

No indemnity certificates or other relief in certain cases.

19—(1) An indemnity certificate shall not be granted in respect of an appeal from proceedings begun in a court of first instance before the commencement of this Act.

(2) An indemnity certificate shall not be granted in favour of the Crown and no payment may be made to the Crown out of the Fund.

Regulations.
Vic., s. 20.

20 The Governor may make regulations for the purposes of this Act and, in particular and without limiting the generality of this section, may make regulations for or with respect to—

- (a) the making of payments from the Fund;
- (b) the taxation or assessment of costs for the purposes of this Act in circumstances not provided for under the rules of the appropriate court or where a party to an appeal refuses or neglects to tax his costs;
- (c) prescribing officers by whom bills of costs may be taxed for the purposes of this Act in different courts or in different jurisdictions of a court; and
- (d) regulating the preparation and service of bills of costs proposed to be taxed for the purposes of this Act.

REGISTRATION OF BIRTHS AND DEATHS.

No. 58 of 1968.

AN ACT to amend the *Registration of Births and Deaths Act 1895*. [5 December 1968.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title, citation, and commencement.

1—(1) This Act may be cited as the *Registration of Births and Deaths Act 1968*.

(2) The *Registration of Births and Deaths Act 1895*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) Section sixteen of this Act shall commence on the day on which the *Adoption of Children Act 1968* commences.

(4) Subject to subsection (3) of this section, the provisions of this Act shall commence on such days respectively as may be fixed by proclamation in relation to each of those provisions.

2 Section three of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) The Registrar-General shall have and may use a seal of office, having inscribed in the margin thereof the words ‘The seal of the Registrar-General’.”

Registrar-General.

3 After section three of the Principal Act the following section is inserted:—

“3A—(1) The Governor, in accordance with the provisions of the *Public Service Act* 1923, may appoint a person to be the Deputy Registrar-General.

Deputy Registrar-General.

Cf. 26 Geo. V. No. 24, s. 8.

“(2) All acts and things required or authorized by this Act or any other Act to be done by the Registrar-General may be done by the Deputy Registrar-General, and any act or thing so done by the Deputy Registrar-General is as valid and effectual as if it had been done by the Registrar-General.”

4 Section four of the Principal Act is amended—

Registrars.

(a) by omitting from subsection (1A) thereof the word “Where” and substituting therefor the words “Subject to subsection (1B) of this section, where”, and by inserting in that subsection, after the word “municipality” (first occurring), the words “(other than the city of Hobart or the city of Launceston)”; and

(b) by inserting after that subsection the following subsections:—

“(1B) Notwithstanding subsection (1A) of this section, if the Registrar-General thinks it desirable to do so he may—

(a) with the approval of the Minister, appoint a person other than the town clerk of a city or the council clerk of a municipality to which that subsection relates as the registrar for the relevant district; or

(b) recommend to the Minister that a person be appointed in accordance with the provisions of the *Public Service Act* 1923 as the registrar for that district.

“(1C) Where the Registrar-General makes a recommendation under paragraph (b) of subsection (1B) of this section, the Governor may, in accordance with the provisions of the *Public Service Act* 1923, appoint a person as the registrar for the district to which the recommendation relates.”

5 Sections five and six of the Principal Act are repealed and the following sections are substituted therefor:—

Deputy of registrar appointed under the Public Service Act 1923.

“5—(1) Where a registrar has been appointed in accordance with the provisions of the *Public Service Act 1923*, the Registrar-General may appoint a person to act, when directed to do so by the Registrar-General, as the deputy of that registrar.

“(2) A deputy appointed under this section, while acting as the deputy of the registrar whose deputy he is, has all the powers and privileges, and shall perform all the duties, and is subject to all the responsibilities, of that registrar.

“(3) All acts and things done or purporting to be done by a deputy appointed under this section shall be deemed to have been done pursuant to the direction of the Registrar-General unless the contrary is proved.

Deputies of registrars other than registrars to whom section 5 relates.

