



WESTERN AUSTRALIA.

ANNO DECIMO NONO VICTORIÆ REGINÆ.

No. XII.

An Ordinance for the better Registration of Births, Deaths, and Marriages in the Colony of Western Australia.

WHEREAS it is expedient to provide for the better registration of Births, Deaths, and Marriages in the Colony of Western Australia:—Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof:—

I. THAT from and after the time at which this Ordinance shall come into operation, the Ordinances No. 9 of 4th and 5th Victoria, No. 17 of 10th Victoria, and No. 13 of 12th Victoria, be, and the same are hereby respectively repealed, save and except so

^{Preamble.}

No. 9 of 4th and 5th Victoria, and No. 17 of 10th Victoria, repealed for purpose of consolidation and amendment.

1856.

19th Vict. No. 12.

far as relates to proceedings and decisions which may have been respectively had or given thereon.

Definition of certain words in schedule A. II. THAT the words in the first column of the schedule here-
to marked A, whenever used in this Ordinance, shall respectively bear the meanings respectively used and set against them in the second column of the same schedule.

Governor may establish General Registry and appoint Registrar General. III. THAT the Governor for the time being of the said colony may establish, by notice in the Gazette, an office for the general registration of births, deaths and marriages in the Colony of Western Australia, and appoint a fit person, to be called the Registrar General, to perform the duties hereinafter imposed on him by this Ordinance.

Governor may by proclamation divide Colony into Registry Districts. IV. THAT the Governor, with the advice of the Executive Council, may, for the purposes of this Ordinance, by proclamation in the Gazette at any time before the 1st day of January, 1857, divide the colony into such and so many Registry Districts as he shall think fit, one of them being the Registry District of Perth, and may in like manner, by any subsequent proclamation, from time to time alter such division.

Governor may appoint District Registrars. V. THAT the Governor may from time to time appoint such persons as he shall think fit to be District Registrars and Assistant District Registrars for such districts respectively.

Provision in case of absence of Registrar General or District Registrars. VI. THAT in case of the absence of the Registrar General, the Governor may appoint a fit person to act in his stead, and that in case of the absence of any District Registrar, the Assistant District Registrar shall act in his stead, and shall, while so acting, have all the powers and duties, and be subject to all the provisions and penalties of and affecting the District Registrar.

Registrar General may issue regulations for management of General Registry. VII. THAT the Registrar General may from time to time issue regulations for the management of the general and district registries; and such regulations, on being approved by the Governor and published in the Gazette, shall be as binding on all persons affected thereby as if they formed part of this Ordinance.

VIII. THAT the Registrar General and every District Regis-

1856.

19th Vict. No. 12.

trar shall, for the duties to be performed under this Ordinance or the Ordinance of this session for regulating marriages, respectively receive the several fees specified in the schedule hereto marked B ; and all such fees shall be retained by such District Registrars to their own use ; but the fees paid to the Registrar General, or in his office, shall be accounted for and paid by him to the Colonial Treasurer, for the general revenue of the said colony.

Fees payable for Registration, etc.

District Registrars may retain fees to their own use.

Registrar General to pay fees to Colonial Treasurer.

IX. THAT the Registrar General shall from time to time, at the public expense, furnish to every District Registrar books for the registry therein of births, deaths and marriages, and forms for certified copies thereof respectively, and also to every officiating minister, duly registered as such, a sufficient number in duplicate of marriage registry books and forms. And every District Registrar shall inform himself carefully of every birth, death or marriage happening within his district, and shall, as soon as possible after the event, register the same respectively, and the particulars thereof, in such books, according to the respective forms contained therein or so furnished to him ; every entry to be made in order from the beginning to the end of the book, and every such book to be paged consecutively.

Registrar General to supply books, etc., to District Registrars.

X. THAT every District Registrar shall, on the first day of every month, transmit to the Registrar General duplicates of the registers of births, deaths, and marriages made in his office during the month preceding ; and all such copies shall be thereafter kept in the General Registry, in such order and manner as the Registrar General shall think fit, so that the same may be most readily seen and examined.

District Registrars to transmit monthly to Registrar General duplicates of Registers.

XI. THAT the Registrar General shall provide, at the public expense, a seal or stamp for the General Registry, and for each District Registry office ; and the Registrar General and District Registrars shall sign, and cause to be sealed or stamped therewith, all certificates or certified copies ; and all certificates or certified copies, so sealed, shall be received in all courts of justice as evidence of the birth, death, or marriage to which the same may relate, and of the other particulars therein recorded, without further proof of such matters ; and every certificate of the Registrar General that any original register of births, deaths or marriages for any specified period, and for any particular district, is lost or destroyed, shall be received in any court of justice as conclusive evidence of such loss or destruction.

