



Western Australia

Registration of Births, Deaths and Marriages Act 1961

Compare between:

[26 Sep 1998, 02-m0-03] and [14 Apr 1999, 02-n0-07]

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Registration of Births, Deaths and Marriages Act 1961

**An Act to consolidate and amend the Law relating to the
Registration of Births, Deaths and Marriages and for incidental and
other purposes.**

Part I — Preliminary

1. Short title

- (1) This Act may be cited as the *Registration of Births, Deaths and Marriages Act 1961*¹.
- (2) This Act shall come into operation on a day to be fixed by proclamation¹.
- (3) It shall not be necessary to proclaim that the whole Act shall commence on one day, but the several Parts and sections may be proclaimed to commence on such days as are respectively fixed by proclamation.

[Section 1 amended by No. 23 of 1990 s.4.]

2. Repeal. First Schedule

- (1) The Acts mentioned in the First Schedule are repealed to the extent prescribed by that Schedule.
- (2) The provisions of sections 15 and 16 of the *Interpretation Act 1918*², apply in respect of the repeals effected by subsection (1), but this express application of the provisions of those sections does not exclude the application to this Act of the other provisions of the *Interpretation Act 1918*².

3. Interpretation

- (1) In this Act, unless the contrary intention appears —
“assistant district registrar” means a person appointed to a registry district to assist the district registrar in the carrying out of his duties therein;
“birth” or **“birth of a child”** means the complete expulsion or extraction from its mother of a product of conception born alive or which is of such period of gestation or such weight as may be prescribed;

“district registrar” means a district registrar or a deputy district registrar appointed under this Act to administer this Act in a registry district;

“extract of entry” means an extract in writing under the seal of the office from which it is issued containing such particulars of a registration of a birth, death or marriage as the Registrar General approves;

“minister” means —

- (a) a minister of religion registered under Division I. of Part IV. of the *Marriage Act 1961* of the Parliament of the Commonwealth, or of that Act as amended from time to time; or
- (b) an officer or person, not being a district registrar authorized to solemnise marriages pursuant to subsection (2) of section 39 of that Act or of that Act as so amended;

“occupier of the building or place” means the principal occupier for the time being of any building or place and, in relation to a gaol, prison, hospital, mental hospital or other public or charitable institution, the principal officer or the person in actual charge thereof;

“parent” means the father, mother or guardian;

“seal” means any seal, stamp, or die caused to be made by the Registrar General for the purposes of this Act.

- (2) In and for the purposes of this Act, references to death and the registration thereof shall be read and construed, with such modifications as are necessary, to include each case of the suspected death of a person in respect of which, after investigation in accordance with the *Coroners Act 1996*, a coroner finds that the death has been established beyond all reasonable doubt, and such suspected death shall be treated as a death and registered as such.

[Section 3 amended by No. 28 of 1965 s.3; No. 99 of 1979 s.3; No. 2 of 1996 s.61.]

Part II — Administration

4.³ Appointment of, and administration of Act by, Registrar General

(1) There shall be appointed under and subject to Part 3 of the *Public Sector Management Act 1994*—

- (a) a Registrar General; and
- (b) 2 Deputy Registrars General,

for the purposes of the administration of this Act.

(2) Everything appointed, authorized or required to be done or signed under this or any other Act by the Registrar General may be done or signed by a Deputy Registrar General and shall be as valid and as effectual as if done or signed by the Registrar General.

[Section 4 inserted by No. 23 of 1990 s.5; amended by No. 32 of 1994 s.3(2).]

5. Registry districts

The Governor may, for the purposes of this Act, by notice in the *Government Gazette*, from time to time, establish and fix the boundaries of registry districts and may, in like manner, from time to time, by a subsequent notice, alter any such district and the boundaries thereof.

6. District registrars and assistant district registrars

(1) The Registrar General may in writing under his hand appoint a person to be a district registrar or assistant district registrar for a registry district, and may also in like manner appoint a person to be the deputy of a district registrar or to act in the place of a district registrar whenever a district registrar is absent on leave or in consequence of sickness, or for any reason is temporarily unable to perform the duties of his office.

- (2) A person appointed to act as deputy district registrar or acting district registrar has and may exercise while so acting all the powers, duties and functions of the district registrar for whom he is appointed deputy or in whose place he is acting.
- (3) There may be appointed under and subject to Part 3 of the *Public Sector Management Act 1994*, such number of officers as are required for the effective administration of this Act.
- (4) The Registrar General shall in writing under his hand, appoint from among the persons who are employed —
 - (a) in the office of the Registrar General; and
 - (b) in a permanent capacity in the Public Service of the State,

such number of persons to be registration officers as he considers necessary.

- (5) Notice of the appointment of a person as a registration officer shall be published by the Registrar General in the *Government Gazette* as soon as practicable after the appointment is made.
- (6) The Registrar General may in writing under his hand cancel the appointment of a person as a registration officer and notice thereof shall be published by the Registrar General in the *Government Gazette* as soon as practicable after the appointment is so cancelled.

[Section 6 amended by No. 28 of 1965 s.4; No. 32 of 1994 s.3(1); No. 73 of 1994 s.4.]

6A. Powers of registration officers

- (1) Every registration officer appointed under this Act has, subject to the general direction and control of the Registrar General, and to such restrictions and limitations as may be imposed by the Registrar General, power and authority for and on behalf of the Registrar General to sign and execute all such documents as require signature for execution.

s. 7

- (2) A person dealing with a registration officer shall not be concerned to see and inquire whether any restrictions or limitations as are referred to in subsection (1) have been imposed on the exercise of his powers and every act or omission of any registration officer, so far as it affects that person, has the same force and effect and the same consequence, as if it were done or omitted by the Registrar General.

[Section 6A inserted by No. 28 of 1965 s.5.]

7. Temporary vacancy in office of Registrar General

Whenever the Registrar General is absent on leave or in consequence of sickness, or for any reason is temporarily unable to perform the duties of his office, the Minister may appoint a person to act in his stead and that person, while so acting, has all the powers, duties and functions of the Registrar General.

[Section 7 amended by No. 23 of 1990 s.6.]

8. Notice to be exhibited outside office of district registrar or assistant district registrar

- (1) Every district registrar and assistant district registrar shall maintain an office within the registry district for which he is appointed and shall affix or cause to be affixed and keep affixed in some conspicuous place on the outside of the building in which the office is situated, a notice bearing the words, “district registrar” or “assistant district registrar”, as the case may be.
- (2) Subject to the provisions of this Act, all births, deaths and marriages occurring in the State shall be registered by the Registrar General.

[Section 8 amended by No. 28 of 1965 s.6.]

