

# REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

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No. 79 of 1985.

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**AN ACT to amend the Registration of Births, Deaths  
and Marriages Act 1961.**

*[Assented to 4 December 1985.]*

**B**E 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. (1) This Act may be cited as the *Registration of Births, Deaths and Marriages Amendment Act 1985*.

Short title  
and principal  
Act.

(2) In this Act the Registration of Births, Deaths and Marriages Act 1961 is referred to as the principal Act.

Reprinted as  
approved  
22 June 1976  
and  
amended by  
Act No. 99  
of 1979.

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Commence-  
ment.

2. This Act shall come into operation on such day or days as is or are respectively fixed by proclamation.

Section 20  
amended.

3. Section 20 of the principal Act is amended by repealing subsection (5).

Section 21A  
inserted.

4. After section 21 of the principal Act the following section is inserted—

Surname  
to be  
entered in  
register  
of births.

“ 21A. (1) Subject to subsections (2) and (3) the name to be entered in a register of births as the surname of a child shall be—

(a) where particulars as to paternity of a child are entered in a register in accordance with section 20 or 21 or where registration is made in accordance with Part VI, the surname of the father of the child;  
or

(b) in all other cases, the surname of the mother of the child.

(2) Where the mother and father of a child produce to the Registrar General such evidence as in his opinion is sufficient to establish that they have different surnames and they so request in the prescribed manner the Registrar General may enter in a register of births as the surname of that child the surname of either the mother or the father or the surnames of both.

(3) Where either the mother or father of a child belongs to a prescribed ethnic group, the Registrar General may enter in a register of births as the surname of that child, a surname which, in the opinion of the Registrar General, is in accordance with a prescribed recognized religious custom or naming procedure of that ethnic group and which is nominated in the prescribed manner by the mother and father of the child.

(4) Subject to subsection (5), all children of the same mother and father whose names are registered under this Act shall bear the same surname.

(5) The Registrar General shall not enter in a register of births as the surname of a second or later child of a marriage a surname that is not the same as the surname of the first child of that marriage whose name has been registered under this Act unless—

- (a) both the mother and father of the child agree; and
- (b) the Registrar General is satisfied that the use of a different surname is in accordance with a prescribed recognized religious custom or naming procedure of the ethnic group to which either the mother or the father of that child belongs.

(6) In this section “father” in relation to a child means the person shown as the father of that child in the particulars as to the paternity of the child entered in a register in accordance with section 20 or 21, or a person making a statutory declaration under section 53. ”.

5. Section 57 of the principal Act is amended by inserting after “the child” where first appearing the following—

“ , where no request has been made under section 21A (2), ”.

6. Section 73 of the principal Act is amended by inserting after subsection (1) the following subsection—

Section 73  
amended.

“ (1a) Without limiting the generality of subsection (1), regulations made under this Act—

- (a) may from time to time, prescribe religious customs and naming procedures of ethnic groups;

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- (b) shall, where a regulation is made under paragraph (a), fix a day to be the prescribed day for the purposes of section 73A; and
- (c) may make provision for all other matters that are required to be prescribed or are necessary or convenient to be prescribed for the purposes of section 21A. ”.

Section 73A  
inserted.

7. After section 73 of the principal Act the following section is inserted—

Application  
to amend  
register  
within 6  
months of  
prescribed  
day.

“ 73A. (1) Where a regulation is made under section 73 (1a) (a) prescribing a religious custom or naming procedure of an ethnic group, the mother and father of a child whose surname was immediately before the prescribed day entered in a register of births may, where either the mother or father of the child belongs to that ethnic group, apply within 6 months of that prescribed day to the Registrar General to amend that register to enter as the surname of that child a surname which is in accordance with that prescribed custom or naming procedure and the Registrar General shall, where he is satisfied that the proposed surname is in accordance with that prescribed custom or naming procedure, amend the register accordingly.

(2) In subsection (1) “prescribed day”, in relation to a religious custom or naming procedure of an ethnic group, means the day fixed by a regulation made under section 73 (1a) (b) as the prescribed day for that religious custom or naming procedure. ”.

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8. The Second Schedule to the principal Act is deleted and the following Schedule is substituted—

Second Schedule deleted and substituted.

Sec.10

“ SECOND SCHEDULE.

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BIRTH IN THE STATE OF WESTERN AUSTRALIA

COLUMN

1	REGISTRATION NUMBER	
2	CHILD	(1) SURNAME (2) GIVEN NAMES (3) DATE OF BIRTH (4) PLACE OF BIRTH  (5) SEX
3	FATHER	(1) SURNAME (2) GIVEN NAMES (3) USUAL OCCUPATION (4) AGE (5) PLACE OF BIRTH
4	MOTHER	(1) SURNAME (2) GIVEN NAMES (3) MAIDEN SURNAME (4) USUAL OCCUPATION (5) AGE (6) PLACE OF BIRTH
5	PARENTS' MARRIAGE AND CHILDREN OF MARRIAGE	(1) DATE OF MARRIAGE (2) PLACE OF MARRIAGE  (3) GIVEN NAMES AND AGES OF PREVIOUS CHILDREN IN ORDER OF BIRTH
6	WITNESSES	(1) ACCOUCHEUR (2) NURSE(S) (3) OTHER WITNESSES (4) OCCUPIER OF BIRTH PLACE
7	INFORMANT	(1) NAME(S) (2) DESCRIPTION (3) USUAL ADDRESS
8	REGISTRAR	(1) DATE
		REGISTERED AT PERTH BY
		SEAL

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1961  
**DEATH IN THE STATE OF WESTERN AUSTRALIA**

Sec. 10

Third  
Schedule  
deleted and  
substituted.

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9. The Third Schedule to the principal Act is deleted and the following Schedule is substituted—

“ **THIRD SCHEDULE.**

COLUMN		1	REGISTRATION NUMBER	
2	(1) SURNAME (2) GIVEN NAMES (3) PLACE OF DEATH (4) DATE OF DEATH (5) OCCUPATION AGE AND SEX (6) USUAL ADDRESS (7) PLACE OF BIRTH (8) YEARS LIVED IN EACH AUSTRALIAN STATE	AGE		SEX
	(1) FATHER'S NAME (2) USUAL OCCUPATION (3) MOTHER'S MAIDEN NAME (4) USUAL OCCUPATION			
4	(1) MARITAL STATUS  MARRIAGE PARTICULARS	(2) PLACE OF MARRIAGE	(3) DATE OF MARRIAGE	(4) TO WHOM MARRIED
5	NAMES AND AGES OF CHILDREN IN THEIR ORDER OF BIRTH			
6	CAUSE OF DEATH  (APPROXIMATE INTERVAL BETWEEN ONSET OF DISEASE OR CONDITION AND DEATH SHOWN IN BRACKETS)			
7	(1) NAME OF DOCTOR (2) DATE LAST SEEN ALIVE			
8	(1) PLACE OF BURIAL OR CREMATION (2) DATE (3) PERSON CERTIFYING (4) CREMATORIUM OFFICIAL (5) OFFICIATING MINISTER (6) RELIGIOUS DENOMINATION (7) WITNESSES			
9	(1) INFORMANT'S NAME (2) ADDRESS (3) DESCRIPTION			
10	SIGNATURE DATE AND PLACE OF REGISTRATION	REGISTERED AT PERTH BY	SEAL	