

## REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

10° Elizabeth II., No. XXXIV.

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No. 34 of 1961.

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AN ACT to consolidate and amend the Law relating to the Registration of Births, Deaths and Marriages and for incidental and other purposes.

[Assented to 6th November, 1961.]

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:—

### PART I.—PRELIMINARY.

Short title.

1. (1) This Act may be cited as the *Registration of Births, Deaths and Marriages Act, 1961*.

Commence-  
ment.

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

(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.

(4) This Act is arranged as follows:—

Arrangement.

PART I.—PRELIMINARY, ss. 1-3.

PART II.—ADMINISTRATION, ss. 4-19.

PART III.—REGISTRATION OF BIRTHS, ss. 20-31.

PART IV.—REGISTRATION OF DEATHS. ss. 32-46.

PART V.—REGISTRATION OF MARRIAGES, ss.  
47-50.

PART VI.—REGISTRATION OF LEGITIMATED CHILDREN, ss. 51-57.

PART VII.—MISCELLANEOUS AND PENALTIES,  
ss. 58-74.

2. (1) The Acts mentioned in the First Schedule to this Act are repealed to the extent prescribed by that Schedule.

(2) The provisions of sections fifteen and sixteen of the Interpretation Act, 1918, apply in respect of the repeals effected by subsection (1) of this section, 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.

3. 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 at least twenty-eight weeks gestation;

“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 authorised to solemnise marriages pursuant to subsection (2) of section thirty-nine 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.

## PART II.—ADMINISTRATION.

Appointment  
of, and ad-  
ministration  
of Act by,  
Registrar  
General.

4. (1) The Governor may appoint a person to be the Registrar General, who shall be charged with the general administration of this Act.

(2) The Governor may appoint a person to be the Deputy Registrar General.

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

5. 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. (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.

7. 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 Governor 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.

8. (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 district registrar in whose district the birth, death or marriage occurred.

Duties of district registrars as to registration of births, and deaths.

9. (1) Every district registrar shall to the best of his ability procure information of every birth or death occurring in the registry district for which he is appointed, and shall as soon as practicable thereafter register the birth or the death by entering the several particulars thereof according to the forms prescribed in the Second and Third Schedules to this Act, as the case may require, in the appropriate register supplied to him under this Act for the purpose.

(2) Every district registrar shall make and number each entry made pursuant to subsection (1) of this section in numerical order from the beginning to the end of each calendar year.

District registrars to transmit to the Registrar General each month duplicates of registrations of births and deaths and of marriage certificates.

10. (1) Every district registrar shall, on the first day of each month, transmit to the Registrar General in respect of each registration of a birth, death or marriage effected at his office during the last preceding month—

(a) a duplicate of that registration;

(b) the birth or death information paper, or official marriage certificate, relating to that registration, together with all such documents as are required by law to be attached thereto or are so required to supplement the paper or certificate.

(2) The Registrar General shall keep the duplicates received by him pursuant to subsection (1) of this section in such order and manner as to ensure that they may be readily seen and examined.

Records to be kept by assistant district registrar.

11. 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.

Copies of  
lost, mislaid,  
mutilated  
or illegible  
duplicates  
to be sent  
by district  
registrar to  
Registrar  
General.

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

(2) Without prejudice to the operation of section two of this Act, 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.

Registrar  
General to  
provide seal  
for use on  
documents.

(2) The seal referred to in subsection (1) of this section shall be provided by the Registrar General.

15. (1) The Registrar General may from time to time prescribe—

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

- (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) of this section.

Indexes to be kept by Registrar General and district registrar.

16. (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.

Power of Registrar General to register any birth, death or marriage not registered by a district registrar.

17. (1) Notwithstanding the foregoing provisions of this Act, but subject to the provisions of sections twenty-five and thirty-eight of this Act, where a district registrar has not registered the birth of a person who was born in the State, or a death or marriage that occurred therein, whether the birth, death or marriage occurred before or after the commencement of this Act, if the Registrar General is of opinion that he has sufficient evidence of the several particulars required to be registered concerning the birth, death or marriage to enable him to register it, the Registrar General may 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.

18. (1) Subject to the provisions of subsection (2) of this section and subsection (3) of section sixty-five, the Registrar General and every district registrar shall—

Searches or register and certified copies of searches.

