

Registration of Births, Deaths, and Marriages (Amendment) Bill, 1933.

EXPLANATORY MEMORANDUM.

THE object of this Bill is to effect certain amendments in the law relating to the Registration of Births, Deaths and Marriages.

The more important of these amendments are designed—

- (a) to enable the particulars required for the registration of births and deaths to be obtained more readily;
- (b) to enable the Registrar-General or a District Registrar to refuse to supply information concerning any entry in a register which may be sought merely to satisfy idle curiosity or to be used for improper purposes;
- (c) to extend the time (subject to certain safeguards) within which a birth may be registered;
- (d) to amend the provisions relating to births and deaths at sea, as navigation law is now a Commonwealth matter;
- (e) to provide for the furnishing of medical certificates of the cause of death;
- (f) to subject the disposal of human bodies to certain safeguards;
- (g) to amend the provisions relating to the registration of ministers of religion as ministers for celebrating marriages, so as to obviate the possibility of a recurrence of recent trouble concerning one minister who obtained registration for one denomination to which the official head claimed he did not belong; and
- (h) to require the registration of still-births, adopting a resolution carried at a Conference of Health Authorities and Government Statisticians, Melbourne, 1928.

Department of Health, Education and Welfare
Administration (HHS)

REGULATIONS

Part 101 of Title 42 of the Code of Federal Regulations
relating to the Department of Health, Education and Welfare

Subpart 101.101 of Title 42 of the Code of Federal Regulations

(a) The purpose of this subpart is to establish the procedures for the

admission, continuation, and termination of the participation of

individuals in the program of the Department of Health, Education and

Welfare under the provisions of the Social Security Act, and to

provide for the determination of the eligibility of individuals for

the program of the Department of Health, Education and Welfare

under the provisions of the Social Security Act, and to provide for the

No. , 1933.

A BILL

To amend the Registration of Births, Deaths, and Marriages Act, 1899, in certain respects; and for purposes connected therewith.

[MR. L. O. MARTIN ;—6 *September*, 1933.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

1. (1) This Act may be cited as the “Registration of Short title. Births, Deaths, and Marriages (Amendment) Act, 1933,” and shall be read with the Registration of Births, Deaths, and Marriages Act, 1899, as amended by the
10 Registration of Births, Deaths, and Marriages (Amendment) Act, 1930.

(2) The Registration of Births, Deaths, and Marriages Act, 1899, as so amended, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Registration of Births, Deaths, and Marriages Act, 1899-1933. 5

Amendment of
Act No. 17, 1899.
Sec. 3.
(Interpreta-
tion.)

2. (1) The Principal Act is amended—

(a) by omitting from section three the definition “Parent” and by inserting in lieu thereof in the same section in appropriate positions 10 having regard to alphabetical sequence the following new definitions:—

“Parent” means, in the case of a legitimate child, the father, or, if he is dead or absent, the mother or guardian; and, in 15 the case of an illegitimate child, the mother.

“Prescribed” means prescribed by this Act or by any regulation made thereunder.

“Still-born child” means any child of seven 20 months gestation or over not born alive, and includes any child not born alive which measures at least fourteen inches, but does not include any child 25 which has actually breathed.

Sec. 8.
(District registrar to register.)

(b) by omitting from subsection two of section eight the words “every such book shall be paged” and by inserting in lieu thereof the words “all entries in any such book shall be numbered”; 30

New s. 9A.

(c) by inserting next after section nine the following new section:—

District registrars may require particulars to be furnished for purposes of registration.

9A. In case any particulars required for the purpose of registration of a birth or death are unknown to the person who by this Act is 35 required to inform the district registrar, or in case of default by that person in so informing, the district registrar may require any person whom he believes to be acquainted with the facts to furnish such particulars. 40

(d)

(d) by omitting paragraphs (a) (b) and (c) of sub-section one of section eleven and by inserting in lieu thereof the following new paragraphs:—

Sec. 11.
(General registry indexes.)

