

# NORTHERN TERRITORY OF AUSTRALIA

## BIRTHS, DEATHS AND MARRIAGES REGISTRATION REGULATIONS

As in force at 26 March 2014

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 26 March 2014

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## BIRTHS, DEATHS AND MARRIAGES REGISTRATION REGULATIONS

### Regulations under the *Births, Deaths and Marriages Registration Act*

#### **1 Citation**

These Regulations may be cited as the *Births, Deaths and Marriages Registration Regulations*.

#### **2 Particulars for notification of birth**

For section 12(1) of the Act, a person who gives notice of a birth is to notify the following particulars to the Registrar:

- (a) the full name, maiden family name, date of birth (or age), and usual place of residence of the mother of the child;
- (b) whether or not the mother is of Australian Aboriginal or Torres Strait Islander origin;
- (c) the sex, date and place of birth of the child;
- (d) whether the child was born alive or still-born;
- (e) whether a multiple birth and, if so, the numerical order in which the child was born;
- (f) the names of the doctor, midwife, health worker or other persons present at the birth;
- (g) the full name, address, and occupation of the person giving the notice.

#### **3 Information for registration of birth**

For section 14 of the Act, the following information is to be contained in a birth registration statement:

- (a) the full name of the child (unless the child was still-born, in which case this is optional);
- (b) the sex, time, date and place of birth of the child;

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- (c) whether a multiple birth and, if so, the numerical order in which the child was born;
  - (d) the weight of the child at birth;
  - (e) whether or not the child was born alive;
  - (f) the full name, maiden family name (if applicable), occupation and usual place of residence of each of the child's parents;
  - (g) the date of birth (or age) and place of birth of each of the child's parents;
  - (k) the date and place of marriage of the parents of the child (if applicable);
  - (m) if the mother of the child has had other children, the given names, sex and date of birth of each of those children (including deceased children) and whether each child is or was of the current relationship;
  - (n) whether or not the child or a parent of the child is of Australian Aboriginal or Torres Strait Islander origin;
  - (p) the full name, occupation, usual place of residence and relationship (if any) to the child, of the person furnishing the particulars;
  - (q) the full names of the doctor, midwife or health worker responsible for the professional care of the mother at the birth, and other persons present at the birth;
  - (r) other particulars relating to the birth necessarily required for statistical or medical research purposes and specified in the form approved by the Registrar.

#### **4 Registration of change of name**

For section 27(1) of the Act, the following particulars are required for a change of name:

- (a) the date and place of birth and usual place of residence of the person whose change of name is being registered;
- (b) the name of the person immediately before the change of name;
- (c) the name of the person currently shown in the register of births;

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- (d) the new full name of the person;
  - (e) the full names of the parents of the person as at the date of the person's birth or birth registration.

**4A Information to accompany application for registration of change of sex**

For section 28C(a) of the Act, the evidence that verifies that the adult or child the subject of the application has undergone sexual reassignment surgery is:

- (a) a recognition certificate; or
- (b) if the adult or child has not been issued with a recognition certificate, 2 statutory declarations, each by a medical practitioner who is entitled to practise medicine within the Commonwealth, declaring that:
  - (i) the adult or child has undergone sexual reassignment surgery and has changed sex; and
  - (ii) at the time of making the declaration, the medical practitioner sighted proof of the adult's or child's identity and believes that the adult or child is the adult or child who is or will be the subject of the application.

**4B Persons who may apply for old birth certificate after change of sex**

For section 28F of the Act, the following persons are prescribed persons who may apply for a birth certificate of a person that shows the person's sex before the person changed his or her sex:

- (a) the person;
- (b) if the person is deceased, the executor or administrator of the person's estate;
- (c) if the person is a child, a parent or guardian of the person;
- (d) a spouse or de facto partner or a former spouse or de facto partner of the person;
- (e) a police officer, or a member (however described) of the police force of the Commonwealth or a State or another Territory, on satisfying the Registrar that he or she requires the certificate for the purpose of carrying out his or her duties;

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- (f) any other person who under a law in force in the Territory is authorised to access the information in the Register that relates to the person.

