

SOUTH AUSTRALIA

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION  
REGULATIONS 1993**

## **SUMMARY OF PROVISIONS**

### **PART 1 PRELIMINARY**

1. Citation
2. Commencement
3. Revocation
4. Interpretation

### **PART 2 REGISTRATION OF BIRTHS**

5. Particulars required for registration of birth
6. Declaration required for late registration of birth
7. Multiple births—separate documentation required for each child

### **PART 3 REGISTRATION OF DEATHS**

8. Particulars required for registration of death
9. Declaration required for late registration of death
10. Medical certificate of cause of perinatal death
11. Medical certificate of cause of death
12. Notice of signing of medical certificate
13. Certificate of undertaker

### **PART 4 REGISTRATION OF CHANGES OF NAME**

14. Manner of changing name

### **PART 5 MISCELLANEOUS**

15. Information statement
16. Appeal against refusal to enter name in register
17. Evidentiary provision
18. Fees

### **SCHEDULE 1**

*Particulars required for registration of births and deaths*

### **SCHEDULE 2**

*Forms*

### **SCHEDULE 3**

*Fees*

### **APPENDIX LEGISLATIVE HISTORY**

**REGULATIONS UNDER THE BIRTHS, DEATHS AND MARRIAGES  
REGISTRATION ACT 1966**

*Births, Deaths and Marriages Registration Regulations 1993*

being

No. 184 of 1993: *Gaz.* 12 August 1993, p. 822<sup>1</sup>

as varied by

No. 48 of 1995: *Gaz.* 10 May 1995, p. 1989<sup>2</sup>

<sup>1</sup> Came into operation 12 December 1993: reg. 2.

<sup>2</sup> Came into operation 1 July 1995: reg. 2.

2.

**PART 1  
PRELIMINARY**

**Citation**

1. These regulations may be cited as the *Births, Deaths and Marriages Registration Regulations 1993*.

**Commencement**

2. These regulations will come into operation four months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10aa).

**Revocation**

3. All regulations previously made under the *Births, Deaths and Marriages Registration Act 1966* are revoked.

**Interpretation**

4. In these regulations, unless the contrary intention appears—

"**the Act**" means the *Births, Deaths and Marriages Registration Act 1966*.

3.

**PART 2  
REGISTRATION OF BIRTHS**

**Particulars required for registration of birth**

5. For the purposes of sections 15, 16 and 20(b) of the Act, the particulars set out in Part 1 of schedule 1 are prescribed.

**Declaration required for late registration of birth**

6. For the purposes of section 20(a) of the Act, the form of declaration set out in form 1 of schedule 2 is prescribed.

**Multiple births-separate documentation required for each child**

7. In the case of twin or multiple births, a separate information statement, notice or declaration must be furnished for each child.

4.

**PART 3  
REGISTRATION OF DEATHS**

**Particulars required for registration of death**

8. For the purposes of section 29 of the Act, the particulars set out in Part 2 of schedule 1 are prescribed.

**Declaration required for late registration of death**

9. For the purposes of section 31(1)(b) and (c) of the Act, the form of declaration set out in form 2 of schedule 2 is prescribed.

**Medical certificate of cause of perinatal death**

10. For the purposes of sections 25(1) and 39(1)(a) of the Act, the form of medical certificate of cause of perinatal death set out in form 3 of schedule 2 is prescribed.

**Medical certificate of cause of death**

11. For the purposes of sections 39(1)(a) and 47(2)(a) of the Act, the form of medical certificate of cause of death set out in form 4 of schedule 2 is prescribed.

**Notice of signing of medical certificate**

12. For the purposes of sections 25(2) and 39(1)(b) of the Act, the form of notice set out in form 5 of schedule 2 is prescribed.

**Certificate of undertaker**

13. For the purposes of section 40(1) of the Act, the form of certificate set out in form 6 of schedule 2 is prescribed.

5.

**PART 4**  
**REGISTRATION OF CHANGES OF NAME**

**Manner of changing name**

**14.** (1) For the purposes of section 53(1) of the Act, a person who has attained the age of 18 years, or who is or has been married, may change his or her name by lodging with the principal registrar an application to register a change of name in a form determined by the principal registrar.

(2) For the purposes of section 53(2) of the Act, a parent of a child may change the name of the child by lodging with the principal registrar an application to register a change of name in a form determined by the principal registrar.