- 5 (a) a general index of all births in New South Wales registered in each year ;
- (b) a general index of all deaths in New South Wales registered in each year ;
- 10 (c) a general index of all marriages in New South Wales registered in each year ;
- (d) an index of all adoptions registered in pursuance of the rules of court made under the Child Welfare Act, 1923, as amended by subsequent Acts ;
- 15 (e) an index of all legitimations effected under the Legitimation Act, 1902 ;

(e) by omitting section twelve and by inserting in lieu thereof the following new section:—

Sec. 12.

12. Any person on payment of the fees prescribed under the Conveyancing Act, 1919-1932, and on furnishing a written memorandum setting out the particular entry which he desires to find or search for and the reason for which the search or a certified copy of such entry is required shall be entitled—

Searches and copies.

- 20 (a) at any time within the hours fixed for public business to require the Registrar-General or a district registrar to search in the indexes and also the several registers or books in which such entry may appear ; and
- 30 (b) to have a copy of that entry certified by the Registrar-General or district registrar as the case may be :

35 Provided, however, that if in the opinion of the Registrar-General or the district registrar the reason for which such search or certified copy is required is not sufficient the Registrar-General or the district registrar as the case may be may refuse to make the search and to furnish the certified copy.

40

(f)

Sec. 14.

Regulations.

(f) by omitting section fourteen and by inserting in lieu thereof the following new section:—

14. (1) The Registrar-General may with the approval of the Governor make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act and without limiting the generality of the foregoing power in particular in relation to the following matters—

(a) the management of the General Registry;

(b) the duties and powers of district registrars.

(2) The regulations may impose a penalty not exceeding *ten* pounds for any breach thereof.

(3) The regulations shall—

(a) after approval by the Governor be published in the Gazette;

(b) take effect from the date of publication or from a later date specified in the regulations; and

(c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Sec. 15.
(Fees.)

(g) (i) by omitting from subsection one of section fifteen the words “several fees specified in the Second Schedule hereto” and by inserting

inserting in lieu thereof the words "fees prescribed under the Conveyancing Act, 1919-1932";

5 (ii) by omitting from subsection two of the same section the figures "1898" and by inserting in lieu thereof the figures "1902";

(h) by omitting section sixteen and by inserting Sec. 16. in lieu thereof the following new section:—

10 16. (1) No alteration shall be made in any Correction of errors. entry in the register of a birth, marriage, or death, except in accordance with this section.

15 (2) Any clerical error which may from time to time be discovered in any entry in the register may be corrected by the Registrar-General or by a district registrar by ruling through the erroneous particulars in such manner that the whole of such particulars are readily legible, and by writing thereover the 20 correct particulars followed by his initials and the date.

(3) An error of fact or substance may, on such evidence as appears to him to be sufficient, be corrected—

25 (a) by the Registrar-General in his register or in the copy of entry kept in the General Registry by making, signing, and dating an entry in the margin containing the correct particulars, and when 30 such correction has been made by him in a copy of an entry, the Registrar-General shall direct the district registrar who has custody of the register in which the original entry was made to make, sign, and date a similar correction in that entry, and the district registrar shall carry out such direction; or

35 (b) in like manner by the district registrar having custody of the register containing the

the entry to be corrected, and when such correction has been made, the district registrar shall furnish a copy of the marginal entry made by him and particulars sufficient to identify the entry corrected to the Registrar-General, who shall make a similar correction in his register. 5

(4) Any person furnishing evidence for the purpose of correcting an entry may be required by the Registrar-General or district registrar to sign the entry in the margin referred to in subsection three of this section. 10

(5) Every certified copy of an entry corrected in accordance with subsection two of this section shall omit the erroneous particulars, and every certified copy of an entry corrected in accordance with subsection three of this section shall include the matter contained in that entry and the entry in the margin. 15 20

(2) Regulations made by the Registrar-General in force at the commencement of this Act shall continue in force until repealed by regulations made after such commencement.

3. The Principal Act is further amended— 25

Further amendment of Act No. 17, 1899.

Sec. 18 (2).
Certificates
(and fees.)

