

South Australia

**BIRTHS, DEATHS AND MARRIAGES REGISTRATION REGULATIONS
1996**

SUMMARY OF PROVISIONS

PART 1 PRELIMINARY

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

PART 2 REGISTRATION OF BIRTHS

5. Particulars required in notification of birth
6. Information to be included in birth registration statement
7. Particulars of birth to be included in the Register

PART 3 REGISTRATION OF CHANGE OF NAME

8. Particulars of change of name to be included in the Register

PART 4 REGISTRATION OF DEATHS

9. Particulars required in notification by doctor
10. Information to be included in notification by funeral director etc.
11. Particulars of death to be included in the Register

PART 5 MISCELLANEOUS

12. Registrar's signature and seal
13. Fees

SCHEDULE *Fees*

APPENDIX LEGISLATIVE HISTORY

**REGULATIONS UNDER THE BIRTHS, DEATHS AND MARRIAGES
REGISTRATION ACT 1996**

Births, Deaths and Marriages Registration Regulations 1996

being

No. 96 of 1996: *Gaz.* 30 May 1996, p. 2675¹

as varied by

No. 97 of 1996: *Gaz.* 30 May 1996, p. 2684²

No. 76 of 1997: *Gaz.* 13 May 1997, p. 1858³

No. 69 of 1998: *Gaz.* 28 May 1998, p. 2322⁴

No. 56 of 1999: *Gaz.* 27 May 1999, p. 2802⁵

No. 77 of 2000: *Gaz.* 25 May 2000, p. 2748⁶

No. 77 of 2001: *Gaz.* 31 May 2001, p. 2013⁷

- ¹ Came into operation 3 June 1996: reg. 2.
² Came into operation 1 July 1996: reg. 2.
³ Came into operation 1 July 1997: reg. 2.
⁴ Came into operation 1 July 1998: reg. 2.
⁵ Came into operation 1 July 1999: reg. 2.
⁶ Came into operation 1 July 2000: reg. 2.
⁷ **Came into operation 1 July 2001: reg. 2.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

2.

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Births, Deaths and Marriages Registration Regulations 1996*.

Commencement

2. These regulations will come into operation on the day on which the *Births, Deaths and Marriages Registration Act 1996* comes into operation.

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—

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

"**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.

**PART 2
REGISTRATION OF BIRTHS**

Particulars required in notification of birth

5. 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;
- (d) the name and usual residential address of the child's mother;
- (e) the name and usual residential address of the doctor or midwife responsible for the professional care of the mother at the birth.

Information to be included in birth registration statement

6. 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) whether the child was born alive and, if not, the period of gestation of the child (in weeks);
- (b) the date and place of the birth;
- (c) the child's sex;
- (d) the child's weight at birth (in grams);
- (e) if the child was born alive—the child's name¹;
- (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 number of those children born before this 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;

¹In 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.

4.

- (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 one period of residence in Australia, the aggregate of those periods;
- (l) if the child's mother and father are married—the date and place of the marriage;
- (m) the name, sex and date of birth of each previous child of the child's mother and father;
- (n) the sex 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 or father is of Aboriginal or Torres Strait Islander descent;
- (p) the name and usual residential address of the doctor or midwife responsible for the professional care of the mother at the birth.

Particulars of birth to be included in the Register

7. 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;
- (d) if the child was born alive—the child's name²;
- (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 mother and father are married—the date and place of the marriage;
- (j) the name, sex and date of birth of each previous child of the child's mother and father;

²In 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.

5.

- (k) the name, usual residential address and relationship to the child of each person who signed the birth registration statement.

6.

PART 3
REGISTRATION OF CHANGE OF NAME

Particulars of change of name to be included in the Register

8. 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;
- (b) the person's name following registration of the change;
- (c) the person's date and place of birth;
- (d) the person's sex;
- (e) the date on which the entry was made.

PART 4
REGISTRATION OF DEATHS

Particulars required in notification by doctor

9. 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 age at his or her last birthday;
- (c) the deceased's sex;
- (d) the date and place of death;
- (e) whether the deceased was of Aboriginal or Torres Straight Islander descent.

Information to be included in notification by funeral director etc.

10. 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 his or her last birthday;
- (c) the deceased's sex;
- (d) the date and place of death;
- (e) whether the deceased was of Aboriginal or Torres Straight Islander descent;
- (f) if the deceased was of or over the age of 14 years—his or her marital status at the time of death;
- (g) in relation to each marriage of the deceased—his or her age at the date of the marriage and the name of the person that he or she married;
- (h) if the deceased was of or over the age of 15 years—his or her occupation and whether the deceased was retired at the date of death;
- (i) if the deceased was born overseas—his or her period of residence in Australia or, if he or she had more than one period of residence in Australia, the aggregate of those periods;
- (j) the name, sex and date of birth of each child of the deceased;
- (k) the names of the deceased's father and mother and, if it is different to his or her current name, the father's or mother's name at birth (or on adoption);
- (l) if the deceased was under the age of 15 years—his or her parents' occupations;

8.

- (m) the name and address of the doctor who issued the certificate of cause of death under section 36(3) of the Act or the coroner who issued the authorisation for the disposal of human remains.

Particulars of death to be included in the Register

11. 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 age at his or her last birthday;
- (d) the deceased's sex;
- (e) the date and place of death;
- (f) if the deceased was of or over the age of 14 years—his or her marital status at the time of death;
- (g) in relation to each marriage of the deceased—his or her age at the date of the marriage and the name of the person that he or she married;
- (h) if the deceased was of or over the age of 15 years—his or her occupation;
- (i) if the deceased was born overseas—his or her period of residence in Australia or, if he or she had more than one period of residence in Australia, the aggregate of those periods;
- (j) the name, sex and date of birth of each child of the deceased;
- (k) the names of the deceased's father and mother and, if it is different to his or her current name, the father's or mother's name at birth (or on adoption);
- (l) the cause of death and the length of time that the deceased had the illness or condition (if any) that caused death;
- (m) the date and place of disposal of the deceased's remains;
- (n) the name and address of the person who gave the Registrar a statement relating to the disposal of the remains under section 38(1) of the Act.

9.

**PART 5
MISCELLANEOUS**

Registrar's signature and seal

12. 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.

Fees

13. The fees set out in the schedule are payable as specified in that schedule.

SCHEDULE
Fees

Item	Circumstances in which fee is payable	Fee
1.	Application to register change of adult's or child's name (s. 24 or 25 of Act)	\$103
2.	Application to register change of name under law of another State or by order of a court (s. 27(2) of Act)	\$31
3.	Application for correction of entry in Register (s. 42 of Act)	\$31
4.	Application for access to Register or provision of information extracted from Register (s. 43 of Act)	*By negotiation
5.	Application for search of entries made in Register about a particular registrable event within a 10 year period or part of a 10 year period (ss. 44 & 46 of Act)—	
	(a) inclusive of issue of standard certificate on completion of search	\$31
	(b) inclusive of issue of commemorative certificate package on completion of search	\$41
6.	Additional fee for giving priority to an application under item 5(a)	\$23
*	<i>The fee for an application under item 4 is to be fixed by negotiation between the Registrar and the person seeking the service.</i>	

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last consolidation)

Schedule: substituted by 97, 1996, reg. 3; 76, 1997, reg. 3; 69, 1998, reg. 3; 56, 1999, reg. 3; 77, 2000, reg. 3; **77, 2001, reg. 3**