

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

No. 28 of 1965.

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

[Assented to 21st October, 1965.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Registration of Births, Deaths and Marriages Act Amendment Act, 1965.*

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

(3) The principal Act as amended by this Act may be cited as the Registration of Births, Deaths and Marriages Act, 1961-1965.

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

3. Section three of the principal Act is amended— S. 3
amended.

(a) by substituting for the interpretation, "birth" or "birth of a child", the following interpretation—

“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; and

(b) by adding after the word, "person" in line one of paragraph (b) of the interpretation, "Minister" the passage, ", not being a district registrar".

4. Section six of the principal Act is amended by ^{S. 6}amended.
adding the following subsections—

(3) There may be appointed under and subject to the Public Service Act, 1904, such number of officers as are required for the effective administration of this Act. Officers.

(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.

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Notice of
appoint-
ment.

(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 practical after the appointment is made.

Cancellation
of appoint-
ment.

(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. .

S. 6A
added.

5. The principal Act is amended by adding after section six a section as follows—

Powers of
Registration
Officers.

6A. (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.

Person
dealing with
Registration
Officer
not bound
to inquire.

(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) of this section 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. .

S. 8
amended.

6. Subsection (2) of section eight of the principal Act is amended by substituting for the passage, "district registrar in whose district the birth, death or marriage occurred" in lines three and four, the words, "Registrar General".

7. Section nine of the principal Act is repealed and re-enacted as follows—

S. 9
repealed and
re-enacted.

9. Every district registrar shall—

Duty of District Registrar to obtain and forward information to Registrar General.

- (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. .

8. Section ten of the principal Act is repealed and re-enacted as follows—

S. 10
repealed
and re-
enacted.

10. (1) Subject to this Act, the Registrar General shall—

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

- (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) of this section, in the appropriate register provided for the purpose. .

S. 12
repealed and
re-enacted.

9. Section twelve of the principal Act is repealed and re-enacted as follows—

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

12. Where a duplicate referred to in section ten of this Act 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. .

S. 14
amended.

10. Subsection (1) of section fourteen of the principal Act is amended by substituting for the word, "registered", being the last word in the subsection, the word, "recorded".

S. 17
amended.

11. Subsection (1) of section seventeen of the principal Act is repealed and re-enacted as follows—

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

(1) Subject to section twenty-five of this Act, 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. .

12. Section eighteen of the principal Act is ^{S. 18} amended—
_{amended.}

(a) by substituting for the passage, “subsection (2)”, in lines one and two of subsection (1), the passage, “subsections (2), (3) and (4)”; and

(b) by adding subsections as follows—

(3) Where the Registrar General or district registrar is of opinion that the reason for which a search of any register kept by him, inspection of any entry in such register, 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 or inspection to be made or to issue the certified copy or extract of entry.

(4) Where pursuant to subsection (3) of this section, a district registrar refuses to allow a search or inspection 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 inspection or certified copy or extract, as the case may be, request the Registrar General to cause the search or inspection 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) of this section, refuse to do so.

(5) Where the Registrar General refuses to cause any search or inspection 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 or inspection to be made by the applicant 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. .

S. 21
amended.

13. Section twenty-one of the principal Act is amended—

- (a) by substituting for the words, “A district registrar shall not enter”, in line one of subsection (2), the words, “The Registrar General shall not enter or cause to be entered”;
- (b) by substituting for the words, “district registrar” in line seven of subsection (2), the words, “Registrar General”;
- (c) by substituting for the word, “or” in line seven of subsection (3), the word, “and”;
and
- (d) by adding a subsection as follows—

(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. .

S. 23
repealed.

14. Section twenty-three of the principal Act is repealed.

15. Section twenty-four of the principal Act is repealed and re-enacted as follows—

S. 24
repealed and
re-enacted.

24. Subject to the provisions of section twenty-five of this Act, where the birth of a child born in the State is not registered under this Act within a period of twelve 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. .

Registration
of birth after
twelve
months
from date
thereof.

16. Section twenty-five of the principal Act is amended—

S. 25
amended.

- (a) by deleting the words, “and the Registrar General in writing authorises the registration”, in lines five and six of subsection (1);
- (b) by deleting the words, “and the Registrar General”, in lines three and four of subsection (2); and
- (c) by deleting the word, “each” in line four of subsection (2).

17. Section twenty-six of the principal Act is repealed and re-enacted as follows—

S. 26
repealed and
re-enacted.

26. Except where a birth is registered in accordance with section fifty-one, fifty-two or fifty-four of this Act, 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 seven years have elapsed between the date of the birth and the date of the registration of the birth of the child, unless the entry purports to have been made by the authority of a judge and the date of that authority is entered in the register. .

**Certain
registrations
not to be
evidence.**

18. Section twenty-seven of the principal Act is repealed.

S. 27
repealed.

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S. 28
amended.

19. Subsections (2) and (3) of section twenty-eight of the principal Act are repealed and re-enacted as follows—

(2) Where a parent of a child referred to in subsection (1) of this section, 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 twenty-four and twenty-five of this Act apply to the registration of the birth of the child as though the reference in that section 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. .

S. 30
amended.

20. Subsection (2) of section thirty of the principal Act is repealed and re-enacted as follows—

(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. .

S. 36
repealed.

21. Section thirty-six of the principal Act is repealed.

S. 37
repealed.

22. Section thirty-seven of the principal Act is repealed.

S. 38
repealed.

23. Section thirty-eight of the principal Act is repealed.

S. 39
repealed.

24. Section thirty-nine of the principal Act is repealed.

25. Section forty of the principal Act is repealed. S. 40 repealed.

26. Section forty-one of the principal Act is ^{S. 41} amended.
amended—

- (a) by substituting for the words, "prescribed form" in line two of paragraph (a) of subsection (1), the words, "form prescribed by the Registrar General"; and
- (b) by substituting for the words, "form prescribed", in lines five and six of subsection (3), the words, "form prescribed by the Registrar General".

27. Section forty-two of the principal Act is ^{S. 42} repealed and re-enacted as follows—
repealed and re-enacted.

42. The cause of death stated in a medical certificate given pursuant to section forty-one of this Act, or as stated by the Coroner in the information given by him pursuant to section forty-four of this Act, shall be entered in the register by the Registrar General. .

28. Section forty-seven of the principal Act is repealed and re-enacted as follows—

47. (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 fourteen 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. .

S. 62
repealed and
re-enacted.

29. Section sixty-two of the principal Act is repealed and re-enacted as follows—

Offence by
Registrar
General and
others.

62. (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: Twenty pounds. .

S. 63
amended.

30. Section sixty-three of the principal Act is amended—

(a) by repealing and re-enacting subsection (3) as follows—

(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. ;

and

(b) by repealing subsection (4).