(a) by omitting from subsection two of section eighteen the words "authorised by section fifteen of this Act and the Second Schedule hereto" and by inserting in lieu thereof the words "prescribed pursuant to section fifteen of this Act"; 30

Sec. 19
(Notice of births.)

(b) by omitting from section nineteen the word "parent" and by inserting in lieu thereof the words "father of the child, and in default of the father, the mother, and in default of both father and mother, the occupier of the house in which to his knowledge the child is born, and in default of the father, mother, and occupier, any person present at the birth"; 35

(c)

(c) by inserting next after section nineteen the following new sections :— New ss. 19A, 19B.

5 19A. The birth of every still-born child shall, within twenty-one days after the birth, be registered in both the register of births and the register of deaths, and for all the purposes of this Act the child shall be deemed to have been born alive and to have subsequently died. Birth and death of still-born children to be registered.

10 19B. (1) In the case of an illegitimate child no person shall as father of such child be required to give information under this Act concerning the birth of such child, and the district registrar shall not enter in the register the name of any person as father of such child unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother. Saving for father of illegitimate child.

(2) The registration of the birth of an illegitimate child shall not include any reference to a subsisting marriage of that child's mother.

25 (d) (i) by omitting subsection one of section twenty-two and by inserting in lieu thereof the following new subsection :— Sec. 22. (Further limit of time.)

(1) No birth shall be registered after the expiration of six months—

30 (a) following the date of such birth if it occurred in New South Wales; or

(b) after the arrival in New South Wales of the child if born at sea or out of New South Wales,

35 except on the written authority of the Registrar-General in the case of a child not over the age of seven years, and in any other case on production of an order by a judge of the Supreme Court or of a district court.

(ii)

(ii) by inserting at the beginning of subsection two of the same section the words "Any entry made in pursuance of this section shall set out that it is made by the written authority of the Registrar-General or in pursuance of an order of a judge of the Supreme Court or of a district court, as the case may be, and";

Sec. 23.
(Name given after registration of birth.)

(e) (i) by omitting from subsection one of section twenty-three the words "shall within ten days" and by inserting in lieu thereof the word "may";

(ii) by omitting from the same subsection the words "according to" and by inserting in lieu thereof the words "in or to the effect of";

Sec. 24.

(f) by omitting section twenty-four and by inserting in lieu thereof the following new section:—

Registration of births at sea.

24. Upon receipt from the master or commander of any vessel of information of any birth on such vessel while at sea on its latest voyage to a port in New South Wales, a district registrar shall forward such information to the Registrar-General, and the Registrar-General upon receipt of such information, whether from the master or commander of a vessel or from a district registrar, shall record the birth in his register.

Further amendment of Act No. 17, 1899.

New s. 27A.

Registrar-General to furnish medical practitioners with certificates of cause of death.

4. The Principal Act is further amended— 30

(a) by inserting next after section twenty-seven the following new section:—

27A. (1) The Registrar-General shall, from time to time, on application therefor furnish to every legally qualified medical practitioner printed forms of certificates of cause of death.

(2) In the case of the death of any person who has been attended during his last illness

illness by a legally qualified medical practitioner such medical practitioner shall—

- 5
- (a) sign and deliver or forward forthwith to the district registrar a certificate in or to the effect of the form in the Ninth Schedule to this Act stating the cause of death; and
- 10
- (b) deliver to the tenant of the house or place in which the death occurred a notice in writing in or to the effect of the form in the Tenth Schedule to this Act of the signing of the certificate; and
- 15
- (c) in all cases of sudden death, or where, in the opinion of the medical practitioner, the death has occurred under any circumstances of suspicion, forthwith report the case to the coroner.

20

(3) In the case of the death of any person who has not been attended during his last illness by a legally qualified medical practitioner, a legally qualified medical practitioner who has viewed the body after death shall, if he is satisfied that the death was due to natural causes, sign and deliver or forward to the district registrar a certificate in or to the effect of the form in the Eleventh Schedule to this Act, and on signing and delivering or forwarding such certificate shall deliver to the tenant of the house or place where the death occurred a notice in writing in or to the effect of the form in the Tenth Schedule to this Act.