- (a) upon request cause a search to be made of any register kept by him;
- (b) permit any person to inspect any entry therein; and
- (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.

19. (1) Subject to the provisions of subsection (2) of this section, 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.



PART III.—REGISTRATION OF BIRTHS.

Duty of  
parent to  
register  
birth.

20. (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 sixty 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) of this section, 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: Ten pounds.

(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.

(5) When the particulars as to the paternity of a child are entered in a register in accordance with this section or section twenty-one of this Act, the surname of the child shall be deemed to be the same as the surname of the person who is shown in those particulars as the father of the child.

Registration  
of birth of  
illegitimate  
child.

21. (1) Notwithstanding the provisions of section twenty of this Act, 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) A district registrar shall not enter in a register the name of any person as the father of such child, unless the several particulars required under section

twenty of this Act 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 district registrar 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, or any other particulars relating to the father of the child, to be entered in the register, the Registrar General may authorise 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) of this section, if the Registrar General thinks fit, he may upon the request of the father of the illegitimate child authorise the entry in the register of the name and particulars referred to in subsection (3) of this section.

22. 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. (1) Where the birth of a child born in the State has not been registered under the provisions of this Act within sixty days after the date of the birth, the district registrar appointed for the registry district in which the birth occurred may, on receipt of the prescribed particulars of the birth, so register the birth at any time after the expiration of the sixty days and within a period of twelve months next following the date of the birth.

(2) The district registrar, before registering a birth pursuant to this section, may require the parent of the child or other person giving information of the birth, to make a statutory declaration as to the reasons for the omission to register the birth under this Act within the period of sixty days after the birth.

Registration  
of birth  
after twelve  
months from  
date thereof.

24. (1) 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, a district registrar shall not register the birth unless the Registrar General in writing authorises him to do so and the birth is registered in accordance with the regulations.

(2) Where a district registrar registers a birth pursuant to this section, he shall enter in the register the fact that the registration was authorised in writing by the Registrar General and the date of that authorisation.

Registration  
of birth  
after seven  
years from  
date thereof.

25. (1) No person shall register under this Act the birth of a child born in the State, after the expiration of a period of seven years next following the date of the birth, unless the registration is authorised by a Judge and the Registrar General in writing authorises the registration.

(2) Where a person registers a birth pursuant to this section, he shall enter in the register the fact that the registration was authorised by a Judge and the Registrar General and the date when each such authority was given.

Certain  
registrations  
not to be  
evidence.

26. (1) 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 twelve months have elapsed between the date

of the birth and the date of the registration of the birth of that child, unless the entry purports to have been made by the written authority of the Registrar General and in accordance with the regulations.

(2) Except as provided in subsection (1) of this section, no register or certified copy of an entry in a 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 that child, unless the entry purports to have been made by the authority of a Judge and the date of the authority is entered in the register.

27. Every district registrar who, except in accordance with the provisions of this Act, knowingly registers or causes to be registered the birth of a child born in the State after the period of twelve months next following the birth, commits an offence.

Penalty for  
registering  
certain  
births.

Penalty: Fifty pounds.

28. (1) Where a child born out of the State arrives in the State before attaining the age of eighteen 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 sixty days from the date of the arrival of the child in the State—

Registration  
of births of  
children  
born out of  
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) 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 by a district registrar appointed for the registry district wherein the child resides in accordance with the provisions of section twenty-three, twenty-four or twenty-five of this Act according to the period which has elapsed from the date of the child's arrival in the State and the date of the application for registration of the birth of the child.

(3) For the purposes of this section, the sections referred to in subsection (2) of this section shall apply to the registration accordingly and be construed as though the reference in those sections to the date of birth of the child in this State were a reference to the date of the child's arrival in the State and as though the child were born in the State.

Registration  
of name after  
registration  
of birth.

29. (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 twelve 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 authorise an alteration or addition to the register pursuant to this section on the application of—

- (a) one parent of the child if the other is dead or if the parents of the child are divorced or legally separated and the parent making the application has the sole custody of the child;
- (b) the legal guardian of the child if the child has one;
- (c) the mother of the child in the case of an illegitimate child;
- (d) the parent of the child who has been deserted, where one parent has been deserted by the other parent; or
- (e) the parent of the child with whom the child lives permanently, where the parents are living apart but are not divorced or separated by an order of a court or by agreement.

