

South Australia

Births, Deaths and Marriages Registration Regulations 2011

under the *Births, Deaths and Marriages Registration Act 1996*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Births, Deaths and Marriages Registration Regulations 2011*.

3—Interpretation

In these regulations—

Act means the *Births, Deaths and Marriages Registration Act 1996*;

court appointed guardian has the same meaning as in section 38A of the Act;

de facto relationship has the same meaning as in the *Family Law Act 1975* of the Commonwealth;

fertilisation procedure has the same meaning as in section 10A(1) of the *Family Relationships Act 1975*;

parent includes—

- (a) the mother and father of the child; and
- (b) the mother and co-parent of the child (within the meaning of the *Family Relationships Act 1975*); and
- (c) the parent of a child under an order under section 18 of the *Surrogacy Act 2019*;

place of a birth, marriage or death means—

- (a) where the birth, marriage or death (as the case may be) occurs at a place that has an address—that address;
- (b) where the birth, marriage or death (as the case may be) occurs at a place that does not have an address—a statement identifying the general location in which the birth, marriage or death occurred;

place at which a registered relationship was entered into means—

- (a) —
 - (i) if the registered relationship was entered into at a place in South Australia that has an address—that address; or
 - (ii) if the registered relationship was entered into at a place in South Australia that does not have an address—a statement identifying the general location in which the registered relationship was entered into; or
- (b) if the relationship is a corresponding law registered relationship (within the meaning of the *Relationships Register Act 2016*)—the name of the place in the jurisdiction in which the relationship was registered or otherwise formally recognised;

prescribed area has the same meaning as in section 8 of the *Burial and Cremation Act 2013*;

registered relationship has the same meaning as in the *Relationships Register Act 2016*.

Part 2—Registration of births

4—Particulars required in notification of birth

A notice of the birth of a child to be given under section 12(1) of the Act must include the following particulars:

- (a) whether the child was born alive;
- (b) the date and place of the birth;
- (c) the child's sex (if determined);
- (d) the name and usual residential address of the child's mother;
- (e) the name and business address of the doctor or midwife responsible for the professional care of the mother at the birth.

5—Information to be included in birth registration statement

A birth registration statement required to be lodged under section 14 of the Act in relation to the birth of a child must include the following information:

- (a) the period of gestation of the child (in weeks) and whether the child was born alive;
- (b) the date and place of the birth;
- (c) the child's sex (if determined);
- (d) the child's weight at birth (in grams);
- (e) if the child was born alive—the child's name¹;
- (ea) if the child was conceived as a result of a fertilisation procedure—
 - (i) the name (if known) of the biological parent who donated the semen or ovum resulting in the child's birth (the *donor*); and
 - (ii) the sex or gender identity (if known) of the donor; and
 - (iii) the donor's date of birth and place of birth (if known);
- (f) if the child was the product of a multiple birth—the total number of children born as a result of the multiple birth and the place in the order of birth occupied by the child;
- (g) the name of the child's mother and, if it is different to her current name, the mother's name at birth (or on adoption);
- (h) the date of birth (or age in years if the date of birth is not available), place of birth, occupation and usual residential address of the child's mother;
- (i) the name of the child's father and, if it is different to his current name, the father's name at birth (or on adoption);
- (j) the date of birth (or age in years if the date of birth is not available), place of birth, occupation and usual residential address of the child's father;

- (k) if the father or mother of the child was born overseas—his or her period of residence in Australia or, if he or she has had more than 1 period of residence in Australia, the aggregate of those periods;
- (l) if the child's parents are married or in a registered relationship—
 - (i) the date on which the marriage took place or the registered relationship commenced (as the case requires); and
 - (ii) the place at which the marriage occurred or the registered relationship was entered into (as the case requires);
- (m) the name, sex or gender identity and date of birth of each previous child of the child's mother and father;
- (n) the sex or gender identity and date of birth of each previous child of the child's mother and a person other than the child's father;
- (o) whether the child's mother is of Aboriginal or Torres Strait Islander descent (or both);
- (p) whether the child's father is of Aboriginal or Torres Strait Islander descent (or both);
- (q) the name and business address of the doctor or midwife responsible for the professional care of the mother at the birth.