25

30

(b) by omitting section twenty-eight and by inserting in lieu thereof the following new section:—

Sec. 28.

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28. Upon receipt from the master or commander of any vessel of information of any death on such vessel while at sea on its latest voyage to a port in New South Wales, a district registrar shall forward such information

to

to the Registrar-General, and the Registrar-General upon receipt of such information, whether from the commander of the vessel or from a district registrar, shall record the death in his register. 5

Sec. 29 (2).
(Inquests,)

- (c) by inserting at the end of subsection two of section twenty-nine the following words and proviso: "or if the death has been previously registered shall add to or correct the entry, as the case may require: 10

"Provided that no such notification shall include anything incriminating any specified person, and that any entry already made which includes any such thing may, if the person has been acquitted of the crime, be 15 amended by striking out the words incriminating such person."

Sec. 30.
(Certificates of deaths and burials.)

- (d) (i) by omitting from subsection one of section thirty the words "to the undertaker or other person having charge of the 20 funeral" and by inserting in lieu thereof the words "to the person giving information of the death";
- (ii) by inserting at the end of the same subsection the words "and such person shall 25 deliver the certificate to the undertaker or other person having charge of the funeral";
- (iii) by inserting at the end of subsection two of the same section the words "or in a case where the dead body is to be cremated to 30 the medical referee by whom the cremation is to be allowed";
- (iv) by inserting in subsection three of the same section after the word "buried" the words "cremated or otherwise disposed of"; 35
- (v) by inserting in the same subsection after the words "the same" the words "allows cremation";

(e)

(e) by inserting next after section thirty the following new section :—

5 30A. (1) A person shall not bury any dead body or cause any dead body to be buried unless there is produced to him—

Prohibition of disposal except on registrar's certificate or coroner's order.

(a) the certificate referred to in subsection one of section thirty of this Act; or

10 (b) an order by a coroner or magistrate for the burial in or to the effect of the form in the Seventh Schedule.

(2) Nothing in this section shall prevent the burial of the body of a person whose death did not occur within a city, town, or village, or within ten miles of the residence or office of a coroner, magistrate, or a district registrar, but in any such case the person who buries the body shall forthwith report the facts to the officer in charge of the nearest police station.

20 (f) by omitting section thirty-one and by inserting in lieu thereof the following section :—

25 31. (1) The Registrar-General upon a requisition in that behalf may register as a minister for celebrating marriages within New South Wales any minister of religion ordinarily officiating as such.

Registration of minister of religion.

30 The registration may be made without fee or reward in a register book kept for the purpose and where made shall comprise the particulars specified in subsection two of this section.

35 (2) The requisition shall be in writing and shall specify the full name, religious denomination, designation, and residence of the minister.

(3) The requisition shall be made by the minister and supported by evidence to the satisfaction of the Registrar-General as to the matters stated in the requisition.

(g)

- Sec. 32. (g) by omitting section thirty-two and by inserting in lieu thereof the following section:—
- Change of residence, &c.
32. (1) Whenever any minister so registered ceases to be designated by the name or description appearing in the register book, or changes his address, he shall within three months thereafter cause his name, designation, and new residence to be registered anew with the Registrar-General. 5
- (2) If a minister fails to comply with the provisions of subsection one of this section the Registrar-General may in the manner prescribed, cancel his registration, and thereupon he shall be deemed not to be registered within the meaning of the Marriage Act, 1899. 15
- Sec. 34. (h) (i) by omitting subsection two of section thirty-four; (ii) by omitting from subsection four of the same section the following words: "or resides in another district than the one within which he was last registered as residing"; 20
- (Annual list of names.)
- Sec. 37. (i) by omitting from section thirty-seven the words "shall forfeit a sum not exceeding ten pounds" and by inserting in lieu thereof— 25
- (Offences.)
- (c) contravenes any provisions of this Act, shall be liable to a penalty not exceeding twenty pounds.
- (j) by omitting the Second Schedule; 30
- (k) by omitting the Fourth Schedule; 30
- (l) by omitting the Fifth Schedule; 30
- (m) by omitting the Eighth Schedule and by inserting in lieu thereof the following new Schedule:—
- Eighth Schedule.
- EIGHTH SCHEDULE. 35
- Sec. 30 (5). I A.B. of _____ undertaker do hereby certify that the body of C.D. was on the _____ day of _____ 19 _____ duly { buried by me } at _____ in the presence of the undersigned. 40
Witness