(3) An alteration or addition to the register made pursuant to this section shall be entered in the margin of the appropriate 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.

30. (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—

Registration  
of change  
of name.

- (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) authorising 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 a registration of the birth of a person, pursuant to this section, by reason only of the change of the name of that person consequent upon marriage.

(3) The provisions of subsection (2) of section twenty-nine of this Act apply to an application made under this section in respect of a child.

Information  
respecting  
foundlings  
to be given.

31. 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 seven days after the date of the finding of the child, the several particulars contained in the prescribed birth information paper.

#### PART IV.—REGISTRATION OF DEATHS.

Registration  
of deaths  
within  
fourteen  
days of  
death.

32. 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 fourteen days next following the date of the death or finding of the body—

- (a) inform the 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 the several particulars contained in the prescribed death information paper.

33. (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—

Commanders  
of ships to  
report  
deaths.

- (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) of this section shall forthwith forward it to the Registrar General, who shall, without fee, cause the death, to which the paper relates, to be registered.

34. (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—

Commander  
of aircraft  
to report  
deaths.

- (a) as soon as practicable inform the Registrar General;
- (b) within fourteen 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) of this section shall forthwith, without fee, cause the death, to which the paper relates, to be registered.

Person in charge of Anatomy School to furnish particulars of death.

35. (1) A person in charge of a school of anatomy authorised by license under section four of the Anatomy Act, 1930, shall, within fourteen 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.

Late registration of deaths.

36. When the provisions of section thirty-two of this Act have not been complied with in respect of the death of a person, the death may be registered at any time within twelve months next following the date of the death by the district registrar in whose district the death occurred, in accordance with the provisions of this Act.

Registration of death after twelve months.

37. (1) When the death of a person that occurs in the State is not registered within a period of twelve months next following the date of the death of the person, a district registrar shall not register the death unless the Registrar General in writing authorises him to do so and the death is registered in accordance with the regulations.

(2) Where a district registrar registers a death pursuant to this section he shall enter in the register the fact that the registration was authorised in writing by the Registrar General and the date thereof.

38. (1) No person shall register the death of a person that occurs in the State, after the expiration of seven years next following the date of the death of that person, unless the registration is authorised by a Judge and the Registrar General in writing authorises the registration.

Registration  
of death  
after seven  
years.

(2) Where a person registers a death pursuant to this section he shall enter in the register the fact that the registration was authorised by a Judge and the Registrar General and the date when each authorisation was given.

39. (1) Except where a death is registered in accordance with the provisions of section thirty-seven or thirty-eight of this Act, no register or certified copy of an entry in the register is evidence to prove the death of a person, if it appears from the entry that more than twelve months have elapsed between the date of the death of that person and the date of the registration of the death, unless the entry purports to have been made by the written authority of the Registrar General and in accordance with the regulations.

Certain  
registrations  
not to be  
evidence.

(2) Except as provided in subsection (1) of this section, no register or certified copy of an entry in the register is evidence to prove the death of a person, if it appears from the entry that more than seven years have elapsed between the date of the death of that person and the date of the registration of the death, unless the entry purports to have been made by authority of a Judge and the date of the authority is entered in the register.

Penalty.

40. Every district registrar who, except as provided in section thirty-seven or thirty-eight of this Act, knowingly registers or causes to be registered the death of a person after the expiration of twelve months next following the death of the person commits an offence.

Penalty: Fifty pounds.

Medical certificates as to cause of death.

41. (1) Except as provided in subsection (1) of section forty-four of this Act, on the death of a person who has been attended during his last illness by a duly qualified medical practitioner, that practitioner shall—

- (a) forthwith after the death complete and sign a medical certificate in the prescribed form; and
- (b) within ten days after the death give the certificate to a person required by this Part of this Act to give information concerning the death to the 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 twenty-ninth day next following his birth, the medical practitioner shall give a certificate as to the cause of death as provided in subsection (1) of this section, but the certificate shall be in the form prescribed in respect of such a death.

Cause of death to be inserted in register.

42. The cause of death stated in a medical certificate given pursuant to section forty-one of this Act shall be entered in the register by the district registrar to whom the death is notified.

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

Penalty: Ten pounds.

