) was pregnant within the period of 3 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 28 days after Births, 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 24(2)(a) to 24(2)(f) (inclusive);
 - (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 while under, or as a result of the administration of, an anaesthetic administered in the course of a medical, surgical or dental operation or operation of a like nature;
- (f) died, not having been attended by a medical practitioner at any period within 3 months prior to his 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 in a prison, lock-up or hospital for the insane.

(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.

(7) Where —

- (a) a person who has died was attended by a medical practitioner during his last illness; or
- (b) a child who has died within 28 days after birth was attended by a medical practitioner during that period,

and the medical practitioner dies before complying with subsection 34(1) or is unable to comply with that subsection by reason of his incapacity or absence from the Territory, subsection 34(2) applies as if the person or child had not been so attended.

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 the form prescribed by regulation, signed by a medical practitioner; or
- (b) an instrument under the hand of the Coroner authorising the burial of the body.

(2) In the application of subsection 35(1) 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 the form prescribed by regulation; and
- (b) an instrument under the hand of the Coroner at the place where the person died authorising, 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 authorising 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 34(5) 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 34(1)(b) or in paragraph 34(2)(b), 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 the form prescribed by regulation, signed —

- (a) by the undertaker;
- (b) by 2 persons each of whom has apparently attained the age of 18 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 the form prescribed by regulation, 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 the form prescribed by regulation, signed by a medical practitioner;
- (b) a certificate by the Coroner, in accordance with the form prescribed by regulation; or
- (c) a certificate by the Registrar, in accordance with the form prescribed by regulation,

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 for burial or cremation outside the Territory except in a sealed coffin.

(3) An undertaker who removes, or arranges for the removal of, the body of a person from the Territory shall give notice of the removal to the Registrar, in writing, forthwith after the removal of the body.

PART 5 — 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 4 of the *Marriage Act 1961* 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 marriages received, during a year, by him as the appropriate registering authority of the Territory in accordance with paragraph 50(4)(b) of the *Marriage Act 1961*;
- (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 subsection 41(1), be deemed to have received the official certificate of the marriage immediately that certificate has been signed in accordance with subsection 50(2) of the *Marriage Act 1961*.

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 41(1)(a) and 41(1)(b) 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 prescribed Court 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 subsection 43(1) to be written in the Register of Marriages, he shall sign the notation.

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

(4) In this section “a prescribed Court” means a Court of a State or Territory of the Commonwealth.

PART 6 — REGISTRATION OF 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* 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 44(1) does not authorise 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 6 or 7 of the *Legitimation Act 1941*;
- (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.

(4) Where a parent of a legitimated child (not being a parent who has obtained an order under section 92 of the *Marriage Act 1961* relating to the child) has furnished information with respect to the legitimation of the child to the Registrar —

- (a) more than 6 months after the commencing date in a case where —
 - (i) the child was, under section 89 or 90 of that Act, legitimated by virtue of the marriage of his parents and that marriage took place before the commencing date; or
 - (ii) the child was legitimated by virtue of section 91 of that Act and the parent who furnished the information had learned before the commencing date that the marriage of the parents of the child was void;
- (b) more than 3 months after the marriage of the parents of the child in a case where the child was, under section 89 or 90 of that Act, legitimated by virtue of that marriage and that marriage took place on or after the commencing date; or

- (c) more than 3 months after the parent who furnished the information learned that the marriage of the parents of the child was void in a case where the parent so learned on or after the commencing date,

the Registrar shall not re-register the birth of the child unless the Minister, or a person authorised by the Minister has, by writing under his hand, approved the re-registration of the birth.

(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* 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 89 or 90 of the *Marriage Act 1961*, 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 91 of the *Marriage Act 1961*;

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

Method of re-registering birth

45. (1) Re-registration of the birth of a person under section 44 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 44 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 section 44, 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 44 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 subsection 45(1) or 45(2) 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 44 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.

PART 7 — 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 Acts, 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, or was exercising all the powers and functions of, the registrar of births, marriages, and deaths for the purposes of the Repealed Acts —

- (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 Acts;
- (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 Acts, the person may be prosecuted and convicted under either this Act or the Repealed Acts, but is not liable to a greater penalty than that provided for the offence under the Repealed Acts.

