

**Version No. 011**  
**Births, Deaths and Marriages Registration**  
**Regulations 1997**

**S.R. No. 100/1997**

Version incorporating amendments as at 19 June 2006

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**1. Objectives**

The objective of these Regulations is to prescribe for the purposes of the **Births, Deaths and Marriages Registration Act 1996**—

- (a) fees;
- (b) particulars which are to be included in birth and death registration statements and notices given to the Registrar or the funeral director or other person who will be arranging for the disposal of human remains;
- (c) other matters required to be prescribed for the purposes of the Act.

**2. Authorising provisions**

These Regulations are made under sections 14, 25(2), 26(2), 37, 39, 43(6), 45(2), 46(1), 57(3) and 59 of the Act.

**3. Commencement**

These Regulations come into operation on 2 October 1997.

**4. Revocation**

The Regulations listed in Schedule 1 are **revoked**<sup>1</sup>.



## **5. Definitions**

In these Regulations—

### **"of Aboriginal or Torres Strait Islander**

**origin"** means, in relation to a person, that a person identifies himself or herself as being of Aboriginal or Torres Strait Islander origin and is accepted as being such by the community with which he or she is associated;

**"the Act"** means the **Births, Deaths and Marriages Registration Act 1996**.

## **6. Fees**

For the purposes of the Act, the fees are those set out in Schedule 2.

## **7. Particulars to be included in birth registration statement**

A birth registration statement to be lodged with the Registrar under section 14 of the Act must include the following particulars—

- (a) whether the child was born alive or stillborn;
- (b) the child's name;
- (c) the child's sex;
- (d) the date and place of the birth;
- (e) whether or not the birth was a multiple birth;
- (f) the full name and address of the doctor or midwife responsible for the professional care of the mother at the birth;
- (g) the full name, maiden family name, occupation and usual place of residence of the mother of the child;
- (h) the date of birth (or age) and place of birth of the mother of the child;



- (i) the full name, occupation and usual place of residence of the father of the child;
- (j) the date of birth (or age) and place of birth of the father of the child;
- (k) the date and place of marriage of the parents of the child (if applicable);
- (l) the given name and date of birth of each previous child of both parents of the child;
- (m) whether or not the mother or father of the child is of Aboriginal or Torres Strait Islander origin.

**8. Particulars to be specified by doctors in death notices**

- (1) A notice of the death of a person required to be given to the Registrar under section 37(1) of the Act must specify the following particulars—
  - (a) the deceased's name;
  - (b) the deceased's date of birth (or age at his or her last birthday);
  - (c) the cause of death;
  - (d) the date and place of the death;
  - (e) whether or not the deceased was of Aboriginal or Torres Strait Islander origin;
  - (f) the name and address of the doctor;
  - (g) whether the death was reported to a coroner.



Reg. 8(1A)  
inserted by  
S.R. No.  
143/2004  
reg. 4,  
revoked by  
S.R. No.  
143/2004  
reg. 6, new  
reg. 8(1A)  
inserted by  
S.R. No.  
35/2005 reg. 4.

(1A) The prescribed particulars for a notice of death for a child required to be given to the Registrar under section 37(1) of the Act also include—

- (a) details of the following in relation to any living or deceased sibling of the deceased child—
  - (i) name;
  - (ii) date of birth or age;
  - (iii) place of birth;
- (b) details of the parents (within the meaning of the **Coroners Act 1985**) of the deceased child;
- (c) confirmation that the doctor has not notified the death—
  - (i) as a reportable death within the meaning of the **Coroners Act 1985** to a coroner or a police officer in accordance with section 13 of that Act; or
  - (ii) as a reviewable death within the meaning of the **Coroners Act 1985** to the State Coroner in accordance with section 13A of that Act.

(2) A notice of the death of a person required to be given under section 37(2) of the Act to the funeral director or other person arranging for disposal of the remains must specify the following particulars—

- (a) the deceased's name;
- (b) the date and place of the death;
- (c) the name and address of the doctor.