“6—(1) The Registrar-General may appoint a person as the deputy of a registrar, other than a registrar to whom section five relates in case of the death, illness, or unavoidable absence of the registrar.

“(2) A deputy appointed under this section shall act as registrar—

- (a) in the case of the death of the registrar whose deputy he is, from the date of the death until the appointment of a new registrar has been made; or
- (b) during the illness or absence of the registrar, from the time the deputy receives notice of the illness or absence until he receives notice that the registrar whose deputy he is has resumed duty, and while the deputy is lawfully so acting the registrar shall not act.

“(3) A deputy appointed under this section, while acting as the deputy of the registrar whose deputy he is, has all the powers and privileges, and shall perform all the duties, and is subject to all the responsibilities, of that registrar.

“(4) All acts and things done or purporting to be done by a deputy appointed under this section shall be deemed to have been done under the authority of this section.”

Registrars to dwell in their districts.

6 Section eight of the Principal Act is amended by omitting the word “dwell”, and substituting therefor the words “have an office”.

Fees.

7 Section nine of the Principal Act is amended—

- (a) by inserting in subsection (3) thereof, after the word “received”, the words “under the provisions of this Act”;
- (b) by omitting from that subsection the words “for the districts of Hobart and Launceston under the provisions of this Act” and substituting therefor the words “appointed in accordance with the provisions of the *Public Service Act 1923*”; and

- (c) by omitting from subsection (4) thereof the words "the registrar for the district of Hobart or the registrar for the district of Launceston" and substituting therefor the words "a registrar referred to in subsection (3) of this section".

8 Section thirteen of the Principal Act is amended—

- (a) by omitting therefrom the words "months of April, July, October, and January in each year" and substituting therefor the words "first week in each month"; and

- (b) by omitting therefrom the words "three months" and substituting therefor the word "month".

Registrar's
quarterly
returns to
Registrar-
General.

9 Section sixteen of the Principal Act is amended—

- (a) by omitting from subsection (1) thereof all the words after the word "information" to the end of that subsection, and substituting therefor the words "in the prescribed form according to the best of his knowledge or belief concerning the birth";

- (b) by omitting from subsection (2) thereof the words ", either personally or by agent duly authorized in writing and acquainted with and becoming responsible under the provisions and penalties of this Act for the truth of the particulars"; and

- (c) by omitting from subsection (3) thereof the words "shall attend at the registrar's office and cause the birth to be registered as hereinbefore required" and substituting therefor the words "do so".

Parents and
others
required to
give
information
to authorities
within
sixty days.

- 10** Section seventeen of the Principal Act is amended by omitting therefrom all the words after the word "child" (last occurring) to the end of the section.

Saving as to
father in
case of
illegitimate
child.

11 Section eighteen of the Principal Act is repealed.

Extra
facilities for
informants
situated at
inconvenient
distance
from
registrar.

- 12** Section nineteen of the Principal Act is amended by omitting from subsection (2) thereof the words "before any registrar a solemn declaration" and substituting therefor the words "a statutory declaration".

Limit of
time for
registration
of births.

- 13** Section twenty of the Principal Act is amended by omitting from subsection (2) thereof the word "quarterly".

Name given
after regis-
tration may
be registered
within twelve
months after
registration
of birth.

Child born
at sea or out
of State.

14 Section twenty-one of the Principal Act is amended by omitting from paragraph (a) thereof the word "State" and substituting therefor the word "Commonwealth".

15 Sections twenty-two B and twenty-two C of the Principal Act are repealed and the following section is substituted therefor:—

Recording of
legitimations
and re-regis-
tration of
birth.

Vic., No.
6959, s. 3.

"22B—(1) Where by the operation of a provision of the Commonwealth Act the legitimation is effected of a person—

- (a) whose birth is registered under this Act; or
- (b) who was born in this State but whose birth is not registered under this Act,

and the prescribed legitimation information is furnished to the Registrar-General, together with such other information, if any, as the Registrar-General may require to establish to his satisfaction that the person to whom the prescribed legitimation information relates is a legitimated person and that the information is correct, the Registrar-General shall direct a registrar to record the fact of the legitimation and, notwithstanding anything to the contrary in this Act, re-register or, as the case may be, register the birth in the register kept by that registrar, and the registrar shall comply with the direction.