9. Duty of district registrar to obtain and forward information to Registrar General

Every district registrar shall —

- (a) to the best of his ability procure information in the prescribed form of every birth or death occurring in the registry district for which he is appointed; and
- (b) as soon as practicable thereafter forward the form duly completed to the Registrar General.

[Section 9 inserted by No. 28 of 1965 s.7.]

10. Duty of Registrar General to register births, deaths and marriages

- (1) Subject to this Act, the Registrar General shall —
 - (a) register, or cause to be registered, every birth, death and marriage that occurs in the State by recording the particulars thereof according to the appropriate form prescribed in the Schedules to this Act, in the appropriate register provided for the purpose; and
 - (b) as soon as practicable thereafter, send to the district registrar a duplicate of the particulars of each birth, death or marriage that —
 - (i) occurred in the registry district for which the district registrar is appointed; and
 - (ii) particulars of which have been recorded in a register by the Registrar General in accordance with this subsection.
- (2) The district registrar shall keep each duplicate of the particulars received by him from the Registrar General pursuant to subsection (1), in the appropriate register provided for the purpose.

[Section 10 inserted by No. 28 of 1965 s.8.]

11. Records to be kept by assistant district registrar

Every assistant district registrar shall keep such records of births and deaths occurring in the registry district for which he is appointed as may be prescribed.

s. 12

12. Registrar General to provide copies of lost, mislaid, etc., duplicates

Where a duplicate referred to in section 10 is lost, mislaid, mutilated or illegible, the Registrar General shall make and send to the appropriate district registrar a copy of the duplicate, certified under the hand of the Registrar General as being a true copy thereof, and the copy shall, for all purposes, be deemed to be the duplicate for which the copy is in substitution.

[Section 12 inserted by No. 28 of 1965 s.9.]

13. Registrar General to supply registers, books to district registrars and ministers

- (1) The Registrar General shall supply every district registrar and every minister with such registers, books and forms as are required by a district registrar or minister for the purpose of enabling him to comply with the provisions of this Act.
- (2) Without prejudice to the operation of section 2, all registers, books and forms prescribed under the Acts repealed by this Act may be used for the purpose until registers, books and forms prescribed under this Act are so supplied.

14. Registrar General to provide seal for use on documents

- (1) Every certified copy and extract of entry of and every registration of birth, death or marriage shall be signed and sealed with a seal provided for the purpose, by the Registrar General or the district registrar for the registry district wherein the birth, death or marriage is recorded.
- (2) The seal referred to in subsection (1) shall be provided by the Registrar General.

[Section 14 amended by No. 28 of 1965 s.10.]

15. Power to prescribe certificates of causes of death to be supplied by medical practitioner

- (1) The Registrar General may from time to time prescribe —
 - (a) the form of certificate of the causes of death that is to be given by duly qualified medical practitioners; and
 - (b) the system of classification of the causes of death that is to be adopted by those practitioners.
- (2) The Registrar General shall provide each duly qualified medical practitioner with printed forms of the certificate and full particulars of the system referred to in subsection (1).

16. Indexes to be kept by Registrar General and district registrar

- (1) The Registrar General shall keep, or cause to be kept, indexes of every birth, death and marriage registered in the State.
- (2) Every district registrar shall keep and maintain, or cause to be kept and maintained, indexes of all entries made in the registers kept at his office.

17. Power of Registrar General to register birth, death or marriage

- (1) Subject to section 25, where the birth of a person born in the State, or a death or marriage that occurred therein, has not been registered under this Act or any Act repealed by this Act, the Registrar General may, whether the birth, death or marriage occurred before or after the coming into operation of this Act, if he is of opinion that he has sufficient evidence of the several particulars required to be recorded under this Act, cause the birth, death or marriage to be registered in accordance with this Act.
- (2) Nothing in this section relieves a person from liability for failing to give notice of the birth, death or marriage or to inform a district registrar of the particulars required to register the birth,

death or marriage within the time limited by this Act or by any Act repealed by this Act.

[Section 17 amended by No. 28 of 1965 s.11.]

18. Searches of register and certified copies of searches

- (1) Subject to the provisions of subsections (2), (3) and (4) of this section and subsection (3) of section 65, the Registrar General and every district registrar shall —
 - (a) upon request cause a search to be made of any register kept by him;
 - [(b) deleted.]*
 - (c) if requested provide a certified copy or extract of entry, of an entry in the register on payment of the prescribed fees.
- (2) Where a registration of birth in a register reveals the fact that the person whose birth the registration records has been legally adopted, legitimated or is an illegitimate child —
 - (a) no search of the registration shall be permitted unless and until the Registrar General consents to the search being made; and
 - (b) no certified copy of the registration shall be issued except by the authority and at the discretion of the Registrar General.
- (3) Where the Registrar General or district registrar is of opinion that the reason for which a search of any register kept by him or certified copy or extract of entry of any entry in such register is required, is not sufficient, the Registrar General or district registrar shall refuse to allow the search to be made or to issue the certified copy or extract of entry.
- (4) Where pursuant to subsection (3), a district registrar refuses to allow a search to be made or refuses to issue a certified copy or extract of entry in a register, the applicant therefor may in writing and upon payment of the prescribed fees for the search

or certified copy or extract, as the case may be, request the Registrar General to cause the search to be made or certified copy or extract to be issued, and the Registrar General may either comply with the request or pursuant to subsection (3), refuse to do so.

- (5) Where the Registrar General refuses to cause any search to be made or to issue any certified copy or extract, whether in the first instance or after a refusal by a district registrar, the applicant therefor may in writing, and upon payment of the appropriate prescribed fees, request the Minister to direct in writing the Registrar General to allow the search to be made or the certified copy or extract to be issued to the applicant, and if the Minister so directs, the Registrar General shall give effect to the direction of the Minister.

[Section 18 amended by No. 28 of 1965 s.12; No. 11 of 1975 s.3.]

19. Certified copies of register or entries of registers to be *prima facie* evidence

- (1) Subject to the provisions of subsection (2), a certified copy of a registration of a birth, death or marriage issued by the Registrar General or a district registrar, if it is sealed with the seal of the Registrar General or the district registrar and purports to be signed by the Registrar General or the district registrar, shall be received as *prima facie* evidence in all legal proceedings, whether civil or criminal of the facts of the birth, death or marriage to which the certified copy relates.
- (2) A certified copy of a registration of a death shall not be so received as *prima facie* evidence, unless the date and place of burial or other disposal of the body of the person to whom the certified copy relates, is stated therein, but the foregoing provisions of this subsection do not apply to or in relation to a death registered by virtue of section 3 (2).

