

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 9 September, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to provide for the appointment of a Principal Registrar of Births, Deaths and Marriages; to transfer to that person the exercise and performance of the powers, authorities, duties and functions of the Registrar-General under the Registration of Births, Deaths and Marriages Act, 1973; for these and other purposes to amend that Act and certain other Acts; and for purposes connected therewith.

BE

Registration of Births, Deaths and Marriages (Amendment).

5 **B**E it enacted by the Queen'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 the same, as follows:—

1. This Act may be cited as the "Registration of Births, Deaths and Marriages (Amendment) Act, 1975".

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

15 3. The Registration of Births, Deaths and Marriages Act, 1973, is, in this Act, referred to as the Principal Act. Principal
Act.

4. The Principal Act is amended— Amendment
of Act No.
87, 1973.

(a) by omitting from the matter relating to Part II in section 3 the matter "ss. 5-10" and by inserting instead the matter "ss. 4A-10"; Sec. 3.
(Division
of Act.)

20 (b) (i) by inserting after the definition of "death" in section 4 (1) the following definition :— Sec. 4.
(Inter-
pretation.)

"Deputy Principal Registrar" means a Deputy Principal Registrar of Births, Deaths and Marriages appointed under section 4B;

25

(ii)

Registration of Births, Deaths and Marriages (Amendment).

(ii) by inserting after the definition of "prescribed legitimation information" in section 4 (1) the following definition :—

5 "Principal Registrar" means the Principal Registrar of Births, Deaths and Marriages appointed under section 4A;

(c) by inserting before section 5 the following Secs. 4A-4D.
sections :—

10 4A. The Governor may, under and subject to the Public Service Act, 1902, appoint a person to be Principal Registrar of Births, Deaths and Marriages. Principal Registrar.

15 4B. (1) The Governor may, under and subject to the Public Service Act, 1902, appoint such number of persons as he thinks necessary to be Deputy Principal Registrars of Births, Deaths and Marriages. Deputy Principal Registrars.

20 (2) A person holding office or acting as Deputy Principal Registrar may exercise and perform the same powers, authorities, duties and functions as are conferred and imposed on the Principal Registrar by or under this or any other Act, and any such power, authority, duty or function exercised or performed by a person so
25 holding office or acting shall be deemed to have been exercised or performed by the Principal Registrar.

30 4C. (1) The Principal Registrar shall have a seal of office which bears an impression of the Arms of the State of New South Wales and the words "New South Wales" and which bears in the margin thereof the words "Principal Registrar of Births, Deaths and Marriages". Seal of office.

(2)

Registration of Births, Deaths and Marriages (Amendment).

5 (2) Where the Principal Registrar or a Deputy Principal Registrar, acting or purporting to act under the authority of this or any other Act, issues, signs or makes any instrument, document or writing, the instrument, document or writing is not invalid by reason of any informality in the manner or time of affixing, impressing or printing the seal of the Principal Registrar thereon, or of the omission to affix, impress or print the seal thereon.

10 (3) All courts and persons acting judicially—

15 (a) shall take judicial notice of the seal of the Principal Registrar that has been affixed to any instrument, document or writing; and

(b) shall, until the contrary is proved, presume that the seal was properly affixed.

20 4D. (1) A statutory declaration may be made before the Principal Registrar or a Deputy Principal Registrar. Statutory declarations.

(2) A statutory declaration made under subsection (1) shall have the same effect as if made before a justice.

25 5. Each provision of the Principal Act specified in Column 1 of Schedule 1 is amended in the manner set forth opposite that provision in Column 2 of Schedule 1. Further amendment of Act No. 87, 1973.

30 6. Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2. Amendment of Acts other than Principal Act.

7. Schedule 3 has effect.

SCHEDULE Savings, transitional and other provisions.

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENT OF THE PRINCIPAL ACT.

	Column 1.	Column 2.
5	Provision of Principal Act.	Amendment.
10	Sections 4 (1), 4 (2) (a), 5 (1), 5 (2), 5 (4), 5 (8), 6, 7 (1), 7 (4), 7 (5), 8, 9 (1), 10 (1), 11 (1), 11 (2), 11 (3), 12 (6), 13 (1), 13 (4), 14 (3) (b), 14 (5), 14 (7), 15, 16 (1), 16 (2), 21, 22 (1), 22 (2), 22 (3), 22 (4), 22 (5), 26 (1), 26 (2), 29 (2), 29 (3), 29 (4), 29 (5), 30, 31 (1) (a), 31 (1) (b), 32 (1), 32 (2), 33 (1), 34 (1), 34 (2), 35 (3), 35 (5), 35 (6) (a), 36 (1), 37 (1), 38 (1), 39 (1), 40 (b), 41 (1), 41 (2), 41 (3), 42 (1), 43 (1), 43 (2), 44 (1), 44 (2), 45 (1), 45 (2), 46 (1), 46 (2) (a), 46 (2) (b), 48 (1) (b), 48 (1) (c), 48 (2), 48 (3), 51 (1), 53, 54 (1), 55, 56, 59 (2), 60 and 61 (1) (b).	Omit "Registrar-General" wherever occurring, insert instead "Principal Registrar".
	Section 48 (1) (a) ..	After "Registrar-General" insert "and have come into the custody of the Principal Registrar".
35	Section 54 (3) ..	Omit "Registrar-General" where firstly occurring, insert instead "Principal Registrar". Omit "Department of the Registrar-General", insert instead "office of the Principal Registrar".
40	Section 61 (1) (a) ..	Omit "Registrar-General in so far as those offices are concerned with the execution or intended execution of this Act", insert instead "Principal Registrar".
	Clause 2 (3) of Schedule 3.	Omit "Registrar-General", insert instead "Principal Registrar".
45	Clause 2 (4) of Schedule 3.	Omit "Registrar-General" where secondly occurring, insert instead "Principal Registrar".
	Clause 7 (2) of Schedule 3.	Omit the subclause.
50	Clause 13 (2) (d) of Schedule 3.	Omit "Registrar-General", insert instead "Principal Registrar".
	Clause 15 of Schedule 3	Omit the clause.