44. (1) The medical practitioner who first views the dead body of a person shall—

Medical practitioner  
to notify  
Coroner in

- (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 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) of this section shall—

- (a) forthwith notify the 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) Where the Coroner is informed of the death of a person he shall, after inquiry into the cause of the death in accordance with the Coroners Act, 1920, or if he does not hold such inquiry, give to the district registrar the information required by section forty-three subsection (3) of that Act.

Certificate  
of Minister  
and Under-  
taker.

45. (1) A person who buries, deposits at a crematorium or otherwise disposes of the body of a person shall, within fourteen days after the burial, deposit or disposal, give to the district registrar appointed for the registry district wherein the person died, a certificate in the form of the Fifth Schedule to this Act, countersigned by the minister officiating at the service when the body is buried or otherwise disposed of, or by two 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.

(3) A registration of a 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 registration.

Product of  
birth deemed  
to be body  
of person.

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

#### PART V.—REGISTRATION OF MARRIAGES.

Minister  
celebrating  
marriage to  
forward  
marriage  
certificate.

47. (1) Where a marriage is celebrated by a minister he shall, after the marriage, within the period prescribed by the regulations made under the Marriage Act 1961 of the Parliament of the Commonwealth or under this Act, transmit to the district registrar appointed for the district wherein the marriage was celebrated a copy of the marriage certificate, together with the prescribed fee, if any, for the registration of the marriage.

(2) Where a district registrar celebrates a marriage he shall forthwith after the marriage is celebrated register in duplicate the several particulars relating to the marriage, according to the form of the Fourth Schedule to this Act.



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

50. 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.

Notice of legitimated child born in the State.

51. 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: Twenty pounds.

Registration of birth of legitimated child born outside the State.

52. (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.

Registration  
of birth  
under this  
section to be  
in register  
kept by  
Registrar  
General.

53. Before the birth of a child is registered in accordance with this Part of this Act, 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.

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

54. Where the relevant provisions of the foregoing sections of this Part of this Act 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 of this Act.

Power to Registrar General to register birth.

55. (1) Notwithstanding the provisions of sub-section (1) of section twenty-five of this Act, registration under this Part of this Act, of the birth of a person born in the State may be authorised by the Registrar General, in accordance with the regulations where—

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

- (a) prior to the registration under this Part of this Act, 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 of this Act.

Registrations  
to be in form  
of Second  
Schedule.

56. Every registration of a birth made under this Part of this Act—

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

Legitimated  
child may  
use name of  
father.

57. Notwithstanding any law, where the birth of a child is registered in accordance with this Part of this Act, the surname of the child shall be the same as the surname of the father of the child.

#### PART VII.—MISCELLANEOUS AND PENALTIES.

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

58. (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: Ten pounds.

59. (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.

Offence of  
failing to  
give par-  
ticulars of a  
birth or  
death.

(2) A person who fails to comply with an order made pursuant to subsection (1) of this section 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: Twenty pounds and an additional sum not exceeding one pound for each day during which the offence is deemed to have continued.

60. (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—

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

(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 seven 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) of this section commits an offence.

Penalty: Twenty pounds.

Offences.

61. (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: Twenty pounds.

(2) A person who—

- (a) does that which by or under this Act he is forbidden to do; or
- (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.

General  
penalty.

(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 twenty pounds.

62. Every district registrar who refuses or without reasonable cause omits to register a birth, death or marriage of which he has had due notice and information under this Act and every person having the custody of any register or any part thereof, who negligently loses or injures it or negligently allows it to be injured while in his keeping, commits an offence.

Offences by  
district  
registrars  
and others.

Penalty: Twenty pounds.

63. (1) Every prescribed birth information paper and every prescribed death information paper shall contain a declaration in the form in the Sixth Schedule to this Act or to the same effect.

Information  
papers to  
contain  
declaration.

(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) of this section; and
- (b) cause his signature to be attested by a subscribing witness.

(3) Where the district registrar receives a prescribed form for the registration of a birth or a death that is duly completed he shall—

- (a) mark each form with a number corresponding with the number of the entry in the register;
- (b) mark each form with the respective dates on which the form was so received and registered in the register; and
- (c) sign the form.

(4) The district registrar shall forward to the Registrar General on the first day of every month each prescribed form referred to in subsection (3) of this section after it is duly registered in the register.