[Section 19 amended by No. 99 of 1979 s.4.]

Part III — Registration of births

20. Duty of parent to register birth

- (1) The parent of a child born in the State, whether when it issued from its mother it was alive or dead shall give or cause to be given to the district registrar or assistant district registrar of the registry district in which the child was born, the several particulars relating to that birth contained in the prescribed birth information paper.
- (2) The particulars shall be so given or caused to be so given within 60 days after the date of the birth.
- (3) Where, owing to the death, absence, inability, or default of the parent of a child born in the State, particulars of the birth have not been given as required by subsections (1) and (2), the occupier of the building or place where the child was born shall give those particulars to the district registrar or assistant district registrar in the manner and within the time provided by those subsections.
Penalty: \$20.
- (4) If any person who is required to comply with the foregoing provisions of this section does so, no other person is required so to comply.

[Section 20 amended by No. 113 of 1965 s.8; No. 79 of 1985 s.3.]

21. Registration of birth of illegitimate child

- (1) Notwithstanding the provisions of section 20, the father of an illegitimate child is not required to give the information referred to in that section concerning the birth of the child.
- (2) The Registrar General shall not enter or cause to be entered in a register the name of any person as the father of such child, unless the several particulars required under section 20 are given by the mother of the child and a statutory declaration in the

prescribed form declaring that he is the father of the child is made and furnished to the Registrar General by that person.

- (3) Where at any time after the registration of the birth of an illegitimate child, the Registrar General is satisfied by a statutory declaration or such other evidence as he may require, that both the mother and the person acknowledging himself to be the father of the child require the name of, and any other particulars relating to the father of the child, to be entered in the register, the Registrar General may authorize the entry in the register of the name and those particulars.
- (4) Where the mother of an illegitimate child is dead or cannot be found or is unable to make the request referred to in subsection (3), if the Registrar General thinks fit, he may upon the request of the father of the illegitimate child authorize the entry in the register of the name and particulars referred to in subsection (3).
- (5) Where an entry of the name of the father of a child is made in the register pursuant to this section, an entry shall also be made in the register indicating that the first mentioned entry was made pursuant to this section.

[Section 21 amended by No. 28 of 1965 s.13.]

21A. Surname to be entered in register of births

- (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

s. 22

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.

[Section 21A inserted by No. 79 of 1985 s.4.]

22. All births to be registered

The birth in the State of every child not born alive shall be registered under the provisions of this Act and for the purposes

of this Act every such child shall be deemed to have been born alive and to have subsequently died.

[23. *Repealed by No. 28 of 1965 s.14.*]

24. Registration of birth after 12 months from date thereof

Where the birth of a child born in the State is not registered under this Act within a period of 12 months next following the date of the birth, the birth shall not be registered under this Act except on the written authority of the Registrar General, and the fact that such authority was given and the date thereof, shall be entered in the register.

[Section 24 inserted by No. 28 of 1965 s.15; amended by No. 11 of 1975 s.4.]

25. Appeal from Registrar General

- (1) Where the Registrar General authorizes or refuses to authorize the registration of a birth under section 24 any person aggrieved by reason of that decision may apply to a Judge for an order against that decision.
- (2) Upon production to him of a certified copy of an order made under subsection (1) the Registrar General shall delete the registration of a birth from the register or authorize the registration of a birth in the register in terms of the order.
- (3) Where the Registrar General registers a birth pursuant to an order made under this section he shall enter in the register the fact that the registration was ordered under this section.

[Section 25 inserted by No. 11 of 1975 s.5.]

26. Certain registrations not to be evidence

Except where a birth is registered in accordance with section 51, 52 or 54, no register or certified copy of an entry in the register is evidence to prove the birth of a child if it appears from the entry that more than 12 months have elapsed between the date

s. 28

of the birth and the date of the registration of the birth of that child, unless the entry purports to have been made with the written authority of the Registrar General, by order of a Judge or by order of the Minister.

[Section 26 inserted by No. 11 of 1975 s.6; amended by No. 23 of 1990 s.7.]

[27. Repealed by No. 28 of 1965 s.18.]

28. Registration of births of children born out of the State

- (1) Where a child born out of the State arrives in the State before attaining the age of 18 months and the birth of that child has not been registered elsewhere, if the parents of the child are about to reside in the State with the child, the parents shall at any time within 60 days from the date of the arrival of the child in the State —
- (a) inform the Registrar General of the birth of the child;
 - (b) give to the Registrar General the several particulars contained in the prescribed birth information paper; and
 - (c) give to the Registrar General such proof as to the correctness of those particulars as the Registrar General may require,

and thereupon the Registrar General may cause the birth to be registered.

- (2) Where a parent of a child referred to in subsection (1), fails to register the birth of the child in accordance with that subsection, the Registrar General may cause the birth to be registered.
- (3) Sections 24 and 25 apply to the registration of the birth of the child as though the reference in section 24 to the date of the birth of the child in the State were a reference to the date of the arrival of the child in the State and as though the child were born in the State.

[Section 28 amended by No. 28 of 1965 s.19; No. 73 of 1994 s.4.]

29. Registration of name after registration of birth

- (1) Notwithstanding the provisions of any other Act —
 - (a) where a child whose birth has been registered under this Act without a first or Christian name has any such name given to it after the registration;
 - (b) where another first or Christian name is given to a child in place of the first or Christian name entered in the register at the time the birth of the child was registered; or
 - (c) where an additional first or Christian name has been given to a child after the registration of his birth, the parents of the child, at any time within 12 months after the date of the birth, may in the prescribed manner apply to the Registrar General to register the name so given and the Registrar General, on payment to him of the prescribed fee, shall cause the name to be registered accordingly.
- (2) The Registrar General may authorize an alteration or addition to the register under this section —
 - (a) on the application of one of the parents of the child if the applicant is the sole parent named in the registration of the child's birth;
 - (b) on the application of one of the parents of the child if the other parent is dead;
 - (c) on the application of one of the parents of the child if the Family Court has approved the proposed change of name; or
 - (d) in the case where both of the parents of the child are dead, cannot be found, or for some other reason cannot exercise their parental responsibilities in relation to the child, on the application of the child's guardian.
- (3) An alteration or addition to the register made pursuant to this section shall be entered in the margin of the appropriate

s. 30

registration entry and signed by the Registrar General or district registrar in whose office the register is kept on the authority of the Registrar General, but not more than one alteration or addition to the register in respect of the name of any child shall be so made.

[Section 29 amended by No. 41 of 1997 s.35.]

30. Registration of change of name

- (1) Where the Registrar General is satisfied that a person, whose birth or marriage is registered in the State, 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 of the child, for the changed or assumed name to be entered in the appropriate 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 referring to the change or assumption of name to be made in the margin of the appropriate registration.