"(2) Subsection (1) of this section does not require the Registrar-General to direct the re-registration of the birth of a person—

- (a) if the birth of the person has been registered pursuant to section five of the *Legitimation Act 1905*;
- (b) if the birth of the person has previously been re-registered in accordance with this Division; or
- (c) if the birth of the person is registered under this Act as if the person were, at the time of his birth, the legitimate child of his parents."

16 After section twenty-two E of the Principal Act the following Division is inserted:—

"Division III—Registration of adoptions.

"22F—(1) On receipt of—

- (a) a memorandum under section fifty-five of the *Adoption of Children Act 1968* in relation to the making of an order for the adoption of a person whose birth is registered in this State; or
- (b) a memorandum under a law of another State or of a Territory of the Commonwealth corresponding to section fifty-six of that Act in relation to the making in that State or Territory of an order for the adoption of a person whose birth is registered in this State,

Record of
adoptions and
endorsements
&c. to be
made in birth
registers in
relation to
adopted
persons.

the Registrar-General shall—

- (c) cause an entry in the prescribed form to be made in a special record, and cause to be made in that record, in relation to that entry—
 - (i) a reference to this section; and
 - (ii) a reference in the prescribed form identifying the entry of birth of that person as shown in the register of births kept by him;
- (d) cause the entry of the birth of that person as shown in that register of births to be endorsed with—
 - (i) a reference to this section; and
 - (ii) a reference in the prescribed form identifying the entry made in relation to that person in the record referred to in paragraph (c) of this subsection; and
- (e) direct the registrar who has the custody of the register in which that person's birth was originally entered to endorse that entry with the reference referred to in sub-paragraph (i) of paragraph (d) of this subsection.

“(2) The special record referred to in subsection (1) of this section is a record kept for the purposes of this section by a registrar in accordance with directions given by the Registrar-General.

“(3) Where, before the commencement of this section, an order for the adoption of a person whose birth is registered in this State was registered in the register of adoptions kept by the Registrar-General for the purposes of the *Adoption of Children Act 1920* the Registrar-General, on the application of that person or of an adopting parent of that person and on production of a copy of that order or of such other official document relating to the adoption as the Registrar-General thinks sufficient, may—

- (a) cause to be made, in relation to that person, in a record referred to in paragraph (c) of subsection (1) of this section and in the register of births kept by him the same entries and endorsements as he could have made if the order for the adoption of that person had been made under the *Adoption of Children Act 1968*; and
- (b) direct the registrar who has the custody of the register in which that person's birth was originally entered to make in that register such an endorsement as is referred to in sub-paragraph (i) of paragraph (d) of that subsection.

“(4) Where an entry has been made as provided in paragraph (c) of subsection (1) of this section or as provided in paragraph (a) of subsection (3) of this section in relation to a person in a record referred to in the first-mentioned paragraph, neither the Registrar-General nor any registrar shall, except by leave of a judge or of the Master of the Supreme Court, issue to any person—

- (a) a copy of or extract of or from the entry of the birth of that person in the register of births kept by or in the custody of the Registrar-General or registrar; or
- (b) a copy of or an extract of or from the register of adoptions kept by the Registrar-General for the purposes of the *Adoption of Children Act 1920*.

“(5) A copy of, or an extract from, an entry in the record referred to in paragraph (c) of subsection (1) of this section shall be in the prescribed form and shall not contain the references referred to in that paragraph.

Discharge of
adoption
orders.