No prosecution without authority of Registrar General.

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

Correction of errors in registers.

65. (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, may be corrected in the manner and by any person authorised by the Registrar General.

(3) Instead of authorising any correction in a register as provided in subsection (2) of this section, 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. 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.

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

67. 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—

Omission of  
informants  
signature  
not to render  
entries in-  
admissible  
in evidence.

- (a) that the entry has not been signed by the informant; or
- (b) that the entry has not been signed by the district registrar, 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.

68. (1) Where the Registrar General is required by the Adoption of Children Act, 1896 to register or re-register the birth of a child, the registration or re-registration shall be made in duplicate in the form prescribed.

Entries in  
respect of  
registration  
of birth of  
adopted  
child.

(2) The Registrar General shall cause an entry referring to a re-registration made pursuant to the Adoption of Children Act, 1896, to be made in the margin of the original registration of the birth of the child in the register kept in the office of the district registrar and in the register kept in the office of the Registrar General.

(3) Where the Registrar General is required to endorse a re-registration of a birth made pursuant to the Adoption of Children Act, 1896, with particulars of a variation, reversal or discharge of an order of adoption, the Registrar General shall cause those particulars to be entered in the margin of the original entry of the birth made under this Act, in the register kept in the office of the district registrar and in the register kept in the office of the Registrar General.

(4) The Registrar General shall amend the index of the register kept in his office and shall cause the index of the register kept in the office of the district registrar to be amended, so as to refer to any re-registration of a birth effected in accordance with subsection (2) of this section.

Right of  
ministers to  
receive  
fees.

69. 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.

Sections of  
Second  
Schedule of  
Interpreta-  
tion Act,  
1918, incor-  
porated.

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

Power of  
Governor to  
amend  
forms in  
schedule.

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

Fees.

72. (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. (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.

### Regulations.

(2) The regulations may impose a fine not exceeding twenty pounds for a breach of any regulation made under this section.

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

Cost of ad-  
ministration.

FIRST SCHEDULE.

Section 2.

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



No. 34.] *Registration of Births, Deaths and Marriages.* [1961.]

SECOND SCHEDULE.

(Registration of Births, Deaths and Marriages Act, 1961,  
Section 9, Schedule 2.)

BIRTHS IN THE.....DISTRICT  
OF WESTERN AUSTRALIA.

Registered by....., District Registrar.  
19.....

Col. 1.	Registration No.	
2	<p>Child.</p> <p>(1) Date of Birth.....</p> <p>(2) Place of Birth.....</p> <p>(3) Name (surname underlined).....</p> <p>(4) Sex .....</p>	
3	<p>Father.</p> <p>(1) Name (surname underlined).....</p> <p>(2) Usual Occupation.....</p> <p>(3) Age .....</p> <p>(4) Birthplace.....</p>	Years.
4	<p>Marriage of Parents and Previous Issue of such Marriage.</p> <p>(1) Date of Marriage.....</p> <p>(2) Place of Marriage.....</p> <p>(3) Christian (or equivalent) Names and Ages of Previous Issue, in order of Birth .....</p>	
5	<p>Mother.</p> <p>(1) Name when Child was Born (surname underlined).....</p> <p>(2) Maiden Surname.....</p> <p>(3) Age.....</p> <p>(4) Birthplace.....</p>	Years.
6	<p>Witnesses.</p> <p>(1) Accoucheur.....</p> <p>(2) Nurse.....</p> <p>(3) Other Witnesses of Birth.....</p> <p>(4) Occupier of Place where Child was Born .....</p>	
7	<p>Informant.</p> <p>(1) Description .....</p> <p>(2) Residence (usual address).....</p> <p>(3) Name.....</p>	
8	<p>Registrar.</p> <p>(1) Date and (2) Place of Registration (3) Signature of District Registrar.....</p>	Seal.

### THIRD SCHEDULE.

(Registration of Births, Deaths and Marriages Act, 1961,  
Section 9, Schedule 3.)

DEATHS IN THE.....DISTRICT  
OF WESTERN AUSTRALIA.

Registered by.....District Registrar

19.....