Note—

- 1 In the case of a still-born child the birth registration statement may, but need not, state the name of the child—see section 21 of the Act.

6—Particulars of birth to be included in Register

An entry to be made in the Register under section 17(1) of the Act about the birth of a child must include the following particulars:

- (a) whether the child was born alive;
- (b) the date and place of the birth;
- (c) the child's sex (if determined);
- (d) if the child was born alive—the child's name¹;
- (da) if the child was conceived as a result of a fertilisation procedure—
 - (i) the name (if known) of the biological parent who donated the semen or ovum resulting in the child's birth (the *donor*); and
 - (ii) the sex or gender identity (if known) of the donor; and
 - (iii) the donor's date of birth and place of birth (if known);
- (e) the name of the child's mother and, if it is different to her current name, the mother's name at birth (or on adoption);
- (f) the date of birth (or age in years if the date of birth is not available), place of birth, occupation and usual residential address of the child's mother;
- (g) the name of the child's father and, if it is different to his current name, the father's name at birth (or on adoption);

- (h) the date of birth (or age in years if the date of birth is not available), place of birth, occupation and usual residential address of the child's father;
- (i) if the child's parents are married or in a registered relationship—
 - (i) the date on which the marriage took place or the registered relationship commenced (as the case requires); and
 - (ii) the place at which the marriage occurred or the registered relationship was entered into (as the case requires);
- (j) the name, sex or gender identity and date of birth of each previous child of the child's mother and father;
- (k) the name, usual residential address and relationship to the child of each person who signed the birth registration statement;
- (l) whether the child's mother is of Aboriginal or Torres Strait Islander descent (or both);
- (m) whether the child's father is of Aboriginal or Torres Strait Islander descent (or both).

Note—

- 1 In the case of a still-born child the birth registration statement may, but need not, state the name of the child—see section 21 of the Act.

Part 3—Registration of change of name**6A—Conferral of jurisdiction on South Australian Civil and Administrative Tribunal**

- (1) Pursuant to section 25A(9) of the Act, the South Australian Civil and Administrative Tribunal is conferred with jurisdiction to deal with matters consisting of the review of a decision of the Chief Executive under section 25A of the Act.
- (2) An application for review of a decision relating to a particular child may be made to the South Australian Civil and Administrative Tribunal by—
 - (a) a person who is a guardian of the child pursuant to an order of the Court under the *Children and Young People (Safety) Act 2017*; or
 - (b) a biological parent or co-parent (within the meaning of the *Family Relationships Act 1975*) of the child; or
 - (c) the child.
- (3) An application must be made within 28 days after the applicant receives notice of the relevant decision (or such longer period as the Tribunal may allow).

7—Particulars of change of name to be included in the Register

An entry to be made in the Register under section 28(1) of the Act about a person's change of name must include the following particulars:

- (a) the person's name immediately before registration of the change and any other name previously registered to the person;
- (b) the person's name following registration of the change;

- (c) the person's date and place of birth;
- (d) the person's sex or gender identity;
- (e) the date on which the entry was made.

Part 3A—Registration of change of sex or gender identity

7A—Recognised sex or gender identity

For the purposes of Part 4A of the Act, each of the following is a recognised sex or gender identity:

- (a) male;
- (b) female;
- (c) non-binary;
- (d) indeterminate/intersex/unspecified.

7B—Particulars of change of sex or gender identity to be included in the Register

An entry to be made in the Register under section 29L of the Act about a person's change of sex or gender identity must include the following particulars:

- (a) the person's name;
- (b) the person's sex or gender identity following registration of the change;
- (c) the person's date and place of birth;
- (d) the date on which the entry was made.