- (2) The Registrar General shall not cause an entry to be made in the registration of the birth 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.
- (3) The provisions of section 29 (2) apply to an application made under this section in respect of a child.

[Section 30 amended by No. 28 of 1965 s.20.]

31. Information respecting foundlings to be given

Where a new born child is found exposed or abandoned any person in whose charge the child may be placed shall, so far as

he is able, after due enquiry, give to the district registrar appointed for the registry district wherein the child was found, within 7 days after the date of the finding of the child, the several particulars contained in the prescribed birth information paper.

Part IIIA — Temporary provision for registration of previously unregistered births

[Part IIIA inserted by No. 23 of 1990 s.8.]

31A. Registration of previously unregistered birth

- (1) If the Registrar General is satisfied that —
- (a) a person was born in this State; and
 - (b) the Registrar General does not have sufficient evidence of the several particulars required to be recorded under this Act to cause the birth to be otherwise registered in accordance with this Act,

the Registrar General may, subject to subsection (2) and upon application by that person in accordance with subsection (3), authorize in writing the registration of the birth of that person, and the birth shall be registered under this Act.

- (2) Before considering an application to register a birth under this section the Registrar General shall take such steps as the Registrar General thinks reasonable to establish that the birth has not been registered in this State or another State or Territory of the Commonwealth.
- (3) An application under this section shall —
- (a) be made on or before the last day of the period ending 2 years after the coming into operation of the *Registration of Births, Deaths and Marriages Amendment Act 1990*¹;
 - (b) be made in writing in a form approved by the Registrar General; and
 - (c) contain a statutory declaration in a form approved by the Registrar General.
- (4) For the purpose of determining an application under subsection (1), the Registrar General may request such information as is considered necessary from any person, but no

person shall be required by notice under section 60 to supply that information.

- (5) If the information relating to any of the particulars specified in the Second Schedule in respect of a person who has submitted an application under this section has been proved to the satisfaction of the Registrar General, the Registrar General shall enter the information in the register but where the Registrar General is furnished with information that is not complete, only such particulars as the Registrar General is satisfied are authentic may be added.
- (6) When acting under this section the Registrar General shall have regard to the special circumstances of each case.
- (7) Where a birth is registered pursuant to an authority under this section, the fact that such authority was given, and the date of that authority, shall be entered in the register.
- (8) Nothing in this section relieves a person from liability for failing to give notice of a birth or to inform a district registrar of the particulars required to register a birth within the time limited by this Act or by any Act repealed by this Act.

[Section 31A inserted by No. 23 of 1990 s.8.]

31B. Order to register

- (1) If the Registrar General refuses to register a birth pursuant to an application under section 31A, the applicant may, in writing, apply to the Minister for an order against that decision.
- (2) If the Minister makes an order under subsection (1) the Registrar General shall authorize the registration of the birth in the register in terms of the order.
- (3) Where the Registrar General registers a birth pursuant to an order made under subsection (1), the Registrar General shall enter in the register the fact that the registration was ordered under this section.

Registration of Births, Deaths and Marriages Act 1961

Part IIIA Temporary provision for registration of previously unregistered births

s. 31B

[Section 31B inserted by No. 23 of 1990 s.8.]

Part IV — Registration of deaths

32. Registration of deaths within 14 days of death

The occupier of a building or place in the State in which a death occurs or the person disposing of a dead body shall within 14 days next following the date of the death or finding of the body —

- (a) inform the district registrar or assistant district registrar appointed for the registry district in which the death occurred or the body was found, of the death; and
- (b) within that period to the best of his knowledge and belief give to that district registrar or assistant district registrar the several particulars contained in the prescribed death information paper.

[Section 32 amended by No. 11 of 1975 s.7.]

33. Commanders of ships to report deaths

- (1) Where a ship arrives at any port in the State, if a death of a person has occurred in the ship during any part of the voyage to that port, the person having command or charge of the ship or his agent shall on the arrival of the ship at the port —
 - (a) inform the district registrar appointed for the registry district wherein the port is situated, or the assistant district registrar for that district, of the death;
 - (b) to the best of his knowledge and belief give to that district registrar or that assistant district registrar the several particulars concerning the death, in the form contained in the prescribed death information paper; and
 - (c) cause the district registrar to be furnished with a certificate as to the cause of the death of the person signed by a duly qualified medical practitioner.
- (2) The district registrar on receipt of the information paper referred to in subsection (1) shall forthwith forward it to the Registrar

s. 34

General, who shall, without fee, cause the death, to which the paper relates, to be registered.

34. Commander of aircraft to report deaths

- (1) Where an aircraft that is carrying a dead body of a person lands in the State or where the death of a person occurs in an aircraft while it is in the State, the person having command or charge of the aircraft or his agent shall —
 - (a) as soon as practicable inform the Registrar General;
 - (b) within 14 days of the death of the person, to the best of his knowledge and belief, give to the Registrar General, the several particulars concerning the death in the form contained in the prescribed death information paper; and
 - (c) cause the district registrar to be furnished with a certificate as to the cause of the death of the person signed by a duly qualified medical practitioner.
- (2) The Registrar General on receipt of the information paper referred to in subsection (1) shall forthwith, without fee, cause the death, to which the paper relates, to be registered.

35. Person in charge of anatomy school to furnish particulars of death

- (1) A person in charge of a school of anatomy authorized by licence under section 4 of the *Anatomy Act 1930*, shall, within 14 days after the date when the body of a deceased person is delivered to that school for anatomical examination, to the best of his knowledge and belief, furnish to the Registrar General the several particulars concerning the death of the deceased person contained in the prescribed death information paper.
- (2) The Registrar General on receipt of the death information paper shall cause the death to be registered.

[36. *Repealed by No. 28 of 1965 s.21.*]

[37. *Repealed by No. 28 of 1965 s.22.*]

[38. *Repealed by No. 28 of 1965 s.23.*]

[39. *Repealed by No. 28 of 1965 s.24.*]

[40. *Repealed by No. 28 of 1965 s.25.*]

41. Medical certificates as to cause of death

- (1) Except as provided in section 44 (1), on the death of a person who has been attended during his last illness by a duly qualified medical practitioner, that practitioner shall forthwith after the death —
 - (a) complete and sign a medical certificate in the form approved by the Registrar General; and
 - (b) give the certificate referred to in paragraph (a) to a person required by this Part to give information concerning the death to the district registrar or assistant district registrar appointed for the registry district in which the death occurred.
- (2) The person to whom the certificate is given by the medical practitioner shall, when notifying the death, give the certificate to the district registrar or assistant district registrar.
- (3) Where the death of a person occurs prior to the 29th day next following his birth, the medical practitioner shall give a certificate as to the cause of death as provided in subsection (1), but the certificate shall be in the form approved by the Registrar General in respect of such a death.