Registrar General to provide seals of office.

Ministers for celebrating matrimony to register name, designation, &c.

XII. THAT the Registrar General, upon receiving a requisition in writing in the name of any Minister of Religion, and ordinarily officiating as such, under the hand of such minister or of the head of the denomination to which he belongs, (such writing specifying his religious denomination and designation and his residence, and desiring that he may be registered as a minister for celebrating marriages within the said colony,) shall forthwith, without fee or reward, register the name of such minister with the foregoing particulars, in a register book to be kept by him expressly for that purpose.

In case of change of residence, minister to register afresh.

XIII. THAT whenever any minister so registered shall cease to reside in the Registrar's District within which his registered or last registered residence was situated, or shall not be properly designated by the name or description so registered, he shall, within three months next following, cause his name and new residence or designation (as the case may be) to be registered anew with the Registrar-General, or, in default thereof, such minister shall not be deemed registered according to the aforesaid Ordinance for regulating marriages.

Registrar General to publish names of ministers so registered.

XIV. THAT the Registrar General shall publish in the Gazette, within one month after receiving the same, the name of every officiating minister which shall have been sent to such Registrar-General, in the manner and containing the particulars in that behalf aforesaid, and which shall have been by him registered accordingly.

Registrar General to publish, annually, a list of all such registrations.

XV. THAT the Registrar General shall also, in the month of January in every year, publish in the Gazette the names of all the Ministers then duly registered in his office, with their designations, denominations, and residences, distinguishing the Registry Districts within which such residences are situated respectively; and every such annual publication shall be *prima facie* evidence in all Courts of Justice that the persons therein named, and no others, were then ordinarily officiating and duly registered ministers of religion for the celebration of marriages.

Names of ministers who have left the colony to be omitted from such lists.

XVI. THAT whenever the Registrar General shall know that any registered minister is dead or has left the colony, or resides in another district than the one in which he was last registered as residing, or has ceased ordinarily to officiate as a minister, he shall omit the name of such minister from the next annual publication of the names of registered ministers.

1856.

19th Vict. No. 12.

XVII. THAT if any person shall cause his name to be registered under this Ordinance as an ordinarily officiating minister of religion, he being at the time not such minister, and knowing himself not to be such, he shall be deemed guilty of a misdemeanour, and be liable, on conviction, to such fine, not exceeding Two Hundred Pounds, or imprisonment, with or without hard labour, not exceeding two years, as the Court may award.

Penalty for wilful misrepresentation by minister registering.

XVIII. THAT it shall be lawful for any officiating minister, or District Registrar, to ask of any person married, or about to be married, the several particulars required to be registered, touching any such marriage; and for any District Registrar to ask of any person seeking to register any birth or death, any of the particulars hereby required to be registered.

Power given to officiating minister and District Registrar to put questions to persons married, or about to be married.

XIX. THAT the Registrar General shall keep, or cause to be kept, in the General Registry, indexes of all births, deaths, and marriages in the said colony; and every District Registrar shall cause indexes of his register-books to be made and kept in his office.

Indexes to be kept by Registrar-General and Deputy Registrars.

XX. THAT certified copies of registers, or of entries of registers, made or given by the Registrar-General, or any District Registrar, and purporting to be signed by such officer respectively, shall be received as *prima facie* evidence in any Court of Justice within the said colony, of the fact of the birth, death, or marriage to which the same relates.

Certified copies of registers, or entries of registers, to be received as *prima facie* evidence.

XXI. THAT every person, on payment of the specified fee in that behalf mentioned in schedule B, hereto annexed, and giving a written memorandum of the particular entry which he desires to find or search for, shall be entitled, at reasonable hours, to be fixed by the regulations hereinbefore mentioned, to search any such indexes, and also the several registers or books in which such entry shall appear to be; and also to have a copy of any entry in any such book certified by the Registrar-General or District Registrar, as the case may be.

Persons entitled to search and demand certified copies of entries on payment of fee.

XXII. THAT in each case of the birth of any child in the said colony, the parent shall, within thirty days, and, in each case of the death of any person, the tenant of the house or place shall, within fourteen days, next thereafter respectively, inform the District Registrar of such birth or death, and of all the particulars concerning

Births must be registered within thirty days.
Deaths must be registered within fourteen days.

the same, according to the form of registration hereinbefore referred to.

Registration of birth
of child born at sea.

XXIII. THAT in every case of the arrival in the said colony of a child under the age of twelve months, born at sea, or in any place out of the said colony, whose parents are about to take up their abode therein, the District Registrar shall, upon a solemn declaration by the parent of the particulars so required as aforesaid, (subject, in the case of wilful falsehood therein, to the penalties of perjury,) register the birth, together with such particulars.

