

Serial 295
Registration of
Births, Deaths
and Marriages
Amendment
Mr Manzie

NORTHERN TERRITORY OF AUSTRALIA

REGISTRATION OF BIRTHS, DEATHS
AND MARRIAGES AMENDMENT BILL 1993

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Registration of Births,
Deaths and Marriages Act*

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Registration of Births, Deaths and Marriages Amendment Act 1993*.

2. COMMENCEMENT

The provisions of this Act shall come into operation on such date or dates as is or are fixed by the Administrator by notice in the Gazette.

3. PRINCIPAL ACT

The *Registration of Births, Deaths and Marriages Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 5 of the Principal Act is amended -

- (a) by omitting the definition of "burial"; and
- (b) by inserting after the definition of "Deputy Registrar" the following:

"'disposal', in relation to a body, includes burial, cremation and disposal at sea;"

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5. CHANGE OF NAME OF PERSON WHO HAS ATTAINED THE AGE OF 18 YEARS

Section 20(2) of the Principal Act is amended by omitting all words after "not effective until" and substituting "the notice required by subsection (3) is published in accordance with that subsection and a copy of the notice, the instrument and the prescribed fee are lodged with the Registrar and the Registrar has registered the instrument.".

6. PARTICULARS REQUIRED TO REGISTER DEATH

Section 29 of the Principal Act is amended -

- (a) by omitting subsection (1);
- (b) by omitting from subsection (2) "(2) The particulars required to be stated in a notification under subsection (1), in relation to the death of a person, are -" and substituting "For the purposes of section 34(1)(a)(iv) of the Coroners Act, the particulars are -";
- (c) by omitting from subsection (2)(c) "causes; and" and substituting "causes;";
- (d) by omitting from subsection (2)(d) "the person." and substituting "the person; and"; and
- (e) by adding at the end the following:
"(e) such other particulars of death that are within the knowledge of the Coroner that are required by the Registrar to register the death under this Act.".

7. REPEALS

Sections 30 and 32 of the Principal Act are repealed.

8. PRESCRIBED CERTIFICATE OF DEATH

Section 33 of the Principal Act is amended -

- (a) by omitting subsection (5); and
- (b) by omitting from subsection (5A) all words after "to this section," and substituting "report the matter to a Coroner.".

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9. TAKING BODY OUT OF THE TERRITORY

Section 38 of the Principal Act is amended by omitting paragraph (b) and substituting the following:

"(b) a certificate issued under section 17 of the Coroners Act; or".

10. SEARCHES AND COPIES

Section 50 of the Principal Act is amended -

(a) by omitting subsections (1), (2) and (3) and substituting the following:

"(1) A person may apply to the Registrar for a search to be made of a register kept under this Act.

"(2) The Registrar shall not cause a search to be made of a register kept under this Act in pursuance of a request made under subsection (1) unless the applicant -

(a) provides reasons to the Registrar for the applicant requiring the search to be made; and

(b) pays, or has made arrangements satisfactory to the Registrar to pay, the prescribed fee.

"(3) The Registrar shall, in respect of an application that complies with subsection (2) cause a search of the register to be made and shall provide the information contained in the register -

(a) in the form of a certificate or extract relating to the contents of the register;

(b) in the form of a certificate stating that the information sought is not contained in any of the registers kept under this Act; or

(c) in such other form as may be agreed between the Registrar and the applicant."; and

(b) by omitting from subsection (4) ", copy or extract" (twice occurring) and "or to issue the copy or extract".

11. NEW SECTION

The Principal Act is amended by inserting after section 50 the following:

"50A. ADOPTION INFORMATION

"(1) For the purposes of section 50(4), but subject to subsection (2), a person has a proper reason for a search to be made of a register kept under this Act if the

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person, in respect of whom information is sought to be obtained as a consequence of the search, is -

- (a) the adopted child;
- (b) the natural parent or grandparent; or
- (c) the adoptive parent of the child,

of the person requiring the search.

"(2) Subsection (1) does not apply where -

- (a) a notice of prohibition has been lodged under section 65(2) of the *Adoption of Children Act*; or
- (b) a notice, similar to a notice of prohibition referred to in paragraph (a), has been lodged under a law of a State or another Territory of the Commonwealth,

prohibiting the provision of information that would identify the person in respect of whom information is sought under subsection (1).".

12. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 12

Provision	Amendment	
	omit	substitute
Sections 5(1) - definition of "undertaker", 34(1)(a), (2), (3) and (4), 36 and 46(2)(c)	"burial" (wherever occurring)	"disposal"
Section 20(3)	"Penalty: \$10."	
Section 24(1)	"Penalty: \$40."	
Sections 26(1)(a) and 27(2)	"burial"	"disposal of of the body"

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Section 34(1)	"bury"	"dispose of"
	"buried"	"disposed of"
Sections 34(3) and 36	"buries"	"disposes of"
Section 57(5)	"a fee of \$2"	"the prescribed fee"
Section 57(8)	"a fee of 50 cents"	"the prescribed fee"
Section 58(2)(b)	"bury or"	