“22G On receipt of a memorandum under section fifty-five of the *Adoption of Children Act 1968* or of a memorandum under a law of another State or of a Territory of the Commonwealth corresponding to section fifty-six of that Act in relation to the discharge of an order for the adoption of a person, the Registrar-General shall—

- (a) cause the entry made in relation to that person in a record referred to in paragraph (c) of subsection (1) of section twenty-two F to be cancelled;
- (b) cause the endorsement made pursuant to paragraph (d) of that subsection on the entry of the birth of that person in the register of births kept by the Registrar-General to be cancelled; and
- (c) direct the registrar who has the custody of the register of births in which that person's birth was originally entered to cancel the endorsement made under paragraph (e) of subsection (1) of section twenty-two F or under paragraph (b) of subsection (3) of that section in respect of that adoption.

Directions to
registrars.

“22H The Registrar-General may give to a registrar or to registrars generally such directions as the Registrar-General thinks necessary for the purpose of giving effect to the provisions of this Division, and a registrar to whom any such directions are given shall comply with those directions.”

17 Sections twenty-three, twenty-four, twenty-five, and twenty-six of the Principal Act are repealed and the following section is substituted therefor:—

“23—(1) Subject to this section, in the case of the death of a person it is the duty of—

Particulars of death to be given to registrar.

- (a) the undertaker having charge of the funeral;
- (b) each person present at the death or in attendance during the last illness of the dead person;
- (c) the occupier of the premises in which the death occurred; and
- (d) the person lawfully in possession of the dead body within the meaning of the *Anatomy Act 1964*,

not later than seven days after the day of the death, to give information in the prescribed form to the registrar of the district, according to the best of his knowledge and belief, concerning the death.

“(2) If any of the persons who are required by this section to give to the registrar information relating to a death do so, no penalty shall be imposed on the remainder of those persons for not having given the information relating to that death.

“(3) None of the persons referred to in subsection (1) of this section is required to give the information referred to therein in any case where information as to the death of a person has been given to a registrar by a coroner pursuant to section twelve or section fourteen of the *Coroners Act 1957*.”

18 Section twenty-seven of the Principal Act is amended by omitting from subsection (1) thereof the words “or from the finding of the dead body elsewhere than in a house” and the words “, and to sign the register”.

Power of registrar to summon qualified informant to personally attend to give information.

19 Section twenty-eight of the Principal Act is repealed.

Deaths at sea.

20 Section thirty of the Principal Act is amended by omitting subsection (3) thereof and substituting therefor the following subsection:—

Certificate of death to be issued to informant, &c., to be delivered to person officiating at burial, &c.

“(3) The superintendent or person in charge of a crematorium shall, on or before the seventh day of each month, deliver to the Registrar-General a report in the prescribed form in relation to all bodies that were cremated at that crematorium during the immediately preceding period of one month.

“Penalty: Twenty dollars.”

21 Section thirty-four of the Principal Act is amended—

Certificate of cause of death.

- (a) by omitting from subsection (1) thereof the word “In” (first occurring) and substituting therefor the words “Subject to this section, in”;
- (b) by omitting from subsection (1) thereof all the words after the word “registrar” to the end of that subsection; and

(c) by omitting subsection (2) thereof and substituting therefor the following subsections:—

“(2) Where, pursuant to paragraph (b) of subsection (1) of section seven of the *Coroners Act* 1957, an inquest is required to be held into the death of any person, a medical practitioner who is required, under subsection (1) of this section, to sign a certificate in respect of that death, shall, instead of giving that certificate as required by that subsection, give the certificate to a coroner, a justice, or a police officer.

“(3) A justice or a police officer who receives a certificate under subsection (2) of this section shall deliver the certificate to a coroner.

“(4) A medical practitioner who—

(a) refuses or fails to sign or give a certificate in accordance with subsection (1) or subsection (2) of this section;

(b) signs or gives such a certificate that is false or misleading in a material particular as to which he has knowledge; or

(c) knowingly makes a false statement in such a certificate,

is liable to a penalty of forty dollars.

“(5) A person to whom a certificate by a medical practitioner is given under subsection (1) of this section who fails to deliver the certificate to the registrar is liable to a penalty of twenty dollars.”.

22 After section thirty-four A of the Principal Act the following section is inserted in Part IV:—

Death not to be registered without certificate of cause of death.