[Section 41 amended by No. 28 of 1965 s.26; No. 11 of 1975 s.8.]

42. Cause of death to be entered in register

The cause of death stated in a medical certificate given pursuant to section 41, or as notified by a coroner under section 28 of the *Coroners Act 1996*, shall be entered in the register by the Registrar General.

[Section 42 inserted by No. 28 of 1965 s.27; amended by No. 2 of 1996 s.61.]

43. Penalty

A duly qualified medical practitioner and any person required by this Part to give information concerning a death who, without reasonable cause, fails to comply with the provisions of section 41, commits an offence.

Penalty: \$20.

[Section 43 amended by No. 113 of 1965 s.8.]

44. Medical practitioner to notify Coroner in certain cases and not give death certificate

- (1) The medical practitioner who first views the dead body of a person shall —
 - (a) where in the opinion of the practitioner, the death has occurred under any circumstances of suspicion;
 - (b) where the practitioner has reasonable cause to suspect that deceased person has died either a violent or an unnatural death; or
 - (c) where the cause of death is not known to him,forthwith notify the Coroner or his clerk of the death and shall not issue a death certificate in respect of the death.
- (2) Where a dead body of a person is found exposed, the person finding it shall forthwith notify a member of the police force of the State.
- (3) The member of the police force referred to in subsection (2) shall —
 - (a) forthwith notify a coroner; and
 - (b) after due enquiry furnish the district registrar or assistant district registrar appointed for the registry district wherein the body was found, with the several particulars contained in the prescribed death information paper.

[(4) repealed]

[(5) repealed]

[Section 44 amended by No. 99 of 1979 s.5; No. 73 of 1994 s.4; No. 2 of 1996 s.61.]

45. Certificate of minister and undertaker

- (1) A person who buries, deposits at a crematorium or otherwise disposes of the body of a person shall, within 14 days after the burial, deposit or disposal, give to the district registrar or assistant district registrar appointed for the registry district wherein the person died, a certificate in the form of the Fifth Schedule, countersigned by the minister officiating at the service when the body is buried or otherwise disposed of, or by 2 witnesses of the burial or other disposal of the body.
- (2) The Registrar General shall, on receiving notice in the form prescribed by regulations made under the *Cremation Act 1929*, of the cremation of the dead body of a person, cause the date, place, name of the certifying officer and the fact that the body was cremated to be registered with the registration of the death of that person.

[Section 45 amended by No. 11 of 1975 s.9.]

45A. Removal of the body of a person from the State

A person shall not remove the dead body of a person from the State or cause it to be removed from the State unless and until the death of that person has been registered in accordance with this Act.

[Section 45A inserted by No. 11 of 1975 s.10.]

45B. No registration of death without entry of manner of disposal

A registration of the death of a person shall not be made unless an entry showing the manner in which the body of the person was disposed of is made in the register, but the foregoing

s. 46

provisions of this section do not apply to or in relation to a death that is required to be registered by virtue of section 3 (2).

[Section 45B inserted by No. 11 of 1975 s.10; amended by No. 99 of 1979 s.6.]

46. Product of birth deemed to be body of person

For the purposes of this Part the product of a birth shall be deemed to be a body of a person.

Part V — Registration of marriages

47. Official certificate to be forwarded

- (1) The official certificate of a marriage prepared by a minister in accordance with the *Marriage Act 1961* of the Parliament of the Commonwealth, as amended from time to time, and required by that Act to be forwarded to the appropriate registering authority of the State, shall be so forwarded by the minister within a period of 14 days of the date of the marriage to which the certificate relates.
- (2) Where a district registrar —
 - (a) prepares an official certificate of a marriage; or
 - (b) receives an official certificate of a marriage,

pursuant to the *Marriage Act 1961* of the Parliament of the Commonwealth, as so amended, he shall as soon as practicable thereafter forward the official certificate to the Registrar General for registration of the marriage.

[Section 47 inserted by No. 28 of 1965 s.28.]

48. Registration of marriage after original failure to register

- (1) Where a minister who celebrates a marriage fails to transmit the particulars of the marriage to a district registrar as required by this Act, the Registrar General may, if he is satisfied as to the correctness of the several particulars required for the registration of the marriage of which he then has knowledge, cause the marriage to be registered.
- (2) For the purposes of registering a marriage the Registrar General may require —
 - (a) the production by any person of an existing certificate of the marriage; and
 - (b) from any person, such other evidence relating to the marriage, as he deems necessary, for the purpose of registering the marriage.

49. Registrar of Supreme Court to forward details of divorces and nullity decrees

The Registrar of the Supreme Court shall, once in each month, forward to the Registrar General particulars in the prescribed form of every order or decree of dissolution of a marriage or of nullity of a marriage made by that Court and which has become final or absolute during the last preceding month.

50. Orders or decrees of divorce or nullity of competent court registrable in respect of marriages celebrated in the State

Where a marriage celebrated in the State is finally dissolved or declared a nullity by order or decree of any court of competent jurisdiction in the Commonwealth or in the Dominion of New Zealand, the Registrar General shall, on receiving from that Court a certificate of the particulars of the order or decree under the hand of the Master or Registrar of the Court, cause an entry to be made in the registration of the marriage referring to the fact that the marriage has been finally dissolved or declared a nullity by the order or decree.

Part VI — Registration of legitimated children

51. Notice of legitimated child born in the State

Where a child, whose parents were not married to each other at the time of his birth, is legitimated by the subsequent marriage of those parents, if the child was born in the State, the parents shall, unless the child has been registered in accordance with the *Legitimation Act 1909*, inform the Registrar General, in accordance with the regulations, of the legitimation of the child.

Penalty: \$40.

[Section 51 amended by No. 113 of 1965 s.8.]

52. Registration of birth of legitimated child born outside the State

- (1) Where a child born outside the State, whose parents were not married to each other at the time of his birth, is legitimated by the subsequent marriage of those parents, if the child is domiciled in the State, application in accordance with this section and with the regulations may be made to the Registrar General to have the birth of the child registered.
- (2) The Registrar General may approve of the application duly made under this section if —
 - (a) there is produced to him with the application, a certified copy of the registration of the birth of the child made prior to the application; or
 - (b) there is produced to him with the application, an order of the Supreme Court of a State or Territory of the Commonwealth declaring the person in respect of whom the application is made, to be legitimate.
- (3) The Registrar General shall enter or cause to be entered in such register as he thinks fit every registration of a birth made pursuant to an application under this section.