(3) An application under this regulation must be accompanied by a statutory declaration by the applicant verifying the particulars contained in the application.

**PART 5  
MISCELLANEOUS**

**Information statement**

15. For the purposes of section 12(1) of the Act, an information statement will be in a form determined by the principal registrar.

**Appeal against refusal to enter name in register**

16. (1) For the purposes of section 68a(3) of the Act, a person may appeal against a refusal by the principal registrar to enter a name in a register by filing in the Registry of the Magistrates Court nearest to where the appellant resides or carries on business a notice of appeal in the form set out in form 7 of schedule 2.

(2) On the filing of a notice of appeal, the Registrar of the Court must—

- (a) fix a date, time and place for the hearing; and
- (b) give at least 21 days notice in writing of the hearing to the appellant and the principal registrar; and
- (c) serve a copy of the notice of appeal on the principal registrar.

(3) A notice under subregulation (2)(b) may be given—

- (a) personally; or
- (b) by post—
  - (i) addressed to the appellant at the address stated in the notice of appeal;
  - (ii) addressed to the principal registrar at his or her official address.

(4) The appellant and the principal registrar are entitled to appear at the hearing of an appeal personally or by counsel or solicitor.

(5) If the appellant fails to appear at the hearing of the appeal, the Court may, if satisfied upon affidavit or other evidence that notice of the hearing has been served on the appellant in accordance with this regulation, dismiss the appeal and order the appellant to pay the principal registrar's costs of the appeal.

(6) The Court must make a written record of any order made on an appeal.

(7) The Registrar of the Court must file an order made on an appeal with the notice of appeal and serve a copy of the order on the appellant and the principal registrar.

(8) If any circumstances arise on an appeal for which no procedure is prescribed by these regulations, or there is any doubt as to what is the correct procedure to be adopted, the Court may, having regard to the practice under the *Magistrates Court Act 1991* and the rules of the Court under that Act, give (*ex parte* if the Court thinks fit) such directions as the Court considers necessary in the particular case.



(9) Where the Court gives directions under subregulation (8), a copy of the directions must be endorsed on or filed with the notice of appeal and, if the directions were given in the absence of a party to the appeal, the Registrar must as soon as practicable give that party written notice of the directions.

(10) In this section—

"**Registrar**" means Registrar as defined in the *Magistrates Court Act 1991*.

### **Evidentiary provision**

**17.** In any legal proceedings a certificate signed by a person stating that the person effected service of a notice under section 68a(2) of the Act on a specified person on a specified date is, in the absence of proof to the contrary, proof of the matters so stated.

### **Fees**

**18.** (1) For the purposes of the Act, the fees set out in schedule 3 are prescribed.

(2) An application, notice, declaration, certificate or other document required by the Act or these regulations to be furnished to the principal registrar must be accompanied by the appropriate fee set out in schedule 3.

(3) Where an applicant for a certified copy of, or an extract from, an entry in a register book specifies—

- (a) in the case of a certified copy—that the applicant requires the certified copy within 48 hours of making the application; or
- (b) in the case of an extract—that the applicant requires the extract within 24 hours of making the application,

the applicant must pay an additional fee (a "priority fee") of the amount set out in schedule 3.

**SCHEDULE 1**

*Particulars required for registration of births and deaths*

**PART 1**

**REGISTRATION OF BIRTH**

1. The date and place of the birth.
2. The full name of the child.
3. The sex of the child.
4. The weight of the child at birth.
5. The full name (including maiden surname), occupation and usual place of residence of the mother of the child.
6. The date and place of birth of the mother of the child.
7. The full name, occupation and usual place of residence of the father of the child.
8. The date and place of birth of the father of the child.
9. The date and place of marriage of the parents of the child.
10. The given names, sex and date of birth of each previous child of the parents of the child.
11. The number of other children of the mother that are not of her relationship with the father of the child.
12. Whether the mother of the child is of Aboriginal or Torres Strait Islander origin.
13. Whether the father of the child is of Aboriginal or Torres Strait Islander origin.

