

South Australia

# **Births, Deaths and Marriages Registration Regulations 1996**

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 1996*.

### **4—Interpretation**

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**

### **5—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 usual residential address of the doctor or midwife responsible for the professional care of the mother at the birth.

### **6—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) 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 name<sup>1</sup>;
- (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;

- (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.

**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.

## **7—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>;
- (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.

**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**

### **8—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;
- (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**

### **9—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 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.

### **10—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 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;
- (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 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.

### 11—Particulars of death to be included in the Register

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.

## **Part 5—Miscellaneous**

### **12—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.

### **13—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)	\$148.00
2	Application to register change of name under another law or by order of a court (section 27(2) of Act)	\$39.50
3	Application for correction of entry in Register (section 42 of Act)	\$39.50
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	\$39.50
	(b) inclusive of issue of commemorative certificate package on completion of search	\$55.00
5	Additional fee for giving priority to an application under clause 4(a)	\$30.50
6	Application for authorisation for disposal of human remains (section 50A of Act)	\$79.00

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- 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 1996* revoked the following:

*All regulations previously made under the Births, Deaths and Marriages Registration Act 1966*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1996	96	<i>Gazette 30.5.1996 p2675</i>	3.6.1996: r 2
1996	97	<i>Gazette 30.5.1996 p2684</i>	1.7.1996: r 2
1997	76	<i>Gazette 13.5.1997 p1858</i>	1.7.1997: r 2
1998	69	<i>Gazette 28.5.1998 p2322</i>	1.7.1998: r 2
1999	56	<i>Gazette 27.5.1999 p2802</i>	1.7.1999: r 2
2000	77	<i>Gazette 25.5.2000 p2748</i>	1.7.2000: r 2
2001	77	<i>Gazette 31.5.2001 p2013</i>	1.7.2001: r 2
2002	72	<i>Gazette 20.6.2002 p2555</i>	1.7.2002: r 2
2003	89	<i>Gazette 29.5.2003 p2237</i>	1.7.2003: r 2
2003	(33)	<i>Coroners Act 2003</i>	1.7.2005 ( <i>Gazette 23.6.2005 p1899</i> )
2004	61	<i>Gazette 27.5.2004 p1478</i>	1.7.2004: r 2
2005	109	<i>Gazette 26.5.2005 p1565</i>	1.7.2005: r 2
2006	154	<i>Gazette 15.6.2006 p1920</i>	1.7.2006: r 2
2006	192	<i>Gazette 20.7.2006 p2344</i>	24.7.2006: r 2
2007	102	<i>Gazette 7.6.2007 p2423</i>	1.7.2007: r 2
2008	105	<i>Gazette 5.6.2008 p2066</i>	1.7.2008: r 2
<b>2009</b>	<b>92</b>	<b><i>Gazette 4.6.2009 p2492</i></b>	<b>1.7.2009: r 2</b>
2010	140	<i>Gazette 10.6.2010 p2985</i>	1.7.2010: 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
<i>rr 2 and 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2004</i>
r 10	varied by 33/2003 Sch (cl 5)	1.7.2005
r 13	varied by 105/2008 r 4	1.7.2008
<i>Sch</i>	<i>substituted by 97/1996 r 3</i>	<i>1.7.1996</i>
	<i>substituted by 76/1997 r 3</i>	<i>1.7.1997</i>
	<i>substituted by 69/1998 r 3</i>	<i>1.7.1998</i>
	<i>substituted by 56/1999 r 3</i>	<i>1.7.1999</i>
	<i>substituted by 77/2000 r 3</i>	<i>1.7.2000</i>
	<i>substituted by 77/2001 r 3</i>	<i>1.7.2001</i>
	<i>substituted by 72/2002 r 3</i>	<i>1.7.2002</i>
	<i>substituted by 89/2003 r 4</i>	<i>1.7.2003</i>
	<i>substituted by 61/2004 r 4</i>	<i>1.7.2004</i>
	<i>substituted by 109/2005 r 4</i>	<i>1.7.2005</i>
	<i>substituted by 154/2006 r 4</i>	<i>1.7.2006</i>
	<i>varied by 192/2006 r 4</i>	<i>24.7.2006</i>
	<i>substituted by 102/2007 r 4</i>	<i>1.7.2007</i>
	<i>deleted by 105/2008 r 5</i>	<i>1.7.2008</i>
Sch 1	inserted by 105/2008 r 5	1.7.2008
	<b>substituted by 92/2009 r 4</b>	<b>1.7.2009</b>

## Historical versions

1.7.2004  
1.7.2005  
1.7.2006  
24.7.2006  
1.7.2007  
1.7.2008