53. Father to make statutory declaration if requested by Registrar General

Before the birth of a child is registered in accordance with this Part, the father of the child shall, if the Registrar General so requests him, make a statutory declaration in the prescribed form declaring that he is the father of the child.

54. Power to Registrar General to register birth

Where the relevant provisions of the foregoing sections of this Part have been complied with in respect of a child to the satisfaction of the Registrar General, he may cause the birth of the child to be registered and shall, if the birth of the child has previously been registered, cause an entry to be made in that registration, referring to the registration made under this Part.

55. Power to Registrar General to authorize registration of birth of legitimated children in certain cases

- (1) Notwithstanding the provisions of section 25 (1), registration under this Part, of the birth of a person born in the State may be authorized by the Registrar General, in accordance with the regulations where —
- (a) prior to the registration under this Part, the birth of the person has been registered under this Act or any previous corresponding enactment; or
 - (b) there is produced to him by the person applying for the registration of the birth to be made, an order of the Supreme Court of a State or Territory of the Commonwealth declaring the person, whose birth he is applying to register, to be legitimate,

and in either case the Registrar General is satisfied that the several particulars given to him concerning the birth are sufficient and correct for the purpose of registering the birth.

- (2) Where a registration of a birth is effected pursuant to this section, the Registrar General shall cause an entry to be made in

the prior registration of the birth of the person (if any) referring to the registration made under this Part.

56. Registrations to be in form of Second Schedule

Every registration of a birth made under this Part —

- (a) shall be in the form of the Second Schedule; and
- (b) shall include an entry referring to the Part of this Act pursuant to which the registration is made.

57. Legitimated child may use name of father

Notwithstanding any law, where the birth of a child is registered in accordance with this Part, the surname of the child, where no request has been made under section 21A (2), shall be the same as the surname of the father of the child.

[Section 57 amended by No. 79 of 1985 s.5.]

Part VII — Miscellaneous and penalties

58. Power of minister or district registrar to require information of birth, death or marriage

- (1) A minister or district registrar, who celebrates a marriage or who is about to do so, may ask the parties to the marriage or proposed marriage, to give to him the several particulars required to be registered under this Act concerning the marriage.
- (2) A district registrar may ask any person required by this Act to give particulars required for the registration of a birth or death to give to him any of those particulars.
- (3) A person who fails to give to a minister or district registrar any particulars of a marriage, birth or death when required by the minister or the district registrar pursuant to this section so to do, commits an offence.

Penalty: \$20.

[Section 58 amended by No. 113 of 1965 s.8.]

59. Offence of failing to give particulars of a birth or death

- (1) Where a person is convicted of failing to give to a district registrar or an assistant district registrar any particulars of a birth or a death that under this Act that person is required to so give, or is convicted of failing to cause those particulars to be so given, the court convicting the person may order him forthwith to give those particulars to the district registrar or the assistant district registrar.
- (2) A person who fails to comply with an order made pursuant to subsection (1) commits an offence and the offence shall be deemed to continue so long as the order is not complied with by the person against whom it is made.

Penalty: \$40 and an additional sum not exceeding \$2 for each day during which the offence is deemed to have continued.

[Section 59 amended by No. 113 of 1965 s.8.]

60. Power of Registrar General to require attendance of persons and information from persons

- (1) When by reason of the default or inability of the persons required by or under this Act to give information, any birth, death or marriage has not been registered or has been registered without all the required particulars having been recorded, the Registrar General may by written notice given to any person whom he believes to be acquainted with any of the facts concerning the birth, death or marriage —
- (a) require the person to attend personally at the office of the Registrar General or at the office of the district registrar in whose district the person resides, within such time, being not less than 7 days after the receipt by the person of the notice, as is specified in the notice; and
 - (b) require the person to give in writing to the Registrar General or to that district registrar, such information as he possesses concerning the birth, death or marriage as the Registrar General or the district registrar may require to enable the birth, death or marriage to be registered, or to enable the required particulars to be recorded.
- (2) A person who fails to comply with a notice given to him pursuant to subsection (1) commits an offence.

Penalty: \$40.

[Section 60 amended by No. 113 of 1965 s.8.]

61. Offences

- (1) Except as otherwise expressly provided by this Act, every person who knowingly registers a birth, death or marriage contrary to the provisions of this Act, commits an offence.
- Penalty: \$40.
- (2) A person who —
- (a) does that which by or under this Act he is forbidden to do; or

s. 62

- (b) does not do that which by or under this Act he is required or directed to do; or
- (c) otherwise contravenes or fails to comply with any provision of this Act,

commits an offence against this Act.

- (3) A person who commits an offence against this Act is liable on conviction to a penalty or punishment not exceeding the penalty or punishment expressly mentioned as the penalty or punishment for the offence, or if a penalty or punishment is not so mentioned, to a penalty not exceeding \$40.

[Section 61 amended by No. 113 of 1965 s.8.]

62. Offence by Registrar General and others

- (1) The Registrar General shall not without reasonable cause refuse or omit to register a birth, death or marriage of which he has had due notice and information under this Act.
- (2) Every person having the custody of any register or part thereof, who negligently loses or damages it or negligently allows it to be damaged while in his keeping, commits an offence.
Penalty: \$40.

[Section 62 inserted by No. 28 of 1965 s.29; amended by No. 113 of 1965 s.8.]

63. Information papers to contain declaration

- (1) Every prescribed birth information paper and every prescribed death information paper shall contain a declaration in the form in the Sixth Schedule or to the same effect.
- (2) The person who gives the information on the prescribed form required for the registration of a birth or a death shall —
 - (a) complete and sign the declaration referred to in subsection (1); and

(b) cause his signature to be attested by a subscribing witness.

- (3) Where the district registrar receives a prescribed form or any other paper or document required for the registration of a birth, death or marriage under this Act, he shall where required therein sign the prescribed form, paper or document and as soon as practicable forward it to the Registrar General.

[Section 63 amended by No. 28 of 1965 s.30.]

63A. District registrar prohibited from making entry in register except by authority of Registrar General

A district registrar shall not make or cause to be made an entry in any register of births, deaths or marriages kept by him, unless he is authorized in writing by the Registrar General, to do so.

[Section 63A inserted by No. 28 of 1965 s.31.]

63B. Prohibition of demand of extracts, etc.

A person shall not without reasonable cause demand the production of any extract of entry or certified copy of an entry made or issued under the provisions of this Act.

[Section 63B inserted by No. 11 of 1975 s.11.]

