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PART 8—GENERAL POWER OF REVIEW	40
52.	

Births, Deaths and Marriages Registration Act 1996
Act No. 43/1996

Part 1—Preliminary

- (c) the keeping of registers for recording and preserving information about births, deaths, marriages, changes of name and adoptions in perpetuity; and
- (ca) the alteration of the record of sex in a person's birth registration where the person has undergone sex affirmation surgery; and
- (d) access to the information in the registers in appropriate cases by government or private agencies and members of the public, from within and outside the State; and

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Part 1—Preliminary

Births, Deaths and Marriages Registration Act 1996

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Part 1—Preliminary

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Births, Deaths and Marriages Registration Act 1996
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Part 1—Preliminary

PART 2—ADMINISTRATION

Division 1—The Registrar

5. Registrar

A Registrar of Births, Deaths and Marriages must be employed under Part 3 of the **Public Administration Act 2004** for the purposes of this Act.

6. Registrar's general functions

The Registrar's general functions are—

- (a) to establish and maintain the registers necessary for the purposes of this Act; and
- (b) to administer the registration system established by this Act.

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Part 2—Administration

Part 3—Registration of Births

Part 3—Registration of Births

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Part 3—Registration of Births

- (4) If a child is born outside the Commonwealth, but the child is to become a resident of the State, the birth may be registered under this Act.
- (5) The Registrar may refuse to register a birth under sub-section (3) or (4) if the birth is registered under a corresponding law.

14. How to have the birth of a child registered

A person has the birth of a child registered under this Act by lodging a birth

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Part 3—Registration of Births

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Part 3—Registration of Births

23. Dispute about child's name

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Part 4—Change of Name

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Part 4—Change of Name

- (ii) the child is unable to understand the meaning and implications of the change of name.
- (2) If the Registrar is satisfied that the name of a person whose birth is registered in the State has been changed under another law or by order of a court, the change of name may be registered under this Act.

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Part 4A—Recognition of Sex (Transsexualism)

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Part 4A—Recognition of Sex (Transsexualism)

(d) who has undergone sex affirmation surgery—

may apply to the Registrar for a document that acknowledges the person's name and sex.

(2) An application must include statutory declarations as described in section 30B or an interstate recognition certificate issued to the applicant.

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Part 6—Registration of Deaths

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Commonwealth) finds that—

- (a) the death of a person is not registered as required under this Act or a corresponding law; or
- (b) the registrable information contained in an entry about a death in the Act or a corresponding law is incomplete or incorrect—

the court may direct registration of the death or the inclusion or correction of registrable information in the Register under this Act or the corresponding law (as the case may require).

36. Circumstances in which a death must not be registered

Registrar— register a death unless the

- (a) has been given notice by a doctor under

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Part 6—Registration of Deaths

or certificate referred to in paragraph (a), (b)
or (c).

(2) Despite sub-section (1), the Registrar must
register the death if—

(a) registration of the death is ordered by a

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Part 6—Registration of Deaths

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- (4) A doctor must not give a notice under sub-section (1) or (2) if a coroner or police officer is required to be notified of the death under the **Coroners Act 1985**.

Penalty: 12 penalty units.

38. Notification of cause of death by coroner

- (1) If a coroner is notified of a death under the **Coroners Act 1985**, the coroner must inform the Registrar as soon as practicable after receiving the notification.
- (2) If a coroner authorises the disposal of human remains, or makes a finding about the cause of a death, the coroner must give a copy of the disposal authorisation or the finding to the R e g
- (3) The Registrar may register a death even though the death is subject to an inquest or other coronial inquiry and a finding has not been made about the cause of death.
- (4) A death certificate issued before a coronial inquiry into the cause of death is completed must be endorsed with the words: "Incomplete registration—Cause of death subject to coronial inquiry".

39. Notification by funeral director, etc.

- (1) A funeral director or other person who arranges for the disposal of human remains must within 7 days after disposal of the remains give the Registrar a notice in the form and manner required by the Registrar specifying any prescribed particulars and including any supporting documentation required by the Registrar.

Penalty: 5 penalty units.

Part 6—Registration of Deaths

Part 7—The Register

- (d) in the case of a death of a child—
- (i) whether a reviewable death has occurred; and
 - (ii) if the Registrar determines that a reviewable death has occurred, whether there are any living or deceased siblings of the deceased child.
- (2) The Registrar may, by notice given to a person who may be able to provide information relevant to an inquiry under this section, require the person to answer specified questions or to provide other information within a time and in a way specified in the notice.
- (3) A person must not, without reasonable excuse, fail to comply with a notice under sub-section (2).
- Penalty: 10 penalty units.

Division 3—Correction and Amendment of Register

43. Correction and amendment of Register

- (1) The Registrar may correct the Register—
- (a) to reflect a finding made on inquiry under Division 2; or

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- (4) Subject to section 16, the Registrar may add additional registrable information to an entry in the Register.
- (5) A person may apply to the Registrar for the addition of registrable information to an entry in the Register.
- (6) An application under sub-section (5) must be accompanied by the prescribed fee.
- (7) Despite anything to the contrary in the **Adoption Act 1984**, the Registrar—

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Part 7—The Register

Division 4A—Information relating to child deaths

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Part 7—The Register

49B. Registrar's obligations in

Part 9—Miscellaneous

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Part 9—Miscellaneous

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Part 9—Miscellaneous

- (3) A person who has possession of any register, book of entries or register book which has not been forwarded under section 31 of the **Marriage Act 1898** must, during normal business hours, on

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Part 9—Miscellaneous

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Part 10—Repeals, Transitional Provisions and Amendments to Other Acts

register in the Register established under
Part 7 of this Act.

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SCHEDULE

CONSEQUENTIAL AMENDMENTS TO VARIOUS ACTS

1. Adoption Act 1984

- 1.1 In section 4(1), in the definition of "Registrar", for "Births, Deaths, Marriages and Names appointed under section 40 of the **Registration of Births Deaths and Marriages Act 1959**" substitute "Births, Deaths and Marriages appointed under section 5 of the **Births, Deaths and Marriages Registration Act 1996**".
- 1.2 In section 35(1)(c), for "**Registration of Births Deaths and Marriages Act 1959**" substitute "**Births, Deaths and**

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(e) in sub-section (8), for "**Registration of Births
Deaths and Marriages Act 1959**" substi

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9. Medical Practice Act 1994

- 9.1 In section 21(1), for "Births, Deaths, Marriages and Names"
substitute "Births, Deaths and Marriages".

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