Not lawful for District Registrar to register birth after six months following such birth, or after arrival of child in the colony.

XXIV. THAT it shall not be lawful for any District Registrar to register the birth of any child after the expiration of six months following such birth, if in the said colony, or after the arrival therein of the child, if born at sea, or out of the said colony; and no register, or certified copy of a register of birth, made contrary to this provision, shall be received in evidence to prove the birth of any child.

Registration of name when given subsequent to original registration of birth.

XXV. THAT if any child whose birth shall have been registered, shall, at any time afterwards, have any name duly given to it, the parent shall, within fourteen days next thereafter, procure and deliver to the District Registrar in whose custody the registry of the birth of such child may then happen to be, a certificate according to the form in the schedule hereto, marked C, signed by the minister or other person who shall have given such name; which certificate such minister or other person is hereby required to deliver whenever demanded, on payment to him of the fee of one shilling; and the District Registrar shall, upon receipt of such certificate, without any erasure of the original entry, forthwith register therein that the child was baptized by such name, or had such name given to it; and shall thereupon certify upon the said certificate the additional entry so made.

Where new-born child or dead body is found, notice to be given to District Registrar.

XXVI. THAT in case any new-born child, or any dead body, shall be found exposed, the constable, in case of a new-born child, and the coroner, or, if none such, the Resident or Police Magistrate of the District, in case of a dead body, shall forthwith inform the District Registrar thereof, and of the place where the child or dead body was found; and where an inquest or magisterial inquiry shall be held on any dead body, the coroner or magistrate, as the case may be, shall notify to the District Registrar the verdict of the Jury,

1856.

19th Vict. No. 12.

or the opinion of such magistrate, with all other particulars required to be registered concerning the death; and such District Registrar shall make the entry accordingly.

XXVII. THAT every District Registrar, immediately upon registering any death, or as soon thereafter as he shall be required so to do, shall, without fee or reward, deliver to the undertaker or other person having charge of the funeral a certificate, under his hand, according to the form in the schedule hereto marked D, that such death has been duly registered; and such certificate shall be delivered by such undertaker or other person to the minister or officiating person who shall be required to bury or perform any religious service for the burial; and if any dead body shall be buried for which no certificate shall have been so delivered, the person who shall bury the same, or perform any funeral or religious service for the burial, or who shall in any other way dispose of the body, shall forthwith give notice of the facts to the District Registrar: Provided always, that the Coroner or magistrate holding any inquest or inquiry upon any dead body for which no certificate shall have been delivered as aforesaid, may order the body to be buried, if he shall think fit, before registration, and shall, in such case, give a certificate of his order in writing, under his hand, according to the form in the schedule hereto marked E, to such undertaker or other person having charge of the funeral; and every undertaker or other person who shall bury or otherwise dispose of any dead body, shall forthwith cause to be transmitted to the District Registrar a certificate thereof in the form or to the effect set forth in the schedule hereto marked F, countersigned by two respectable householders.

On demand by undertaker, District Registrar to furnish him with certificate of registration of death.

Undertaker to deliver such certificate to the minister.

XXVIII. THAT nothing herein contained shall affect, or be deemed or construed to affect, the right of any officiating minister to receive the fees usually paid for the performance of any religious rite of baptism, burial or marriage.

Nothing contained in this Ordinance to affect right of ministers to usual fees.

XXIX. PROVIDED always, that if any error shall be discovered to have been committed in the form or substance of any entry, it shall be lawful for the District Registrar to rectify such error in the margin, without any alteration of the original entry; provided the same be done in the presence of the parents of the child whose birth may have been erroneously registered, or of the parties married, or of two persons who may have been attending

Mode of rectifying errors in registration.

upon any person in his or her last illness, or who can bear testimony to the death of the same.

Penalty for refusing or neglecting to give notice or information required by this Ordinance. XXX. THAT every person, who shall offend against this Ordinance by refusing or neglecting to give any notice or information required by any of the foregoing sections, or by knowingly registering any birth or death contrary to the provisions of any of the said sections, shall, for every such offence, forfeit a sum not less than Two Pounds, nor exceeding Twenty Pounds.

Penalty for District Registrar refusing or omitting to register; or for negligently losing or injuring any Register-book or certified copy. XXXI. THAT every District Registrar who shall refuse, or without reasonable cause omit, to register any birth, death, or marriage, of which he shall have due notice as aforesaid, and every person having the custody of any register-book or certified copy thereof, or of any part thereof, who shall negligently lose or injure the same, or negligently allow the same to be injured whilst in his keeping, shall forfeit and pay a sum not exceeding Twenty Pounds for every such offence.