Col. 1	Registration No.	
2	Deceased Person. (1) Name (surname underlined)..... (2) Usual Occupation..... (3) Late Residence (usual address)..... (4) Sex..... (5) Age.....	(4) (5)
3	(1) Date of Death..... (2) Place of Death.....	
4	(1) Cause of Death and approximate interval between onset of disease or condition and death..... (2) Name of Medical Practitioner by whom certified, and..... (3) Date he last saw deceased alive .....	
5	(1) Place of Birth .....	
	(2) Number of years lived in each of the Australian States.....	
6	(1) Name of Father (surname underlined) (2) Father's Usual Occupation..... (3) Christian (or equivalent) Name and Maiden Surname of Mother (surname underlined).....	
7	(1) Conjugal condition of deceased .....	
	(2) Place of Marriage.....	
	(3) Date of Marriage.....	
	(4) Name of Person to whom Married.....	
	(5) Christian (or equivalent) Names and Ages of Children of deceased in order of birth.....	

8	<p>Disposal of Body.</p> <p>(1) Date of Burial or Cremation.....</p> <p>(2) Place of Burial or Cremation.....</p> <p>(3) Name of Person certifying to disposal of body.....</p> <p>(4) Name of Certifying Crematorium Official.....</p> <p>(5) Name of Officiating Minister.....</p> <p>(6) Religious Denomination of Officiating Minister.....</p> <p>(7) Names of Witnesses of Burial or Depositing of Body at Crematorium.....</p>	
9	<p>Informant.</p> <p>(1) Description.....</p> <p>(2) Address.....</p> <p>(3) Name.....</p>	
10	<p>Registrar.</p> <p>(1) Date and (2) Place of Registration.....</p> <p>(3) Signature of District Registrar.....</p>	Seal.

1961.] *Registration of Births, Deaths and Marriages.* [No. 34

FOURTH SCHEDULE.

(Registration of Births, Deaths and Marriages Act, 1961,  
Section 47, Schedule 4.)

MARRIAGES IN THE.....REGISTRY  
DISTRICT.

Col. 1.	No.....	Registered on .....	by.....
District Registrar.			
2	When and Where Married.....		
3	Rites Used.....		
4	Surname.....	Bridegroom.	Bride
5	Christian or Other Names		
6	Usual Occupation.....		
7	Usual Place of Residence		
8	Conjugal Status.....		
9	Birthplace.....		
10	Date of Birth .....		
11	Father's Name in Full ...		
12	Father's Usual Occupa- tion.....		
13	Mother's Maiden Name in Full.....		
14	Name of Celebrant.....		
15	Witnesses to Marriage: Full Name..... Occupation..... Address..... Full Name..... Occupation..... Address.....		
16	Registered at..... Signature of District Registrar..... Date Registered..... Seal.....		

# FIFTH SCHEDULE.

Registration No.....

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

## CERTIFICATE OF BURIAL OR OTHER DISPOSAL OF BODY.

- (1) Name in full (surname underlined).
- (2) Address of Certifier.
- (3) State description of Certifier, *e.g.*,  
"Funeral Director", "Funeral Director's Assistant", "Police Constable",  
etc.
- (4) Late Address of Deceased.
- (5) Here state Method and Place of Disposal, *e.g.*, "Buried in Anglican Portion of Karrakatta Cemetery", "Deposited at Crematorium, Karrakatta", etc.
- (6) Signature of Person Burying or Disposing of Body.
- (7) Name of Funeral Director or Firm.
- (8) Signature and Denomination of Officiating Minister.

Signatures of other Witnesses to Burial, Disposal or Depositing at Crematorium of Body.

I, (1).....  
of (2).....  
(3)....., do hereby certify that the body of  
(1)..... of (4).....  
was, on the.....day of.....19....., duly (5).....  
in the presence of the undersigned—

Witness our hands this.....day of....., 19.....

Signature of Certifier (6).....  
Acting for (7).....

We were present at the Burial or Depositing at Crematorium\* of the above-mentioned body.

(8).....  
Officiating Minister\*  
.....  
Religious Denomination.  
.....  
.....

\* If the officiating Minister is registered for the celebration of marriages within Australia, his signature alone will suffice. If he is not so registered, the signatures of two witnesses, in addition to the Certifier, are required.

## SIXTH 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 with hard labour for  
three 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 with hard labour for three years.

Signature of Informant.....

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