## **5 Notification of deaths by doctors**

For section 34(1) of the Act, the following particulars are required to be included in the notification by a doctor of a death (other than the death of a child that occurs within 28 days after the date of birth):

- (a) the full name of the deceased person;
- (b) the date and place of death;
- (c) the sex, age and date of birth (if known) of the deceased person;
- (d) whether or not the deceased person was of Australian Aboriginal or Torres Strait Islander origin;
- (e) the cause of death;
- (f) whether the cause of death was reported to a coroner;
- (g) whether the cause of death was established or confirmed by a post-mortem examination;
- (h) details of an operation performed in relation to a disease or condition causing or contributing to death;
- (i) whether a female deceased person was pregnant within 3 months before her death and, if so, the approximate date of birth of the child, or of the miscarriage;
- (k) whether an injury contributed to the death and, if so, how the injury was received;
- (m) whether the doctor was in attendance during the deceased person's last illness or whether the doctor viewed the body after death;
- (n) the full name and address of the doctor who was in attendance during the deceased person's last illness or who viewed the body after death.

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**6 Notification by doctor of death that occurs within 28 days after birth**

For section 34(1) of the Act, the following particulars are required to be included in a notification by a doctor of the death of a child that occurs within 28 days after birth:

- (a) the full name, age, date of birth (if known), usual place of residence and hospital registration number of the mother of the child;
- (b) whether or not the mother of the child is of Australian Aboriginal or Torres Strait Islander origin;
- (c) the known or estimated duration of the pregnancy in completed weeks;
- (d) the name of the child, if given;
- (e) the hospital registration number of the child;
- (f) the time, date and place of birth;
- (g) the time, date and place of death;
- (h) the sex of the child;
- (j) whether the birth was a multiple birth;
- (k) the weight of the child at birth;
- (m) the time and date the heartbeat ceased after the birth;
- (n) where death occurred within 24 hours after birth, the signs of life present after the complete expulsion or extraction of the child from the mother;
- (p) the cause of death;
- (q) whether the cause of death was established or confirmed by a post-mortem examination;
- (r) whether the death of the child was reported to a coroner by the doctor;
- (s) whether the doctor was present at the birth, viewed the body of the child after birth, attended the mother before the birth or was in medical attendance during the life of the child;
- (t) the full name and address of the doctor mentioned in paragraph (s);

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- (u) any other particulars of the mother or child necessarily required for statistical or medical purposes and specified on the form approved by the Registrar.

## **7 Notification by funeral director or others including health worker**

For section 36(1) of the Act, the following information is to be provided to the Registrar after the disposal of human remains (other than the remains of a still-born child):

- (a) the date and place of death of the deceased;
- (b) the sex, date of birth (or age at death) and place of birth of the deceased;
- (c) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death;
- (d) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death;
- (e) whether or not the deceased was of Australian Aboriginal or Torres Strait Islander origin;
- (f) the marital status of the deceased immediately before death;
- (g) if the deceased had married at any time before death, the date of marriage (or age of the deceased at the date of the marriage), the place of marriage and the full name of his or her spouse or, if the deceased had married more than once, the date of each marriage (or age of the deceased at the date of each marriage), the place of each marriage and the full name of each spouse;
- (h) if the deceased was in a de facto relationship immediately before death, the full name of the de facto partner of the deceased;
- (j) the full name, sex and date of birth (or age) of each child of the deceased (including deceased children);
- (k) the full name, maiden family name (if applicable) and occupation of each of the deceased's parents;
- (n) other particulars relating to the death necessarily required for statistical or medical research purposes and as specified in the form approved by the Registrar.

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## **8 Notification of disposal of remains of still-born child**

For section 36(1) of the Act, the following information is required to be provided to the Registrar after the disposal of the remains of a still-born child:

- (a) the name of the child (if given);
- (b) the date and place of birth;
- (c) the full name of each of the child's parents (if known);
- (e) the date, place and manner of disposal of the remains;
- (f) the names of witnesses to the disposal of the remains;
- (g) the full name and address of the person disposing of the remains.

## **9 Notification of place and manner of disposal of remains**

For section 36(1) of the Act, where a person provides under that provision notification of the place and manner of disposal of human remains, he or she is to provide the following details:

- (a) the date, place and manner of disposal of the remains of the deceased;
- (b) the full name and business address of the funeral director or other person who arranged for the disposal of the remains;
- (c) the names of witnesses to the disposal of the remains and of the minister of religion, if present.