**PART 2**

**REGISTRATION OF DEATH**

1. The full name, occupation and usual place of residence of the deceased.
2. The sex of the deceased.
3. The date of birth (or age at death) and place of birth of the deceased.
4. The date and place of death of the deceased.
5. The name and business address of the medical practitioner who certified the cause of death of the deceased or the name of the coroner who issued the burial order, as the case may be.
6. The date and place of burial or cremation of the deceased.
7. The name and business address of the funeral director who arranged the burial or cremation of the deceased.
8. If the deceased was born outside Australia, the period or periods of residence in Australia of the deceased.
9. Whether the deceased was of Aboriginal or Torres Strait Islander origin.
10. The marital status of the deceased at the date of death.
11. If the deceased was or had been married, the date of the marriage (or age of the deceased at the time of the marriage) and the full names of the spouse or, in the case of more than one marriage, the date of each marriage and the full names of each of the spouses of the deceased.
12. The given names, sex and date of birth of any children of the deceased, whether living or dead.
13. The full name of the mother of the deceased.
14. The full name of the father of the deceased.

**SCHEDULE 2**

*Forms*

Form 1

*Births, Deaths and Marriages Registration Act 1966*

**DECLARATION TO BE MADE ON LATE REGISTRATION OF BIRTH**

I, .....  
of .....  
do solemnly and sincerely declare that a (\*male/female) ..... child was born at  
..... on / /19..  
and that the particulars now furnished for the registration of the said birth are the true particulars of the birth.  
And I make this solemn declaration conscientiously believing the same to be true and by virtue of the  
provisions of the *Oaths Act 1936*.

**DECLARED** at.....}

this.....day of.....19..}

.....

Before me:

.....

Justice of the Peace

(\*Strike out whichever is not applicable)

**DECLARATION TO BE MADE ON LATE REGISTRATION OF DEATH**

I, .....

of .....

do solemnly and sincerely declare that the particulars furnished by me in the information statement with respect to the death of ..... are correct, and that the death was not previously registered in consequence of .....

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the *Oaths Act 1936*.

**DECLARED** at.....}

this....day of.....19..} .....

Before me:

.....

Justice of the Peace

**MEDICAL CERTIFICATE OF CAUSE OF PERINATAL DEATH**

This certificate must be completed in the case of the death of—

- (a) a child not born alive, of at least 20 weeks gestation or weighing at least 400 grams; or  
 (b) a child born alive who died within 28 days after birth.

Unless otherwise directed, place a tick in the relevant boxes.

**PART 1****PARTICULARS RELATING TO THE MOTHER**

1. Full name of the mother (surname in BLOCK letters) .....
2. Address of the usual residence of the mother ..... postcode. . .
3. Age (in years) of the mother.....
4. Date of birth of the mother: / /19..
5. Racial origin of the mother:
 

|                        |                          |
|------------------------|--------------------------|
| Caucasian              | <input type="checkbox"/> |
| Aboriginal or          |                          |
| Torres Strait Islander | <input type="checkbox"/> |
| Asian                  | <input type="checkbox"/> |
| Other                  | <input type="checkbox"/> |
| Specify                | .....                    |

**PART 2****PARTICULARS OF PREVIOUS PREGNANCIES**

1. If no previous pregnancy, tick this box  and go directly to Part 3.
2. Where there has been a previous pregnancy—
  - (a) indicate the number of previous pregnancies: .....
  - If not known, tick this box
  - (b) indicate by inserting, in the relevant box, the number of previous pregnancies known to have resulted in:
 

|                           |                          |
|---------------------------|--------------------------|
| <u>Single births</u>      | <input type="checkbox"/> |
| Surviving livebirths      | <input type="checkbox"/> |
| Stillbirths               |                          |
| (at least 20 weeks)       | <input type="checkbox"/> |
| Neonatal deaths           |                          |
| (within 20 days)          | <input type="checkbox"/> |
| <u>Multiple birth</u>     | <input type="checkbox"/> |
| Surviving livebirths only | <input type="checkbox"/> |
| Stillbirth only           | <input type="checkbox"/> |
| Neonatal deaths only      | <input type="checkbox"/> |
| A combination             | <input type="checkbox"/> |
| Abortions                 |                          |
| (spontaneous)             | <input type="checkbox"/> |
| (induced)                 | <input type="checkbox"/> |

(c) indicate, by ticking the relevant box, the outcome of the last pregnancy:

- Single birth
- Surviving livebirth
- Stillbirth
- (at least 20 weeks)
- Neonatal death
- (within 20 days)
- Multiple birth
- Surviving livebirth only
- Stillbirth only
- Neonatal death only
- A combination
- Abortion
- (spontaneous)
- (induced)
- Outcome not known

3. Date of outcome of the last pregnancy: / /19..

**PART 3  
PARTICULARS RELATING TO THE PRESENT PREGNANCY**

1. Estimated period of gestation at outcome was .....completed weeks from first day of L.M.P.

2. First day of last menstrual period: / /19..

3. Approximate number of antenatal visits .....

4. Estimated month of gestation at first antenatal visit.....

5. Delivery:

Normal spontaneous

vertex

Other

Specify .....

