

**REGISTRATION OF BIRTHS,
DEATHS AND MARRIAGES
AMENDMENT ACT**

No. 23 of 1990

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

[Assented to 28 August 1990.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Registration of Births, Deaths and Marriages Amendment Act 1990*.

Commencement

2. (1) Subject to subsection (2), this Act shall come into operation on the 28th day after the day on which it receives the Royal Assent.

(2) Sections 7 and 8 of this Act shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Registration of Births, Deaths and Marriages Act 1961** is referred to as the principal Act.

*[*Reprinted as approved 22 June 1976 and amended by Acts Nos. 99 of 1979 and 79 of 1985.]*

Section 1 amended

4. Section 1 of the principal Act is amended by repealing subsection (4).

Section 4 repealed and a section substituted

5. (1) Section 4 of the principal Act is repealed and the following section is substituted—

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

“ 4. (1) There shall be appointed under and subject to the *Public Service Act 1978*—

(a) a Registrar General; and

(b) 2 Deputy Registrars General,

for the purposes of the administration of this Act.

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

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

Section 7 amended

6. Section 7 of the principal Act is amended by deleting "Governor" and substituting the following—

" Minister ".

Section 26 amended

7. Section 26 of the principal Act is amended by deleting "or by order of a Judge" and substituting the following—

" , by order of a Judge or by order of the Minister ".

Part IIIA inserted

8. After section 31 of the principal Act the following Part is inserted—

"PART IIIA—TEMPORARY PROVISION FOR REGISTRATION OF PREVIOUSLY UNREGISTERED BIRTHS

Registration of previously unregistered birth

31A. (1) If the Registrar General is satisfied that—

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

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

(2) Before considering an application to register a birth under this section the Registrar General shall take such steps as the Registrar General thinks reasonable to establish that the birth has not been registered in this State or another State or Territory of the Commonwealth.

(3) An application under this section shall—

- (a) be made on or before the last day of the period ending 2 years after the coming into operation of the *Registration of Births, Deaths and Marriages Amendment Act 1990*;
- (b) be made in writing in a form approved by the Registrar General; and
- (c) contain a statutory declaration in a form approved by the Registrar General.

(4) For the purpose of determining an application under subsection (1), the Registrar General may request such information as is considered necessary from any person, but no person shall be required by notice under section 60 to supply that information.

(5) If the information relating to any of the particulars specified in the Second Schedule in respect of a person who has submitted an application under this section has been proved to the satisfaction of the Registrar General, the Registrar General shall enter the information in the register but where the Registrar General is furnished with information that is not complete, only such particulars as the Registrar General is satisfied are authentic may be added.

(6) When acting under this section the Registrar General shall have regard to the special circumstances of each case.

(7) Where a birth is registered pursuant to an authority under this section, the fact that such authority was given, and the date of that authority, shall be entered in the register.

(8) Nothing in this section relieves a person from liability for failing to give notice of a birth or to inform a district registrar of the particulars required to register a birth within the time limited by this Act or by any Act repealed by this Act.

Order to register

31B. (1) If the Registrar General refuses to register a birth pursuant to an application under section 31A, the applicant may, in writing, apply to the Minister for an order against that decision.

(2) If the Minister makes an order under subsection (1) the Registrar General shall authorize the registration of the birth in the register in terms of the order.

(3) Where the Registrar General registers a birth pursuant to an order made under subsection (1), the Registrar General shall enter in the register the fact that the registration was ordered under this section. ”.