## **10 Notification of removal of remains**

For section 36(2) of the Act, a person who arranges for the removal of human remains from the Territory is to provide the following information to the Registrar:

- (a) the full name and last residential address of the deceased;
- (b) the date and place of death of the deceased;
- (c) whether or not the death was reported to a coroner;
- (d) the sex, date of birth (or age at death) and place of birth of the deceased;



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- (e) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death;
  - (f) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death;
  - (g) whether or not the deceased was of Australian Aboriginal or Torres Strait Islander origin;
  - (h) the marital status of the deceased immediately before death;
  - (j) if the deceased had married at any time before death, the date of marriage (or age of the deceased at the date of the marriage), the place of marriage and the full name of his or her spouse or, if the deceased had married more than once, the date of each marriage (or age of the deceased at the date of each marriage), the place of each marriage and the full name of each spouse;
  - (k) if the deceased was in a de facto relationship at the date of death, the full name of the de facto partner of the deceased;
  - (m) the full name, sex and date of birth (or age) of each child of the deceased (including deceased children);
  - (n) the full name, maiden family name (if applicable) and occupation of each of the deceased's parents;
  - (q) other particulars relating to the death necessarily required for statistical or medical research purposes and specified in the form approved by the Registrar.

## **11 Notification of place and manner of disposal of remains outside Territory**

For section 36(2) of the Act, where a person provides under that provision notification of where and how remains were disposed of, he or she is to provide the following details:

- (a) the date, place and manner of disposal of the remains of the deceased;
- (b) the full name and business address of the funeral director or other person who arranged for the disposal of the remains;
- (c) the full name and address of the person who arranged for the removal of the human remains;

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- (d) the names of witnesses to the disposal of the remains and of the minister of religion, if present.

## **12 Notification of custody of human remains**

For section 36(3) of the Act, where human remains have not been disposed of within 30 days after the date of death, the following information is to be provided to the Registrar by the person having custody of the human remains:

- (a) the date and place of death of the deceased;
- (b) the sex, date of birth (or age at death) and place of birth of the deceased;
- (c) the usual occupation of the deceased before death and whether or not the deceased was a pensioner or was retired immediately before death;
- (d) if the deceased was born outside Australia, the period of residence in Australia of the deceased before death;
- (e) whether or not the deceased was of Australian Aboriginal or Torres Strait Islander origin;
- (f) the marital status of the deceased immediately before death;
- (g) if the deceased had married at any time before death, the date of marriage (or age of the deceased at the date of the marriage), the place of marriage and the full name of his or her spouse or, if the deceased had married more than once, the date of each marriage (or age of the deceased at the date of each marriage), the place of each marriage and the full name of each spouse;
- (h) if the deceased was in a de facto relationship at the date of death, the full name of the de facto partner of the deceased;
- (j) the full name, sex and date of birth (or age) of each child of the deceased (including deceased children);
- (k) the full name, maiden family name (if applicable) and occupation of each of the deceased's parents;
- (n) the full name and business address of the person who has custody of the remains of the deceased;
- (p) other particulars relating to the death necessarily required for statistical or medical research purposes and specified in the form approved by the Registrar.

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**13 Certificate of no impediment to marriage**

A person who applies to the Registrar under section 44(5) of the Act for a certificate that the Registrar is not aware of any impediments to the solemnisation of the intended marriage is to provide the Registrar with the following information in relation to both parties to the intended marriage:

- (a) the family name, given names, occupation, usual place of residence, marital status, date of birth, place of birth, and name and maiden name (if applicable) of each parent;
- (b) whether previously married and, if so,:
  - (i) the date and place of marriage; and
  - (ii) how the marriage was dissolved; and
  - (iii) the date and place of death of the spouse or the date on which the decree dissolving the marriage became absolute;
- (c) whether the parties are related to each other and, if so, the nature of the relationship.

**14 Signing and witnessing of forms**

Subject to regulation 15, a form, certificate or instrument required or permitted to be lodged under the Act or these Regulations that is required by the Act or these Regulations to be signed by the person completing it must be signed by that person and the signature must be:

- (a) witnessed; or
- (b) otherwise proved, to the satisfaction of the Registrar, to have been freely given.

**15 Dispensing with signatures**

The Registrar may, in relation to a form, certificate or instrument referred to in regulation 14, dispense with the signature of the person required to sign after completing the form, certificate or instrument where the Registrar believes on reasonable grounds that:

- (a) the person is absent from the Territory and is unlikely to return in the near future; or

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- (b) the person is not capable of signing the form, certificate or instrument; or
  - (c) it would not, in the circumstances, be convenient to require the person to sign the form, certificate or instrument.

## **16 Non-compliance in forms**

- (1) The Registrar may accept a form, certificate or instrument required or permitted to be lodged under the Act or these Regulations even if it does not contain all the particulars required under the Act or these Regulations.
- (2) Where the Registrar, in accordance with subregulation (1), accepts a form, certificate or instrument, it is taken to comply with the Act or these Regulations.