Witness our hands this _____ day of _____, 19 ____ .
 (Signed) A.B. Undertaker*

We were present at the above burial (or cremation).
 Signature _____ Address† _____ Occupation.
 Signature _____ Address† _____ Occupation.

5

* If working for an employer give name of employer.
 The undertaker signing the certificate must be the person who
 conducted the funeral and not his employer.
 † The address should be the full address.
 The witnesses must be persons who were present at the funeral.

10

(n) by inserting next after the Eighth Schedule
 the following new Schedules :—

NINTH SCHEDULE.

(Front of Form.)

Registrar to enter No.
 of Death Entry.

Sec. 27A.

MEDICAL CERTIFICATE OF CAUSE OF DEATH.

15

(For use only by a legally qualified medical practitioner who has been
 in attendance during the deceased's last illness, and to be delivered or
 forwarded by him to the District Registrar of Births, Deaths, and
 Marriages direct.)

20

Name of deceased _____
 Date of death as stated to me _____ day of _____, 19 ____ .
 Age as stated to me _____
 Place of death _____
 Last seen alive by me _____ day of _____, 19 ____ . Seen*
 Not seen* after
 25 death by me.

Post-mortem held* _____
 not held* _____

25

Cause of Death.	Duration of Disease.		
	Years.	Months.	Days.
I.			
30 Immediate cause†	
Morbid conditions, if any, giving (a)	...		
rise to immediate cause (stated	...		
in order proceeding backwards (b)	...		
from immediate cause)	...		
35 (c)	...		
II.			
Other morbid conditions (if im-			
portant) contributing to death			
but not related to immediate			
40 cause	

Registration of Births, Deaths, and Marriages (Amendment).

I hereby certify that I was in medical attendance during the above-named deceased's last illness, and that the particulars and cause of death above written are true to the best of my knowledge and belief.

Signature
Residence

Date 5

* Strike out whichever is inapplicable.
† This means the disease, injury, or complication which caused death, not the mode of dying, as, e.g., heart failure, asphyxia, asthenia, &c.

(Back of Form.)

(Fill up where applicable.)

(Fill up where applicable.) 10

A.

I have reported this case to the Coroner.

(Initials of Certifying Medical Practitioner.)

B.

I may be in a position later to give, on application by the Registrar-General, additional information as to cause of death for the purpose of more precise statistical classification.

(Initials of Certifying Medical Practitioner.)

15
20

Sec. 27A.

TENTH SCHEDULE.

NOTICE OF SIGNING OF MEDICAL CERTIFICATE OF CAUSE OF DEATH.

I hereby give notice that I have this day signed a Medical Certificate of the Cause of Death of (name and address) deceased, who died at (place) on (date). 25

Medical Practitioner.

Address
Date

30

Sec 27A (8).

ELEVENTH SCHEDULE.

(Front Form.)

Registrar to enter No. of Death Entry.
.....

MEDICAL CERTIFICATE OF CAUSE OF DEATH.

(For use only by a legally qualified medical practitioner who has viewed the body of the deceased after death, and to be delivered or forwarded by him to the District Registrar of Births, Deaths, and Marriages direct.) 35

Name of deceased

Date of death as stated to me day of , 19 .

Age as stated to me

Place 40

Sec. 1.
(Revision.)

- (o) (i) by omitting from section one the figures "30" and by inserting in lieu thereof the figures and letter "30A";
- (ii) by omitting from the same section the figures "36" and by inserting in lieu thereof the figures and letter "36A."

Sydney: Alfred James Kent, I.S.O., Government Printer—1933.

[1s. 1d.]