

South Australia

# **Births, Deaths and Marriages Registration Regulations 2011**

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

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## **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;

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

*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;

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

## **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;
- (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;
- (d) the child's weight at birth (in grams);
- (e) if the child was born alive—the child's name<sup>1</sup>;
- (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 (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 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 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 the 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;
- (d) if the child was born alive—the child's name<sup>1</sup>;
- (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 (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 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;
- (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**

### **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;
- (e) the date on which the entry was made.

## **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 his or her last birthday;
- (d) the deceased's sex;

- (e) the date and place of death;
- (f) whether the deceased was of Aboriginal or Torres Strait Islander descent (or both).

### **9—Information to be included 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 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 Strait Islander descent (or both);
- (f) if the deceased was of or over the age of 16 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 1 period of residence in Australia, the aggregate of those periods;
- (j) the name, sex 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 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;
- (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 the 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 his or her last birthday;
  - (e) the deceased's sex;
  - (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—his or her marital status at the time of death;
  - (i) 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;
  - (j) if the deceased was of or over the age of 15 years—his or her occupation;
  - (k) if the deceased was born overseas—his or her period of residence in Australia or, if he or she had more than 1 period of residence in Australia, the aggregate of those periods;
  - (l) the name, sex 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 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);
  - (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—Fees

The fees set out in Schedule 1 are payable as specified in that Schedule.

## Schedule 1—Fees

1	Application to register change of adult's or child's name (section 24 or 25 of Act)	\$179.00
2	Application to register change of name under another law or by order of a court (section 27(2) of Act)	\$47.75
3	Application for correction of entry in Register (section 42 of Act)	\$47.75
4	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 (sections 44 and 46 of Act)—	
	(a) inclusive of issue of standard certificate on completion of search	\$47.75
	(b) inclusive of issue of commemorative certificate package on completion of search	\$67.00
5	Additional fee for giving priority to an application under clause 4(a)	\$36.25

## 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](http://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
<b>2016</b>	<b>225</b>	<b><i>Gazette 15.9.2016 p3742</i></b>	<b>17.9.2016 except rr 5 &amp; 6—23.9.2016: r 2</b>

### 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		
<b>court appointed guardian</b>	<b>inserted by 225/2016 r 4</b>	<b>17.9.2016</b>
<b>fertilisation procedure</b>	<b>inserted by 225/2016 r 4</b>	<b>17.9.2016</b>
prescribed area	inserted by 6/2014 r 4	1.2.2014
Pt 2		



<b>r 5</b>	<b>varied by 225/2016 r 5</b>	<b>23.9.2016</b>
<b>r 6</b>	<b>varied by 225/2016 r 6</b>	<b>23.9.2016</b>
Pt 4		
r 9	varied by 6/2014 r 5	1.2.2014
r 10		
r 10(1)	r 10 redesignated as r 10(1) by 6/2014 r 6	1.2.2014
	<b>varied by 225/2016 r 7</b>	<b>17.9.2016</b>
r 10(2)	inserted by 6/2014 r 6	1.2.2014
Sch 1	substituted by 100/2012 r 4	1.7.2012
	substituted by 88/2013 r 4	1.7.2013
	substituted by 152/2014 r 4	1.7.2014
	substituted by 143/2015 r 4	1.7.2015
	substituted by 113/2016 r 4	1.7.2016
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2012</i>

## 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)