64. No prosecution without authority of Registrar General

No prosecution for an offence against this Act shall be commenced without the authority of the Registrar General.

65. Correction of errors in registers

- (1) No person shall make an alteration in a register of births, deaths or marriages unless the alteration is made in accordance with the provisions of this Act.
- (2) A clerical error or an error of fact or substance, or an omission of a material fact, in a register of births, deaths or marriages,

s. 66

may be corrected in the manner and by any person authorized by the Registrar General.

- (3) Instead of authorizing any correction in a register as provided in subsection (2), the Registrar General may direct a new entry to be made in the register, whereupon no certified copies of the original entry, extracts of entry therefrom, or searches thereof, shall be issued or permitted except by the 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.
- (5) A certified copy of an entry in a register corrected in accordance with this section shall show in addition to the matter contained in that entry, any entry that is in the margin thereof.

66. Power of Registrar General to impound altered extracts or certified copies

The Registrar General may impound and keep any extract of entry or certified copy of a registration of a birth, death or marriage that has, subsequent to its issue, been altered or changed in any particular.

67. Omission of informant's signature not to render entries inadmissible in evidence

No existing or future entry in a register kept under this Act and no certified copy of such an entry is inadmissible in evidence by reason only of the fact —

- (a) that the entry has not been signed by the informant; or
- (b) that the entry has not been signed in accordance with this Act or any Act repealed by this Act, if in such a case, the Registrar General is satisfied as to the correctness of the entry and has caused an entry to that effect to be inserted in the margin of the entry.

[Section 67 amended by No. 28 of 1965 s.32.]

68. Entries as to registration of births of adopted persons

- (1) Where the Registrar General is required under section 78 (2) or (4) of the *Adoption Act 1994* to endorse a registration of birth or to register a birth and endorse the registration, the endorsement or registration and endorsement (as the case may be) shall be made in a manner and form approved by the Registrar General.
- (2) Where the Registrar General is required under section 86 of the *Adoption Act 1994* to issue a certified copy of that portion of the registration of an adoptee's birth that does not refer to the adoptee's adoption or birth parents, the certified copy shall be in a form approved by the Registrar General.
- (3) The Registrar General shall amend the index of the register kept in the Registrar General's office and is to cause the index of the register kept in the office of the district registrar to be amended, so as to refer to any endorsement or registration and endorsement effected under section 78 (2) or (4) of the *Adoption Act 1994*.

[Section 68 inserted by No. 9 of 1994 s.145.]

69. Right of ministers to receive fees

Nothing in this Act affects the right of a minister to require or receive a fee for or in respect of the performance of any baptism or burial.

70. Sections of Second Schedule of *Interpretation Act 1918*², incorporated

Sections E, F, G and H of the Second Schedule to the *Interpretation Act 1918*², are incorporated in this Act.

71. Power of Governor to amend forms in schedules

The Governor may from time to time amend the forms contained in the Schedules to this Act.

s. 72

72. Fees

- (1) There shall be paid —
 - (a) to the Registrar General, and to every district registrar and assistant district registrar such fees as may be prescribed in respect of the matters and things respectively mentioned in this Act; and
 - (b) to every district registrar and assistant district registrar such fees and emoluments for duties performed by them under this Act as may be prescribed.
- (2) Where the Registrar General or any district registrar is empowered by this Act to do any act for which a fee is payable, he may refuse to do the act until the fee is paid.
- (3) Notwithstanding the provisions of any regulation, the Registrar General may dispense with the payment of the whole or any part of a fee payable under the regulations.

73. Regulations

- (1) The Governor may make regulations for any purpose for which regulations are contemplated or required by this Act and may make all such other regulations as may, in his opinion, be necessary or expedient for giving full effect to the provisions of this Act and for the due administration of this Act.
- (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;
 - (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.

- (2) The regulations may impose a fine not exceeding \$40 for a breach of any regulation made under this section.

[Section 73 amended by No. 113 of 1965 s.8; No. 79 of 1985 s.6.]

73A. Application to amend register within 6 months of prescribed day

- (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.

[Section 73A inserted by No. 79 of 1985 s.7.]

74. Cost of administration

The cost of the administration of this Act shall be paid out of the moneys appropriated by Parliament for the purpose.

Sch. 1

1st Schedule

[section 2.]

No. of Act.	Title of Act.	Extent of Repeal.
58 Vict. No. 16	<i>Registration of Births, Deaths, and Marriages Act, 1894</i>	The whole.
64 Vict. No. 31	<i>Registration of Births, Deaths, and Marriages Amendment Act, 1900</i>	The whole.
19 of 1907	<i>Registration of Births, Deaths, and Marriages Amendment Act, 1907</i>	The whole.
4 of 1914	<i>Registration of Births, Deaths and Marriages Act Amendment Act, 1914</i>	The whole.
21 of 1948	<i>Registration of Births, Deaths and Marriages Act Amendment Act, 1948</i>	The whole.
72 of 1956	<i>Marriage Act Amendment Act, 1956</i>	S. 2 and the schedules to the Act.

2nd Schedule

[Sec. 10.]

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1961

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 BIRTHPLACE	
7	INFORMANT	(1) NAME(S) (2) DESCRIPTION (3) USUAL ADDRESS	
8	REGISTRAR	(1) DATE	REGISTERED AT PERTH BY SEAL

[Second Schedule inserted by No. 79 of 1985 s.8.]

3rd Schedule

[Sec. 10]

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1961

DEATH IN THE STATE OF WESTERN AUSTRALIA

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
3	(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

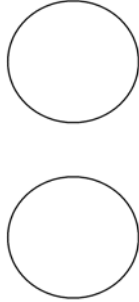

[Third Schedule inserted by No. 79 of 1985 s.9.]

4th Schedule

*Registration of Births, Deaths and Marriages Act 1961,
Section 10 — Schedule 4.*

MARRIAGES in the.....Registry District of Western
Australia.

Col.

1	Registration Number		
2	Date of Marriage		
3	Place of Marriage		
4	Rites Used		
5	Surname	Bridegroom	Bride
6	Christian or Other Names		
7	Usual Occupation		
8	Usual Place of Residence		
9	Conjugal Status		
10	Birthplace		
11	Date of Birth		
12	Father's Name in Full		
13	Mother's Maiden Name in Full		
14	Name of Celebrant		
15	Names of Witnesses: (1) (2)		
16	Registered at Signature of Registration Officer Date Registered	 	

Seal

[Fourth Schedule inserted in Gazette 31 December 1965, p.4393.]

5th Schedule

Registration No.

Registration of Births, Deaths and Marriages Act, 1961
(Section 45, Schedule 5.)