**9. Particulars to be included in notification by funeral director, etc.**

- (1) For the purposes of section 39(1) of the Act, the following particulars must be specified in the notice of disposal of remains—
- (a) the deceased's name;
  - (b) the date and place of death of the deceased;
  - (c) the sex, date of birth (or age at death) and place of birth of the deceased;
  - (d) the usual occupation of the deceased before death and whether the deceased was retired or a pensioner at the age of death;
  - (e) the date, place and manner of disposal of the remains of the deceased;
  - (f) the full name and address of the funeral director or other person who arranged for the disposal of the remains;
  - (g) whether or not the deceased was of Aboriginal or Torres Strait Islander origin;
  - (h) if the deceased was born outside Australia, the total period of residence in Australia of the deceased to the date of death;
  - (i) the marital status of the deceased immediately before death;
  - (j) for each marriage of the deceased, the date of marriage (or age of the deceased at the date of marriage), the place of marriage and the full name (including maiden family name) of each spouse;
  - (k) the name and date of birth (or age) of each child of the deceased (including deceased children);



Reg. 9(1A)  
inserted by  
S.R. No.  
143/2004  
reg. 5,  
revoked by  
S.R. No.  
143/2004  
reg. 6, new  
reg. 9(1A)  
inserted by  
S.R. No.  
35/2005 reg. 5.

- (l) the full name, maiden family name and occupation of the mother of the deceased;
  - (m) the full name and occupation of the father of the deceased;
  - (n) the name and address of the doctor who gave the notice under section 37(2) of the Act that the death had occurred or the coroner who authorised the disposal of the remains of the deceased;
  - (o) the last usual residence of the deceased.
- (1A) The prescribed particulars for a notice of disposal of the remains of a deceased child required to be given to the Registrar under section 39(1) of the Act also include—
- (a) details of the following in relation to any living or deceased sibling of the deceased child—
    - (i) name;
    - (ii) date of birth or age;
    - (iii) place of birth;
  - (b) details of the parents (within the meaning of the **Coroners Act 1985**) of the deceased child.
- (2) For the purposes of section 39(2) of the Act, the following particulars must be specified in the notice given by the person who has custody of human remains that have not been disposed of within 30 days after the date of death—
- (a) the deceased's name;
  - (b) the date and place of death of the deceased;
  - (c) the sex, date of birth (or age at death) and place of birth of the deceased;



- (d) the usual occupation of the deceased before death and whether the deceased was retired or a pensioner at the age of death;
  - (e) the full name and address of the funeral director or other person who has custody of the remains of the deceased and the reason for non-disposal of the remains;
  - (f) the name and address of the doctor who gave the notice that the death had occurred under section 37(2) of the Act, or the coroner notified of the death;
  - (g) whether or not the deceased was of Aboriginal or Torres Strait Islander origin;
  - (h) if the deceased was born outside Australia, the total period of residence in Australia of the deceased to the date of death;
  - (i) the marital status of the deceased immediately before death;
  - (j) for each marriage of the deceased, the date of marriage (or age of the deceased at the date of marriage), the place of marriage and the full name (including maiden family name) of each spouse;
  - (k) the name and date of birth (or age) of each child of the deceased (including deceased children);
  - (l) the full name, maiden family name and occupation of the mother of the deceased;
  - (m) the full name and occupation of the father of the deceased;
  - (n) the last usual residence of the deceased.
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**SCHEDULES****SCHEDULE 1****REVOCATIONS**