## **17 Fees**

- (1) The Registrar may fix a fee for services provided otherwise than under the Act by negotiation between the Registrar and the person who asks for the relevant service.
- (2) The fee specified in the Schedule is the prescribed fee for the item set out in the Schedule opposite the fee.

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**Schedule Fees**

regulation 17

Fee (revenue units)

|   |  |    |
|---|--|----|
| 1 | Search of Register   | 34 |
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| 3 | Application to register change of name under section 23 or 24 of the Act | 39 |
| 4 | For the provision of any other service under the Act                     | 39 |

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## ENDNOTES

### 1 KEY

Key to abbreviations

|                             |                              |
|-----------------------------|------------------------------|
| amd = amended               | od = order                   |
| app = appendix              | om = omitted                 |
| bl = by-law                 | pt = Part                    |
| ch = Chapter                | r = regulation/rule          |
| cl = clause                 | rem = remainder              |
| div = Division              | renum = renumbered           |
| exp = expires/expired       | rep = repealed               |
| f = forms                   | s = section                  |
| <i>Gaz</i> = <i>Gazette</i> | sch = Schedule               |
| hdg = heading               | sdiv = Subdivision           |
| ins = inserted              | SL = Subordinate Legislation |
| lt = long title             | sub = substituted            |
| nc = not commenced          |                              |

### 2 LIST OF LEGISLATION

***Births, Deaths and Marriages Registration Regulations* (SL No. 62, 1996)**

|           |  |
|-----------|--|
| Notified  | 19 December 1996   |
| Commenced | 1 January 1997 (r 2, s 2 <i>Births, Deaths and Marriages Act 1996</i> (Act No. 26, 1996) and <i>Gaz</i> G49, 4 December 1996, p 5) |

***Amendments of Births, Deaths and Marriages Registration Regulations* (SL No. 16, 1997)**

|           |   |
|-----------|---|
| Notified  | 30 May 1997   |
| Commenced | 1 June 1997 (r 1, s 2 <i>Births, Deaths and Marriages Registration Amendment Act 1997</i> (Act No. 12, 1997) and <i>Gaz</i> S17, 30 May 1997) |

***Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003* (Act No. 1, 2004)**

|             |   |
|-------------|---|
| Assent date | 7 January 2004                                      |
| Commenced   | 17 March 2004 ( <i>Gaz</i> G11, 17 March 2004, p 8) |

***Fees and Charges Amendment Regulations 2009* (SL No. 34, 2009)**

|           |                      |
|-----------|----------------------|
| Notified  | 14 December 2009     |
| Commenced | 1 January 2010 (r 2) |

***Statute Law Revision Act 2011* (Act No. 30, 2011)**

|             |   |
|-------------|---|
| Assent date | 31 August 2011  |
| Commenced   | 21 September 2011 ( <i>Gaz</i> G38, 21 September 2011, p 5) |

***Fees and Charges (Attorney-General and Justice Portfolio) Amendment Regulations 2013* (SL No. 27, 2013)**

|           |                   |
|-----------|-------------------|
| Notified  | 28 June 2013      |
| Commenced | 1 July 2013 (r 2) |

***Births, Deaths and Marriages Registration Regulations 2014* (SL No. 6, 2014)**

|           |               |
|-----------|---------------|
| Notified  | 26 March 2014 |
| Commenced | 26 March 2014 |

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### 3 LIST OF AMENDMENTS

|            |   |
|------------|---|
| r 2        | amd Act No. 30, 2011, s 3   |
| r 3        | amd Act No. 1, 2004, s 63; Act No. 30, 2011, s 3                          |
| r 4        | amd Act No. 30, 2011, s 3   |
| r 4A       | ins No. 16, 1997, r 2<br>amd Act No. 30, 2011, s 3                        |
| r 4B       | ins No. 16, 1997, r 2<br>amd Act No. 1, 2004, s 63; Act No. 30, 2011, s 3 |
| rr 5 – 6   | amd Act No. 30, 2011, s 3   |
| rr 7 – 8   | amd Act No. 1, 2004, s 63; Act No. 30, 2011, s 3                          |
| r 9        | amd Act No. 30, 2011, s 3   |
| r 10       | amd Act No. 1, 2004, s 63; Act No. 30, 2011, s 3                          |
| r 11       | amd Act No. 30, 2011, s 3   |
| rr 12 – 13 | amd Act No. 1, 2004, s 63; Act No. 30, 2011, s 3                          |
| rr 14 – 16 | amd Act No. 30, 2011, s 3   |
| r 17       | amd SL No. 6, 2014, r 3   |
| sch        | amd No. 34, 2009, r 10<br>sub No. 27, 2013, r 4                           |