7C—Appropriate clinical treatment—prescribed period in relation to counselling

In accordance with section 29H(3) of the Act, for the purposes of determining whether or not clinical treatment constituted by counselling only is to be regarded as a sufficient amount of appropriate clinical treatment, the prescribed period may be comprised of—

- (a) at least 3 separate counselling sessions aggregating 135 minutes; or
- (b) counselling sessions occurring over a period of at least 6 months.

7D—Access to Register etc—prescribed persons and bodies

For the purposes of section 29M(2)(b)(v) of the Act, the following persons and bodies may be allowed access to information on, or the issue of an extract or certificate from, the Register showing a person's sex or gender identity before the registration of a change in sex or gender identity of that person:

- (a) the person's spouse or domestic partner;
- (b) a parent or guardian of the person;
- (c) an executor or administrator of the person's estate;
- (d) an officer or employee of any of the following bodies:

- (i) South Australia Police, or the police force of another State, or of a Territory;
 - (ii) the Australian Federal Police;
 - (iii) the Australian Crime Commission;
 - (iv) the office of the Director of Public Prosecutions of this State, or of the Commonwealth, or of another State, or of a Territory;
 - (v) the Independent Commissioner Against Corruption;
 - (vi) the Office for Public Integrity;
- (e) a legal practitioner authorised to access such information by the person, a child of the person or a person referred to in a preceding paragraph.

Part 4—Registration of deaths

8—Particulars required in notification by doctor

A notice of the death of a person to be given under section 36(1) of the Act must include the following particulars:

- (a) the deceased's name;
- (b) the deceased's date of birth;
- (c) the deceased's age at the deceased's last birthday;
- (d) the deceased's sex or gender identity (if known);
- (e) the date and place of death;
- (f) whether the deceased was of Aboriginal or Torres Strait Islander descent (or both).

9—Particulars required in notification by funeral director etc

A statement to be given under section 38(1) or (3) of the Act, relating to the disposal of human remains, must include the following information:

- (a) the deceased's date and place of birth;
- (b) the deceased's age at the deceased's last birthday;
- (c) the deceased's sex or gender identity (if known);
- (d) the date and place of death;
- (e) whether the deceased was of Aboriginal or Torres Strait Islander descent (or both);
- (f) if the deceased was of or over the age of 16 years, the following information:
 - (a) the deceased's marital status at the time of death;
 - (b) the deceased's registered relationship status at the time of death;
 - (c) whether, at the time of death, the deceased was in a de facto relationship;

- (g) in relation to each marriage of the deceased—the deceased's age at the date of the marriage and the name of the person that the deceased married;
- (ga) in relation to each registered relationship entered into by the deceased—the deceased's age at the commencement of the registered relationship and the name of the other person in the relationship;
- (gb) if, at the time of the deceased's death, the deceased was in a de facto relationship—the name of the other person in the relationship;
- (h) if the deceased was of or over the age of 15 years—the deceased's occupation and whether the deceased was retired at the date of death;
- (i) if the deceased was born overseas—the deceased's period of residence in Australia or, if the deceased had more than 1 period of residence in Australia, the aggregate of those periods;
- (j) the name, sex or gender identity and date of birth of each child of the deceased born prior to the death of the deceased;
- (k) the names of the deceased's parents and, if a parent's name is different to the parent's current name, the name of the parent at birth (or on adoption);
- (l) if the deceased was under the age of 15 years—the deceased's parents' occupations;
- (m) —
 - (i) if a doctor's certificate as to the cause of death was given under section 36(3) of the Act—the name and business address of the doctor;
 - (ii) if an authorisation for the disposal of human remains was issued under the *Coroners Act 2003*—the date of issue and the name of the person who issued it;
- (ma) if the deceased's remains were interred in a prescribed area outside a cemetery or natural burial ground—
 - (i) the address of the property where the deceased's remains were interred; and
 - (ii) the certificate of title reference for the property; and
 - (iii) the GPS coordinates of the interment site;
- (n) the name and address of the person who gives the Registrar the statement;
- (o) the name and address of any person who provides information used in the preparation of the statement and the relationship of any such person to the deceased.