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<i>S.R. No.</i>	<i>Title of Statutory Rule</i>
312/1987	Births Deaths and Marriages (Prescribed Forms and Procedures) (Amendment) Regulations 1987
17/1989	Births Deaths and Marriages (Prescribed Forms and Procedures) (Amendment) Regulations 1989
139/1989	Births Deaths and Marriages (Prescribed Forms and Procedures) (Further Amendment) Regulations 1989
232/1992	Births Deaths and Marriages (Prescribed Forms and Procedures) (Amendment) Regulations 1992
68/1993	Births Deaths and Marriages (Prescribed Forms and Procedures) (Amendment) Regulations 1993
156/1993	Births Deaths and Marriages (Prescribed Fees) Regulations 1993
67/1995	Births Deaths and Marriages (Prescribed Forms and Procedures) (Amendment) Regulations 1995

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*Births, Deaths and Marriages Registration Regulations 1997*  
S.R. No. 100/1997

Sch. 2

**SCHEDULE 2**

Regulation 6

**FEES**

Sch. 2  
substituted by  
S.R. No.  
45/2002 reg. 4,  
amended by  
S.R. Nos  
179/2004  
reg. 4, 61/2006  
reg. 4(a)-(g).

<i>Item</i>	<i>Sections of the Act</i>	<i>Description of fee</i>	<i>Amount</i>
1	25(2) & 26(2)	Application to register change name (adult or child)	\$58.80
1A	30A(2)	Application to alter Register	\$58.80
1B	30E(3)	Application for document acknowledging identity	\$84.60
2	43(6)	Application to add registrable information to an entry	\$58.80
3	45(2)	Application for search of the Register	\$12.90
4	46(1)	Application for issue of a certificate certifying the results of a search of the Register	\$12.90
5	57(3)	Inspection of and, on request, supply of a certified copy of an entry in a register, book of entries or register book in the possession of another person which has not been forwarded to the Registrar under section 31 of the <b>Marriage Act 1898</b> , relating to the period before 18 January 1853.	\$25.80

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## ENDNOTES

### 1. General Information

The Births, Deaths and Marriages Registration Regulations 1997, S.R. No. 100/1997 were made on 30 September 1997 by the Governor in Council under sections 14, 25(2), 26(2), 37, 39, 43(6), 45(2), 46(1), 57(3) and 59 of the **Births, Deaths and Marriages Registration Act 1996**, No. 43/1996 and came into operation on 2 October 1997: reg. 3.

The Births, Deaths and Marriages Registration Regulations 1997 will sunset 10 years after the day of making on 30 September 2007 (see section 5 of the **Subordinate Legislation Act 1994**).



## **2. Table of Amendments**

This Version incorporates amendments made to the Births, Deaths and Marriages Registration Regulations 1997 by statutory rules, subordinate instruments and Acts.

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Births, Deaths and Marriages Registration (Fees) Regulations 2002, S.R. No. 45/2002

*Date of Making:* 25.6.02

*Date of Commencement:* 1.7.02: reg. 3

Births, Deaths and Marriages Registration (Interim) Regulations 2004,  
S.R. No. 143/2004

*Date of Making:* 25.11.04

*Date of Commencement:* Regs 4, 5 on 26.11.04: reg. 3(1); reg. 6 on 25.5.05:  
reg. 3(2)

Births, Deaths and Marriages Registration (Fees) Regulations 2004,  
S.R. No. 179/2004

*Date of Making:* 14.12.04

*Date of Commencement:* 1.1.05: reg. 3

Births, Deaths and Marriages Registration (Amendment) Regulations 2005,  
S.R. No. 35/2005

*Date of Making:* 24.5.05

*Date of Commencement:* 25.5.05: reg. 3

Births, Deaths and Marriages Registration (Fees) Regulations 2006, S.R. No. 61/2006

*Date of Making:* 30.5.06

*Date of Commencement:* 19.6.06: reg. 3

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### 3. Explanatory Details

<sup>1</sup> S.R. No. 273/1986. Reprinted to S.R. No. 67/1995, the Births Deaths and Marriages (Prescribed Forms and Procedures) Regulations 1986, is revoked by section 61 of the **Births, Deaths and Marriages Registration Act 1996**.