(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 Acts continue to apply, notwithstanding their repeal, to and in relation to the registration of every marriage solemnised 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 Acts under subsection 48(1), the Registrar has all the powers and shall perform all the duties and functions of the registrar of births, marriages, and deaths under those Acts.

PART 8 — 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 subsection 49(1), 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 subsection 49(3), 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 copies

51. (1) A person may make application in writing to the Registrar to cause a search to be made in an index kept under section 50 and in a register kept by the Registrar under this Act and to have issued to him a copy of, or an extract from, an entry in the register.

(2) An application under subsection 51(1) shall be deemed not to have been duly made unless it specifies —

- (a)** the particular entry which the person desires to find or of or from which he desires to have issued to him a copy or an extract; and
- (b)** the reason for which the search, copy or extract is required.

(3) Subject to this section, the Registrar shall, on receipt of an application under this section and of the prescribed fee —

- (a)** search for the entry in the index and register; and
- (b)** issue to the person making the application a copy of, or an extract from, the entry certified by the Registrar, in accordance with the appropriate form prescribed by regulation.

(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.

(5) The Registrar shall not issue an extract from an entry in the Register of Births containing particulars of the date or place of the marriage of the parents of the child to whose birth the entry relates.

(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.

....

Instruments deposited under sections 20 and 21

52. (1) The Registrar shall keep an index of instruments deposited under section 20 or 21.

(2) A person may, upon payment of a fee prescribed by regulation, search in that index and examine an instrument so deposited.

(3) The Registrar shall, upon receipt of an application specifying the particular instrument, being an instrument referred to in subsection 52(1) of which the person making the application desires to have issued to him a certified copy and upon payment of the prescribed fee, issue to that person a copy of the instrument certified by the Registrar to be a true copy of the instrument.

(4) The fee prescribed for the purposes of subsection 52(3) is a fee prescribed by regulation for each page.

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

53. (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 subsection 53(1), 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

54. (1) Section 53 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 solemnised 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 solemnised.

(2) Where an authorised officer certifies, under section 51 of the *Marriage Act 1961*, 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 subsection 54(2), 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

55. (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 55 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 sections 53 or 54 is applicable; or
- (b) unless the Minister, or a person authorised by the Minister, has approved, by writing under his hand, the cancellation of the entry.

Evidence

56. (1) A register kept under section 8 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 Deaths or the Register of Marriages, being a copy, or an extract, duly issued under section 51, 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 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

57. (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 solemnised 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 the form prescribed by regulation, together with 2 copies of that notice.

(2) A notice shall be deemed not to have been duly given to the Registrar under subsection 57(1) if the party giving the notice did not have his ordinary place of residence in the Territory during the period of 7 days immediately preceding the day on which the notice was given.

(3) Where a notice under subsection 57(1) 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 7 days.

(4) Where a copy of a notice duly given to the Registrar under subsection 57(1) has been posted up in the office of the Registrar in accordance with subsection 57(3) for a period of not less than 7 days, the Registrar may, unless he is aware of any objection or impediment to the solemnisation of the marriage to which the notice relates, upon payment of a fee as prescribed by regulation, issue a certificate in accordance with the form prescribed by regulation.

(5) Before giving a certificate under subsection 57(4), the Registrar may make such inquiries as he thinks necessary to ascertain whether there is any objection or impediment to the solemnisation 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 57(1).

(7) A person may, upon payment of a fee prescribed by regulation 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 57(1) to the Registrar if, to the knowledge of the person, the notice contains a false statement or an error or is defective.

Offences

58. (1) A person who is required by this Act, or by the Registrar under section 9, 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 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 9 of this Act, by which he is required to furnish any particulars within a particular period —

- (a) that offence shall, for the purpose of paragraph 58(4)(b), 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 .50 penalty unit.

(5) Proceedings for the summary conviction of a person, in respect of an offence against this Act, shall not be instituted except by the Minister or with the consent of the Minister or of a person thereto authorised in writing by the Minister.

Penalties

59. Where a person contravenes or fails to comply with a provision of this Act and a penalty for a contravention or, 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 5 penalty units or by imprisonment for a period not exceeding 2 months.