10—Particulars of death to be included in Register

- (1) An entry to be made in the Register under section 39(1) of the Act about the death of a person must include the following particulars:
 - (a) the deceased's name and last residential address;
 - (b) the deceased's place of birth;

- (c) the deceased's date of birth;
- (d) the deceased's age at the deceased's last birthday;
- (e) the deceased's sex or gender identity (if known);
- (f) the date and place of death;
- (g) whether the deceased was of Aboriginal or Torres Strait Islander descent (or both);
- (h) if the deceased was of or over the age of 16 years, the following information:
 - (a) the deceased's marital status at the time of death;
 - (b) the deceased's registered relationship status at the time of death;
 - (c) whether, at the time of death, the deceased was in a de facto relationship;
- (i) in relation to each marriage of the deceased—the deceased's age at the date of the marriage and the name of the person that the deceased married;
- (ia) in relation to each registered relationship entered into by the deceased—the deceased's age at the commencement of the registered relationship and the name of the other person in the relationship;
- (ib) if, at the time of the deceased's death, the deceased was in a de facto relationship—the name of the other person in the relationship;
- (j) if the deceased was of or over the age of 15 years—the deceased's occupation;
- (k) if the deceased was born overseas—the deceased's period of residence in Australia or, if the deceased had more than 1 period of residence in Australia, the aggregate of those periods;
- (l) the name, sex or gender identity and date of birth of each child of the deceased born prior to the death of the deceased;
- (m) the names of the deceased's parents and, if a parent's name is different to the parent's current name, the name of the parent at birth (or on adoption);
- (n) the cause of death as certified by a doctor in accordance with section 36(3) of the Act and the length of time that the deceased had the illness or condition (if any) that caused the death;
- (o) the date and place of disposal of the deceased's remains;
- (p) the name and address of the person who gave the Registrar a statement under section 38 of the Act;
- (q) the name and address of any person who provided information used in the preparation of a statement given to the Registrar under section 38 and the relationship of any such person to the deceased;
- (r) if a court appointed guardian has given the Registrar a notice under section 38A of the Act—the name and address of the court appointed guardian.

- (2) If the deceased's remains were interred in a prescribed area outside a cemetery or natural burial ground, the entry to be made in the Register as to the place of disposal must include—
- (a) the address of the property where the deceased's remains were interred; and
 - (b) the certificate of title reference for the property; and
 - (c) the GPS coordinates of the interment site.

Part 5—Miscellaneous

11—Registrar's signature and seal

The production of a facsimile of the Registrar's signature and seal by computer is an authorised method for the purposes of section 10(1) of the Act.

12—Additional fees

The Registrar may charge a fee for providing a service relating to the registration of a registrable event for which a fee is not otherwise prescribed under the Act.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Births, Deaths and Marriages Registration Regulations 2011* revoked the following:

Births, Deaths and Marriages Registration Regulations 1996

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2011	205	<i>Gazette 25.8.2011 p3698</i>	1.9.2011: r 2
2012	100	<i>Gazette 31.5.2012 p2411</i>	1.7.2012: r 2
2013	88	<i>Gazette 6.6.2013 p2195</i>	1.7.2013: r 2
2014	6	<i>Gazette 16.1.2014 p174</i>	1.2.2014: r 2
2014	152	<i>Gazette 19.6.2014 p2694</i>	1.7.2014: r 2
2015	143	<i>Gazette 18.6.2015 p2768</i>	1.7.2015: r 2
2016	113	<i>Gazette 23.6.2016 p2301</i>	1.7.2016: r 2
2016	225	<i>Gazette 15.9.2016 p3742</i>	17.9.2016 except rr 5 & 6—23.9.2016: r 2
2017	60	<i>Gazette 23.5.2017 p1731</i>	23.5.2017: r 2
2017	128	<i>Gazette 22.6.2017 p2343</i>	1.7.2017: r 2
2017	214	<i>Gazette 1.8.2017 p3067</i>	25.8.2017: r 2
2017	357	<i>Gazette 19.12.2017 p5267</i>	22.10.2018: r 2
2018	139	<i>Gazette 21.6.2018 p2379</i>	1.7.2018: r 2
2018	175	<i>Gazette 28.6.2018 p2640</i>	5.7.2018: r 2
2019	76	<i>Gazette 13.6.2019 p1871</i>	1.7.2019: r 2
2020	94	<i>Gazette 4.6.2020 p2898</i>	1.7.2020: r 2
2020	213	<i>Gazette 18.6.2020 p3415</i>	1.9.2020: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2012</i>
r 3		
court appointed guardian	inserted by 225/2016 r 4	17.9.2016
de facto relationship	inserted by 214/2017 r 4(1)	25.8.2017
fertilisation procedure	inserted by 225/2016 r 4	17.9.2016
parent	inserted by 214/2017 r 4(2) varied by 213/2020 r 4	25.8.2017 1.9.2020
place	inserted by 214/2017 r 4(3)	25.8.2017
prescribed area	inserted by 6/2014 r 4	1.2.2014
registered relationship	inserted by 214/2017 r 4(4)	25.8.2017
Pt 2		
r 4	varied by 60/2017 r 4	23.5.2017
r 5	varied by 225/2016 r 5 varied by 60/2017 r 5(1)—(4) varied by 214/2017 r 5	23.9.2016 23.5.2017 25.8.2017
r 6	varied by 225/2016 r 6 varied by 60/2017 r 6(1)—(3) varied by 214/2017 r 6	23.9.2016 23.5.2017 25.8.2017
Pt 3		
r 6A	inserted by 357/2017 r 4	22.10.2018
r 7	varied by 60/2017 r 7	23.5.2017
Pt 3A	inserted by 60/2017 r 8	23.5.2017
Pt 4		
r 8	varied by 60/2017 r 9(1), (2)	23.5.2017
r 9	varied by 6/2014 r 5 varied by 60/2017 r 10(1)—(4) varied by 214/2017 r 7(1)—(3)	1.2.2014 23.5.2017 25.8.2017
r 10		
r 10(1)	r 10 redesignated as r 10(1) by 6/2014 r 6 varied by 225/2016 r 7 varied by 60/2017 r 11(1)—(4) varied by 214/2017 r 8(1)—(3)	1.2.2014 17.9.2016 23.5.2017 25.8.2017
r 10(2)	inserted by 6/2014 r 6	1.2.2014

<i>r 12 before substitution by 94/2020</i>		
<i>r 12(1)</i>	<i>r 12 redesignated as r 12(1) by 214/2017 r 9</i>	25.8.2017
<i>r 12(2)</i>	<i>inserted by 214/2017 r 9</i>	25.8.2017
<i>r 12</i>	<i>substituted by 94/2020 r 4</i>	1.7.2020
<i>Sch 1</i>	<i>substituted by 100/2012 r 4</i>	1.7.2012
	<i>substituted by 88/2013 r 4</i>	1.7.2013
	<i>substituted by 152/2014 r 4</i>	1.7.2014
	<i>substituted by 143/2015 r 4</i>	1.7.2015
	<i>substituted by 113/2016 r 4</i>	1.7.2016
	<i>varied by 60/2017 r 12</i>	23.5.2017
	<i>substituted by 128/2017 r 4</i>	1.7.2017
	<i>substituted by 139/2018 r 4</i>	1.7.2018
	<i>varied by 175/2018 r 4</i>	5.7.2018
	<i>substituted by 76/2019 r 4</i>	1.7.2019
	<i>deleted by 94/2020 r 5</i>	1.7.2020
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	1.7.2012

Historical versions

1.7.2012
 1.7.2013
 1.2.2014
 1.7.2014
 1.7.2015
 1.7.2016
 17.9.2016 (electronic only)
 23.9.2016
 23.5.2017
 1.7.2017
 25.8.2017
 1.7.2018 (electronic only)
 5.7.2018
 22.10.2018
 1.7.2019
 1.7.2020