Penalty for District Registrar omitting to furnish Duplicates to Registrar-general. XXXII. THAT every district Registrar who shall wilfully or negligently omit to furnish the duplicates of registers hereinbefore required to be transmitted to the Registrar General on the first day of every month, or neglect to do any of the matters hereinbefore required to be done by him, shall, for each and every such offence, neglect, or default, forfeit and pay a sum not less than Two Pounds nor exceeding Ten Pounds.

Penalty for making false entries, &c. XXXIII. THAT every person who shall wilfully make, or cause to be made, for the purpose of being inserted in any register of births, deaths, or marriages, any false statement touching any of the particulars herein required to be known and registered, shall be guilty of a misdemeanour, and, on conviction thereof, be subject to a fine not exceeding Two Hundred Pounds, with or without imprisonment with hard labour for any term not exceeding three years.

Penalty for wilful destruction of Registry Books, &c. XXXIV. THAT every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such register-book, or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register-book or certified copy thereof, or shall wilfully insert, or cause to be inserted, in any register book

1856

19th Vict. No. 12.

or certified copy thereof, any false entry of any birth, death, or marriage, or wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register-book, knowing the same register to be false in any part thereof, or shall forge or counterfeit the signature, or seal, or stamp of the Registrar-General, or of any District Registrar, or of any impression thereof, shall be guilty of felony, and, on conviction, shall be liable, at the discretion of the Court, to be sentenced to penal servitude for any term not exceeding five years.

XXXV. THAT all fines, forfeitures, and penalties imposed by this Ordinance, shall, unless otherwise provided, be recovered before any two Justices of the Peace, in a summary way, upon the complaint of any person.

Fines, &c., how to be recovered.

XXXVI. THAT Sections A and E of the "Shortening Ordinance, 1853," shall be incorporated with, taken to form part of, this Ordinance, to all intents and purposes, in as full and ample a manner as if the said sections had been introduced and fully set forth in this Ordinance.

Adoption of Sections A and E of the Shortening Ordinance.

XXXVII. THAT this Ordinance shall commence and take effect on the first day of August now next ensuing.

Commencement of Ordinance.

A. E. KENNEDY,

GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council this }
12th day of June, 1856. }*

HENRY WAKEFORD,
Clerk of the Council.

Schedule A.

WORDS.

MEANING.

Gazette.—The Western Australian Government Gazette.

Gazetted.—Published in the Western Australian Government Gazette.

Parent.—Father, or, if dead or absent, the mother or guardian.

Tenant.—Principal occupier for the time being of any dwelling-house or tenement, and, in the case of any Convict Establishment, Dépôt, Road Party, Gaol, Prison, House of Correction, Hospital, Lunatic Asylum, or other public or charitable institution, the Head Officer or person in actual charge thereof.

Constable.—Chief or Head of Police in the District.

Seal.—Any seal, stamp, or die caused to be made by the Registrar-General.

District Registrar.—Any District Registrar or Assistant District Registrar.

Schedule B.

Every search in an index (<i>to be paid beforehand</i>)	Five shillings.
Every certified copy of an entry	..	Five shillings.
Every birth registered	One shilling.
Every marriage registered	Two shillings and sixpence.
Every death registered	One shilling.
Every correction of an entry	One shilling.
Every marriage performed by a District Registrar	Forty shillings.

1856.

19th Vict. No. 12.

Schedule C.

I, A.B., of _____, do hereby certify, that I have this day baptized, by the name of *Thomas*, a male child produced to me by *John Smith*, as the son of *John Smith* and *Mary Smith*.
(Signature.)

Or,
I, A.B., of _____, do hereby certify, that I have this day given the name of *Thomas* to my male child, the son of *John Smith* and *Mary Smith*.
(Signature.)

Schedule D.

I, A. B., Registrar of Births, Deaths, and Marriages for the District of _____, do hereby certify that the death of *William Jones* was duly registered by me on the _____ day of _____ 18____
A. B.,
District Registrar.

Schedule E.

I, A. B. Coroner for the District of _____ (or, Justice of the Peace of _____) do hereby order the burial of the body now shewn to the inquest jury (or, to me) as the body of *Thomas Doe*.
Witness my hand this _____ day of _____ 18____
A. B., Coroner,
Or,
J. P. (as the case may be.)

Schedule F.

I, A. B., of _____ Undertaker, do hereby certify that the body of *Thomas Snooks* was on the _____ day of _____ 18____ duly

19th Vict. No. 12.

1856.

buried at

and in the presence of the undersigned.
(Signed) A. B., Undertaker.

(Countersigned)

C. D., }
E. F., } Householdors.