Compliance with forms

60. Strict compliance with prescribed by regulation is not necessary and substantial compliance is sufficient.

Note: Words (“the forms”) were inadvertently omitted from this section by the *Registration of Births, Deaths and Marriages (Amendment) Act 2014*. However section 20B of the *Interpretation Act 1979* makes it clear that strict compliance with forms is not necessary unless there is clear intention otherwise.

Right of clergyman to receive fees

61. 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 Act 1932 not affected

62. Nothing in this Act shall be taken to affect the operation of the *Adoption of Children Act 1932*.

Regulation making power

63. The Administrator may make regulations for this Act.

Note: Regulations must be notified, and presented to the Legislative Assembly, under the *Legislative Assembly Act 1979 section 41(2)*.

SCHEDULE 1

Section 3

ACTS REPEALED

Registration of Births, Marriages, and Deaths Law, 1913

Registration of Births, Marriages, and Deaths Act 1954

Registration of Births, Marriages, and Deaths Act 1958

Registration of Births, Marriages, and Deaths Act 1962

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NOTES

The *Registration of Births, Deaths and Marriages Act 1963* as shown in this consolidation comprises Act No. 4 of 1963 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Registration of Births, Deaths and Marriages Act 1963</i>	4, 1963	17.10.63	4
<i>Fees Act 1976</i>	3, 1976	31.5.76	
<i>Ordinances Citation Act 1976</i>	11, 1976	25.11.76	
<i>Ordinances Revision Act 1979</i>	13, 1979	7.8.79	5
<i>Ordinances Revision (Executive Members) Act 1980</i>	8, 1980	6.11.81	5
<i>Ordinances Revision (Decimal Currency) Act 1980</i>	31, 1980	15.1.81	
<i>Ordinances Revision (Age of Majority) Act 1980</i>	34, 1980	15.1.81	
<i>Statute Law Revision (Penalties and Fees) Act 1984</i>	9, 1985	13.5.85	4
<i>Registration of Births, Deaths and Marriages Amendment Act 1989</i>	15, 1989	24.8.89	
<i>Statutes Amendment (Fees) (No. 2) Act 1999</i>	17, 1999		
<i>[previously consolidated as at 4 September 2003]</i>			
<i>Interpretation (Amendment) Act 2012</i> <i>[to substitute throughout — Commonwealth Minister for Minister; and to substitute Minister for executive member]</i>	14, 2012	28.12.12	
<i>[previously consolidated as at 18 August 2013]</i>			
<i>Registration of Births, Deaths and Marriages (Amendment) Act 2014</i>	10, 2014	3.10.14	

Table of Amendments

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

Provisions affected	How affected
1	am 11, 1976
5	am 10, 2014
6	am 13, 1979; 8, 1980
8	am 8, 1980
10	am 8, 1980
15	am 8, 1980
16	am 8, 1980
19	am 34, 1980; 15, 1989; 10, 2014
20	am 10, 2014
21	am 31, 1980; 34, 1980; 9, 1985; 10, 2014
22	am 3, 1976; 9, 1985; 10, 2014
23A	ad 10, 2014
23B	ad 10, 2014
23C	ad 10, 2014
23D	ad 10, 2014
24	am 13, 1979; 8, 1980; 10, 2014
25	am 31, 1980; 9, 1985; 10, 2014
29	am 10, 2014
31	am 11, 1976
33	am 10, 2014
34	am 13, 1979; 8, 1980; 10, 2014
35	am 10, 2014
37	am 10, 2014
38	am 10, 2014
39	am 10, 2014
44	am 8, 1980
51	am 10, 2014
52	am 31, 1980; 9, 1985; 17, 1999; 10, 2014
55	am 8, 1980
57	am 3, 1976; 9, 1985; 17, 1999; 10, 2014
58	am 8, 1980; 31, 1980; 9, 1985
59	am 31, 1980; 9, 1985
60	am 10, 2014
62	am 11, 1976
63	ad 10, 2014
Schedule 2	rep 10, 2014
Schedule 3	rep 10, 2014
Schedule 4	rep 10, 2014
Schedule 5	rs 3, 1976 am 9, 1985; 17, 1999 rep 10, 2014

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