

Western Australia

## **Registration of Identity of Persons Act 1975**

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# Registration of Identity of Persons Act 1975

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# Registration of Identity of Persons Act 1975

**An Act to make provision for the registration of the identity of persons and for other and incidental purposes.**

*[Assented to 9 May 1975.]*

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

**1. Short title**

This Act may be cited as the *Registration of Identity of Persons Act 1975*.

**2. Commencement**

This Act shall come into operation on a day to be fixed by proclamation.

**3. Interpretation**

In this Act unless the contrary intention appears —

**“Register”** means the Register of Identity maintained under section 4 of this Act;

**“Registrar General”** means the person appointed Registrar General under the *Registration of Births, Deaths and Marriages Act 1961*, and includes any person appointed to be Deputy Registrar General under that Act.

**4. Register of Identity**

- (1) There shall be maintained at the office of the Registrar General a register to be known as the Register of Identity.
- (2) The Register shall be in the form of the form set out in the Schedule to this Act and shall contain such particulars as are authorized by the Registrar General in accordance with the provisions of this Act.
- (3) A person who desires to have his identity entered in the Register shall apply to the Registrar General in the prescribed form.
- (4) Upon receipt of an application made under subsection (3) of this section if the Registrar General is satisfied —
  - (a) that the applicant was born in this State; and
  - (b) that the birth of the applicant has not been registered in this State or in another State or Territory of the Commonwealth,he may consider the application.
- (5) For the purpose of considering the application the Registrar General may serve a notice on any person named therein requiring him to supply such information as he may require, but that person is not compelled to give any information required of him.

**5. Entry of particulars**

- (1) Subject to this Act, if the information relating to any of the particulars set forth in the form in the Schedule to this Act in respect of a person who has submitted an application under section 4 of this Act has been proved to his satisfaction the Registrar General shall enter the information in the Register but where the Registrar General is furnished with information that is not complete he may enter in the Register only such particulars as he is satisfied are authentic.

- (2) When acting under the provisions of subsection (1) of this section the Registrar General shall have regard to the special circumstances of each case.

**6. Searches and certified copies**

- (1) Subject to this section the Registrar General shall, upon request and on payment of the prescribed fee —
  - (a) cause a search to be made of the Register; and
  - (b) provide a certified copy of an entry in the Register.
- (2) Where the Registrar General is of opinion that the reason for which a search of the Register or certified copy of an entry therein is not sufficient he shall refuse to cause the search to be made or to issue the certified copy of entry.
- (3) Where pursuant to subsection (2) of this section the Registrar General refuses to cause a search to be made or to issue a certified copy of entry in the Register, the applicant therefor may in writing and upon payment of the prescribed fee for the search or the certified copy, as the case may be, request the Minister to direct the Registrar General to cause the search to be made or certified copy to be issued and if the Minister so directs, the Registrar General shall give effect to the direction of the Minister.

**7. Application to contain declaration**

Every application for registration under this Act shall contain a statutory declaration in the prescribed form.

**8. Certified copy of Register to be evidenced only**

- (1) A certified copy of an entry of a registration of identity in the Register shall be evidence only of the fact that those particulars are entered in the Register and shall not preclude any court from inquiring into any particular stated therein or from allowing the identity of a person to be proved in any other authorized mode.

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- (2) In this section “**court**” means any court under the law of this State or any person having by law or by consent of the parties, authority to hear, receive, and examine evidence.

**9. Cancellation**

Where subsequent to entry of the particulars of the identity of a person in the Register the Registrar General is notified that the birth of that person is registered pursuant to the *Registration of Births, Deaths and Marriages Act 1961*, or pursuant to the laws applicable to the registration of births of another State or Territory of the Commonwealth he shall cancel the entry of the particulars of the identity of that person in the Register.

**10. Amendment of Register**

- (1) A person shall not make an amendment in the Register unless the amendment is made in accordance with the provisions in this section.
- (2) The Register may be amended in the manner and by any person authorized by the Registrar General.
- (3) Instead of authorizing an amendment in the Register under subsection (2) of this section the Registrar General may direct a new entry to be made in the Register, whereupon no certified copy of the original entry, or searches thereof, shall be permitted except with written authority of the Registrar General.
- (4) For the purposes of this section the Registrar General may require any person to make and produce to him a statutory declaration and give to him such other evidence as to the facts as he may deem necessary.

**11. Change of name may be entered in Register**

- (1) If the Registrar General is satisfied that a person whose identity has been registered in the Register has lawfully changed his name or lawfully assumed a new name since any such registration, the Registrar General may on receipt of —

- (a) an application in the prescribed form by that person, or, in the case of a child, by the parents or guardian of the child, for the changed or assumed name to be entered in the Register;
- (b) a copy of the document (if any) authorizing the change or assumption of the name; and
- (c) the prescribed fee,

cause an entry to be made in the Register in relation to the registration of that person's identity.

- (2) The Registrar General shall not cause an entry to be made in the registration of the identity of a female person pursuant to this section, by reason only of the change of the name of that person consequent upon marriage or upon the change of such a name, to a name other than the maiden surname of that person.

**12. Power to impound certified copies after alteration**

The Registrar General may impound and keep any certified copy of an entry in the Register that has, subsequent to the issue of that certified copy, been altered or changed in any particular.

**13. No action against Registrar General**

No action or claim for damages shall lie against the Registrar General for or on account of anything done or authorized to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, unless it is proved that the act was done or authorized to be done maliciously and without reasonable and probable cause.

**14. Demanding certified copy without reasonable cause**

A person shall not without reasonable cause demand the production of a certified copy of an entry in the Register.

**15. Penalty for false information**

A person who in respect of an application made under this Act gives the Registrar General information that is to the knowledge of that person false in a material particular commits an offence and is liable to a penalty of two hundred dollars.

**16. General Penalty**

A person who contravenes or fails to comply with a provision of this Act or the regulations commits an offence and, where no other penalty is prescribed, is liable to a penalty of one hundred dollars and in the case of a continuing offence to a further penalty of two dollars for each day during which the offence continues.

**17. Regulations**

- (1) The Governor may make regulations prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act and without limiting the generality of this provision regulations may be made —
  - (a) prescribing the fees to be paid to the Registrar General in respect of any act or thing done under this Act; and
  - (b) prescribing the method of indexing the names in the Register in any index including an index made for the purposes of the *Registration of Births, Deaths and Marriages Act 1961*.
- (2) Notwithstanding the provisions of any regulation, the Registrar General may waive the payment of the whole or part of a fee payable under the regulations.

**The Schedule**

*Registration of Identity of Persons Act 1974.*

Section 4 (2).

REGISTER OF IDENTITY OF PERSONS.

1. Registration Number.....
2. Name.....  
(Surname)
3. Date of Birth .....
4. Place of Birth .....
5. Sex .....
6. Date of Registration .....
7. Signature of Registrar General.....

**Notes**

- <sup>1.</sup> This is a compilation of the *Registration of Identity of Persons Act 1975* and includes all amendments effected by the other Acts referred to in the following Table.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Registration of Identity of Persons Act 1975</i>	13 of 1975	9 May 1975	6 Aug 1976 (see <i>Gazette</i> 6 Aug 1976 p.2657)