6. Most senior attendant present at birth:

Specialist Obstetrician

General Practitioner

Registered Midwife

Resident Medical Officer

Registrar

Other

Specify .....

None

Not known

**PART 4  
PARTICULARS RELATING TO THE CHILD**

1. Names (if given) .....

2. Place of birth .....

3. Place of death .....

4. Sex:

Male

Female

Indeterminate

5. Birthweight.....grams

6. Date of birth: / /19..

7. Time of birth.....\*a.m./p.m.

- 8. Did heartbeat cease—**
- Before labour began?   
 If so, estimate how long before .....\*hours/days
- During labour and before delivery?   
 Before delivery ?  
 (but not known if before or during labour)   
 After delivery ?   
 If so, indicate the date / /19.. and time .....\*a.m./p.m.
- Not known whether before or after delivery
- 9. Did the child breathe spontaneously?**
- Yes   
 No   
 Not known

**PART 5  
CAUSE OF DEATH OF INFANT OR FOETUS**

(Complete all items as applicable)

1. Main disease/condition in foetus or infant leading to the death .....
2. Other disease(s) or condition(s) in foetus or infant .....
3. Main maternal disease or condition relating to the death .....
4. Other maternal disease(s) or condition(s) relating to the death .....
5. Other relevant information .....

**PART 6  
POST MORTEM STATUS**

1. Post-mortem confirmed the cause of death
2. Post mortem information may be available later
3. Post-mortem is not to be carried out

I certify that, to the best of my knowledge, the particulars set out in this form are true and correct in all respects.

Signed .....

Date: / /19..

Surname (in BLOCK letters): .....

Address: .....

Qualifications: .....

(\*Strike out whichever is not applicable)

**MEDICAL CERTIFICATE OF CAUSE OF DEATH**

Name of deceased .....  
 (Surname, in BLOCK letters) (Given names)  
 Age (as stated to me) .... years last birthday.  
 Sex: \*Male/Female  
 Died on the ....day of .....19..  
 Place of death .....  
 †Was the deceased of Aboriginal or Torres Strait Islander origin? \*YES/NO

(†This information is for statistical purposes only and will not be included on any official registration documents).

| CAUSE OF DEATH<br>(PLEASE USE BLOCK LETTERS AND DO NOT ABBREVIATE)  | Approximate<br>interval<br>between<br>onset and<br>death |
|---|--|
| <b>I.</b>   |  |
| <b>Direct cause</b>   |  |
| Disease or condition directly leading to death** .....  | (a) .....  |
| <b>Antecedent causes</b>  |  |
| Morbid conditions (if any) giving rise to the above cause, stating the underlying condition last .....  | (b) .....  |
| .....   | (c) .....  |
| .....   | .....  |
| <b>II.</b>  |  |
| <b>Other significant conditions contributing to the death, but not related to the disease or condition causing it</b>                             |  |
| .....   |  |
| .....   |  |
| (**This means the disease, injury or complication which caused death, NOT the mode of dying, for example, heart failure, asphyxia, asthenia etc.) |  |

I hereby certify that I:

- (a) was in medical attendance during the last illness of the abovenamed deceased; or
- (b) have made a *post mortem* examination of the body of the abovenamed deceased,

and that the particulars and cause of death above written are true to the best of my knowledge and belief.

Signed .....  
 Date: / /19..  
 Surname (in BLOCK letters): .....  
 Address: .....  
 Telephone (business hours): .....  
 (\*Strike out whichever is not applicable)



**NOTICE OF SIGNING OF MEDICAL CERTIFICATE OF CAUSE OF DEATH**

I give notice that I have this day signed a medical certificate of cause of \*death/perinatal death concerning the death of .....  
who died at .....  
on the .....day of .....19....