“34B Except as provided by section twelve or section fourteen of the *Coroners Act* 1957, a registrar shall not register a death unless there has been produced to him in relation to the deceased person such a certificate as is referred to in subsection (1) of section thirty-four.”.

Correction of errors in register.
Cf. No. 6564 (Vic.), ss. 40 (1), 41.

23 Section thirty-six of the Principal Act is amended by omitting subsections (2) and (3) thereof and substituting therefor the following subsections:—

“(2) If the Registrar-General is satisfied, whether by statutory declaration or otherwise, that any particular in an entry in a register or record kept under this Act is incorrect, he may—

(a) direct a correction of the entry to be made in such manner as he specifies; and

- (b) if a copy of the entry to be corrected is a copy that has been transmitted to the Registrar-General pursuant to section thirteen, correct that copy.

“(3) A correction made pursuant to subsection (2) of this section shall be made by ruling through the incorrect matter, but not so as to render it illegible, and by substituting the correct particulars, and the date on which the correction is made shall be set out beside the correction and initialled by the registrar or the Registrar-General.

“(4) The Registrar-General, in his discretion, may instead of directing a correction of an entry direct that that entry be cancelled and a new entry in such form as he directs be made in lieu thereof, and, if a copy of that entry has been transmitted to the Registrar-General under section thirteen, he shall cancel that copy and, in lieu thereof, cause a copy of the new entry to be made.

“(5) If it is proved to the satisfaction of the Registrar-General that an entry in a register is false or has been illegally made, he may, with the approval of the Attorney-General—

- (a) direct the registrar who has the custody of the register in which that false or illegal entry is recorded to cancel that entry; and
 (b) cancel that entry in his records.

“(6) A person who fails to comply with a direction given to him under this section is guilty of an offence.

Penalty: Twenty dollars.”.

24 Section thirty-six A of the Principal Act is repealed and the following section is substituted therefor:—

“36A—(1) Where a person produces to the Registrar-General— Change of name.

- (a) a certified copy of an entry in a register of births relating to that person's birth or of an entry in relation to that person in the record referred to in paragraph (c) of subsection (1) of section twenty-two F;
- (b) such other evidence as, in the opinion of the Registrar-General, is sufficient to establish that that person—
- (i) is the person to whom that entry relates; and
 (ii) is currently using names other than those shown in that entry; and
- (c) an application in the prescribed form,

the Registrar-General may, on payment of the prescribed fee, cause to be made on the relevant entry and on the certified copy a note showing the names so used by that person and the date on which that note is made.

“(2) A decision by the Registrar-General as to whether any evidence produced to him is sufficient for the purposes of this section is final and conclusive.”.

Indexes,
searches,
certificates,
&c.

25 Section thirty-seven of the Principal Act is amended—

- (a) by omitting from subsection (2) thereof the word “Any” and substituting therefor the words “Subject to subsection (3) of this section, any”;
- (b) by inserting in that subsection, after the word “book” the words “, or in the record referred to in paragraph (c) of subsection (1) of section twenty-two F,”; and
- (c) by adding at the end of that section the following subsection:—

“(3) The Registrar-General may, if he thinks fit, require a person seeking to have a search made in any index or register book referred to in subsection (2) of this section or in the record referred to in paragraph (c) of subsection (1) of section twenty-two F or applying for the issue of a copy of or extract of or from any entry in that index, register, or record to disclose the reasons for the search or application and any other relevant matters, and if the Registrar-General is of the opinion that the search is required for improper reasons or that that person has no proper reason for requiring the search to be made or for requiring that copy or extract he may, unless he is otherwise directed by the Minister, refuse to make the search or issue the copy or extract.”.

Penalty on
registrars
in certain
cases.

26 Section forty-one of the Principal Act is amended by inserting in paragraph (a) thereof, after the words “twenty-two E”, the words “or section twenty-two H”.

The second
schedule.

27 The second schedule to the Principal Act is amended by omitting form VIII.