CERTIFICATE OF DISPOSAL OF BODY

- (1) Full name. I, (1)
- (2) Address. of (2)
- (3) Description of certifier e.g., "Funeral Director", "Police Officer". (3).....do hereby certify that the dead body of
- (4) Full name of deceased. (4)
- (5) Late address of deceased. of (5)day of19..... disposed of in the following manner –
- (6) State method of disposal - (6)
 - (a) buried or cremated;
 - (b) mausoleum or other resting place; in the presence of the undersigned
 - (c) reception into school of anatomy; *(1).....
 - (d) deposited at the premises of (2).....
- (Name and address) (1).....
- pending transfer to (2).....
- (destination) for Dated this.....day of.....19.....
- burial/cremation.
- (7) Signature of person disposing of the dead body. Signature of Certifier (7)..... Acting for (8).....
- (8) Name of Funeral Director or Firm. *If a person who is registered for the celebration of marriages in Australia is a witness, only one witness is necessary, otherwise two witnesses are necessary - see section 45 (1) of the Act.

[Fifth Schedule inserted by No. 11 of 1975 s.12.]

6th Schedule

(Registration of Births, Deaths and Marriages Act, 1961, Section 63, Schedule 6.)

DECLARATION BY INFORMANT OF A BIRTH.

I, the undersigned (name in full).....,
residing at (full address).....,
being the.....of the Child mentioned in Item 2
above, do solemnly and sincerely declare that the particulars given in this Paper
are true to the best of my knowledge and belief. And I make this solemn
declaration knowing that by the Criminal Code I am liable, in case of falsehood,
to imprisonment for 3 years.

Signature of Informant.....

Declared at.....this.....day of.....,
19....., before me (signature of Witness).....,
of (address of Witness)

DECLARATION BY INFORMANT OF A DEATH.

I, the undersigned (name in full),
of (full address).....,
(description)....., being one of the
persons required by law to give information to the District Registrar concerning
the death of the abovementioned deceased person, do solemnly and sincerely
declare that the particulars given in this Paper are true to the best of my
knowledge and belief. And I make this solemn declaration knowing that by the
Criminal Code I am liable, in case of falsehood, to imprisonment for 3 years.

Signature of Informant.....

Declared at.....this.....day of.....,

Sch. 6

19....., before me (signature of Witness).....,
of (address of Witness).....

[Sixth Schedule amended by No. 51 of 1992 s.16 (1).]

Notes

- ¹ This is a compilation of the *Registration of Births, Deaths and Marriages Act 1961* and includes all amendments effected by the other Acts referred to in Part I of the following Table and by the regulations referred to in Part II of the following Table⁶.

Table of Acts

Compilation table

Short title	Number and year	Assent	Commencement
<i>Registration of Births, Deaths and Marriages Act 1961</i>	34 of 1961	6 Nov 1961	1 Sep 1963 (see <i>Gazette</i> 16 Aug 1963 p.2375)
<i>Registration of Births, Deaths and Marriages Act Amendment Act 1965</i>	28 of 1965	21 Oct 1965	1 Jan 1966 (see <i>Gazette</i> 24 Dec 1965 p.4235)
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Sections 4 to 9: 14 Feb 1966 (see section 2 (2)); balance: 21 Dec 1965
<i>Registration of Births, Deaths and Marriages Act Amendment Act 1975</i>	11 of 1975	9 May 1975	1 Oct 1975 (see <i>Gazette</i> 3 Oct 1975 p.3758)
<i>Registration of Births, Deaths and Marriages Act Amendment Act 1979</i>	99 of 1979	17 Dec 1979	20 Jun 1980 (see <i>Gazette</i> 20 Jun 1980 p.1789)
<i>Registration of Births, Deaths and Marriages Amendment Act 1985</i>	79 of 1985	4 Dec 1985	1 Feb 1986 (see <i>Gazette</i> 24 Jan 1986 p.253)
<i>Registration of Births, Deaths and Marriages Amendment Act 1990</i> ³	23 of 1990	28 Aug 1990	Act, other than sections 7 and 8: 25 Sep 1990 (see section 2); sections 7 and 8: 7 Dec 1990 (see <i>Gazette</i> 7 Dec 1990 p.5979)
<i>Criminal Law Amendment Act (No. 2) 1992, s. 16 (1)</i>	51 of 1992	9 Dec 1992	6 Jan 1993
<i>Acts Amendment (Public Sector Management) Act 1994, Parts 2 and 3</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see <i>Gazette</i> 30 Sep 1994 p.4948)
<i>Adoption Act 1994</i>	9 of 1994	15 Apr 1994	1 Jan 1995 (see <i>Gazette</i> 25 Nov 1994 p.5905.)

Registration of Births, Deaths and Marriages Act 1961

Short title	Number and year	Assent	Commencement
<i>Statutes (Repeals and Minor Amendments) Act 1994</i> , section 4	73 of 1994	9 Dec 1994	9 Dec 1994
<i>Coroners Act 1996</i> , s. 61	2 of 1996	24 May 1997	7 Apr 1997 (see section 2 and <i>Gazette</i> 18 Mar 1997 p.1529)
<i>Acts Amendment and Repeal (Family Court) Act 1997</i> , section 35	41 of 1997	9 Dec 1997	26 Sep 1998 (see section 2 and <i>Gazette</i> 25 Sep 1998 p.5295)

[This Act was repealed by the *Births, Deaths and Marriages Registration Act 1998* s. 71\(1\) \(No. 39 of 1998\) as at 14 Apr 1999 \(see s. 2 and *Gazette* 14 Apr 1999 p. 1433\).](#)

PART II — REGULATIONS

Regulations	Gazettal	Commencement	Miscellaneous
Amending Regulations	28 June 1963 p.1862	1 September 1963	
Amending Regulations	31 Dec 1965 pp.4391-93	1 January 1966	

² Repealed by the *Interpretation Act 1984* (No. 12 of 1984) section 77. Now see the *Interpretation Act 1984*.

³ Section 5 (2) of the *Registration of Births, Deaths and Marriages Amendment Act 1990* (Act No. 23 of 1990) reads as follows —

“

- (2) A person who on the day that this section comes into operation holds an office to which that person was appointed under section 4 (1) or (2) of the principal Act is deemed to have been appointed to and to hold that office under and subject to the *Public Service Act 1978* on and from the date on which the appointment took place.

”

⁴ Reference to this footnote has been deleted by the *Acts Amendment (Public Sector Management) Act 1994*.

⁵ Now see section 43 (1) (c) of the *Coroners Act 1920*.

⁶ As at 15 April 1994 the *Adoption Act 1994* (Act No. 9 of 1994) was not in operation.