Signed .....  
Medical Practitioner

Surname of medical practitioner: .....  
Address: .....  
Date: / /19..

(\*Strike out whichever is not applicable)

Form 6  
*Births, Deaths and Marriages Registration Act 1966*

**CERTIFICATE OF UNDERTAKER OR OTHER PERSON CARRYING OUT DISPOSAL**

I, .....  
of .....  
hereby certify that on the .....day of .....19.....the body of .....  
late of .....  
who died at ..... on / /19..  
was \*buried/cremated/ ..... at .....  
Dated this .....day of .....19..

.....  
*Signature of undertaker or other person  
carrying out the burial, cremation  
or other disposal*

Countersigned:

.....  
*Clergyman or other person officiating  
at the burial, cremation or other disposal*

or:

.....  
*Witnesses present at the burial, cremation or other disposal*

(\*Strike out whichever is not applicable. If disposal was by other than burial or cremation, state the manner of disposal)

*Births, Deaths and Marriages Registration Act 1966*

**MAGISTRATES' COURT [CIVIL DIVISION] SOUTH AUSTRALIA**

TRIAL COURT  
Address:

ACTION No. of 19 .  
Phone No.

NOTICE OF APPEAL AGAINST THE REFUSAL OF THE PRINCIPAL  
REGISTRAR TO ENTER A NAME IN A REGISTER

I, .....  
(Print full name)  
of .....  
(address) (occupation)

hereby appeal to the Trial Court against the refusal of the Principal Registrar of Births, Deaths and Marriages pursuant to section 68a(1) of the *Births, Deaths and Marriages Registration Act 1966*—

\*to enter in the register of births the—  
\*forename of .....  
\*surname of .....  
of my child born at .....  
on the .... day of .....19..

\*to enter in the register of changes of name my—  
\*forename of .....  
\*surname of .....

(\*Strike out whichever is not applicable)

I received notice of the refusal from the principal registrar on the ....day of .....19....

NOTICE OF HEARING

To:  
The appellant  
The Principal Registrar of Births, Deaths and Marriages

The above appeal has been set down for hearing at the Trial Court on.....the.....day of.....19.. at  
.....a.m./p.m. You are entitled to be heard on the appeal either personally or by your counsel or solicitor.  
APPELLANT—If do not attend at the hearing either personally or by your counsel or solicitor your appeal  
may be dismissed and you could be ordered to the pay costs of the principal registrar.

I certify that I have served a copy of this notice on the parties.  
DATE

REGISTRAR  
TRIAL COURT

**SCHEDULE 3***Fees*

|   | \$    |
|---|-------|
| <b>1.</b> Search of the index of the births, deaths, marriages or changes of name register and issue of—                                  |       |
| (a) a certified copy under seal of any entry in the register . . . . .  | 26.00 |
| (b) an extract from any entry in the register . . . . .   | 26.00 |
| (c) a "no record" result—for each such search against one name in respect of a 10 year period . . . . .                                   | 26.00 |
| <b>2.</b> Priority fee for—   |       |
| (a) a certified copy of registration of any birth, death, marriage or change of name . . . . .  | 18.00 |
| (b) an extract of registration of any birth, death, marriage or change of name . . . . .  | 18.00 |
| <b>3.</b> Registration—   |       |
| (a) of birth after sixty days and within six months . . . . .   | 11.00 |
| (b) of birth or death after six months and within seven years . . . . .   | 18.00 |
| (c) of change of name . . . . .   | 26.00 |
| <b>4.</b> Correction of birth, death, marriage or change of name registration . . . . .   | 26.00 |
| <b>5.</b> Application under section 53(1) or (2) of the Act to register a change of name . . . . .  | 58.00 |
| <b>6.</b> Endorsing legitimation on registration of birth and re-registration of birth after three months from date of marriage . . . . . | 11.00 |

**APPENDIX**

**LEGISLATIVE HISTORY**

Schedule 3

|           |                                    |
|-----------|------------------------------------|
| Clause 1: | varied by 48, 1995, reg. 3(a)      |
| Clause 2: | varied by 48, 1995, reg. 3(b)      |
| Clause 3: | varied by 48, 1995, reg. 3(c), (d) |
| Clause 4: | varied by 48, 1995, reg. 3(e)      |
| Clause 5: | varied by 48, 1995, reg. 3(f)      |