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 2.

Sec. 6.

AMENDMENT OF ACTS OTHER THAN PRINCIPAL ACT.

Column 1.		Column 2.	
5	Year and No. of Act.	Short title of Act.	Amendment.
10	1898, No. 11..	Evidence Act, 1898.	Section 30 (1) (a)— Omit "Registrar-General or any deputy or district registrar", insert instead "Principal Registrar of Births, Deaths and Marriages or any local registrar".
15			Section 30 (1) (b)— Omit "Registrar-General or deputy or district registrar", insert instead "Principal Registrar or local registrar".
20	1912, No. 41..	Parliamentary Electorates and Elections Act, 1912.	Section 30 (3)— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".
25	1912, No. 46..	Friendly Societies Act, 1912.	Section 41 (1)— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".
30	1919, No. 6..	Conveyancing Act, 1919.	Section 116— Omit the section. Section 117 (4)— Omit the subsection.
35			Section 202 (1)— Omit "and the Registration of Births, Deaths and Marriages Act, 1973" wherever occurring.
40	1965, No. 23..	Adoption of Children Act, 1965.	Section 202 (3)— Omit "and the Registration of Births, Deaths and Marriages Act, 1973, and the regulations made thereunder".
			Section 61— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".
			Section 63— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 3.

Sec. 7.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule, "appointed day" means the day appointed and notified under section 2 (2). Definition of appointed day.

2. A reference in any Act enacted before the appointed day, other than this Act or the Principal Act, or in any instrument under an Act which took effect before that day, to the Registrar-General shall, where that reference appears in a provision dealing with the registration of births, still-births, deaths, marriages, adoptions or legitimations, be construed as a reference to the Principal Registrar. References to Registrar-General in other Acts, etc.

3. Upon the appointed day— Transfer of registers, etc., to Principal Registrar.
 - (a) the registers and indexes which before that day were established and kept by the Registrar-General under section 9 of the Principal Act; and
 - (b) the prescribed records referred to in section 48 (1) of the Principal Act which immediately before that day were in the custody of the Registrar-General,

shall be transferred to the Principal Registrar.

4. Except to the extent that the Principal Registrar otherwise directs, a form that, immediately before the appointed day, was authorised for use for certain purposes under the Principal Act shall be deemed to be approved by the Principal Registrar for the like purposes under the Principal Act, as amended by this Act. Approved forms.

Registration of Births, Deaths and Marriages (Amendment).

5. (1) A person holding office as a local registrar or deputy local registrar for a city, town, suburb or other place under section 5 (1) of the Principal Act immediately before the appointed day shall be deemed to have been appointed to be a local registrar or deputy local registrar, as the case may be, for that city, town, suburb or place by the Principal Registrar under section 5 (1) of the Principal Act, as amended by this Act.

(2) The appointment of the holder of an office or position at a city, town, suburb or other place as a local registrar or deputy local registrar for that city, town, suburb or place under section 5 (2) of the Principal Act, in force immediately before the appointed day, shall be deemed to be an appointment made by the Principal Registrar under section 5 (2) of the Principal Act, as amended by this Act.

6. Except to the extent that the Principal Registrar otherwise directs, a direction given by the Registrar-General under section 6 or 10 of the Principal Act and in force immediately before the appointed day shall be deemed to be a direction given by the Principal Registrar under section 6 or 10, as the case may be, of the Principal Act, as amended by this Act.

7. A delegation made by the Registrar-General under section 7 of the Principal Act and in force immediately before the appointed day shall be deemed to have been made by the Principal Registrar under section 7 of the Principal Act, as amended by this Act.

8. A seal of office caused to be made by the Registrar-General for use by a local registrar under section 8 of the Principal Act before the appointed day shall be deemed to have been caused to be made by the Principal Registrar for use by that local registrar under section 8 of the Principal Act, as amended by this Act.

Registration of Births, Deaths and Marriages (Amendment).

9. The registers and indexes—

Registers.

- 5 (a) deemed to have been established under section 9 of the Principal Act by the Registrar-General by virtue of clause 1 of Schedule 3 of the Principal Act; or
- (b) established under section 9 of the Principal Act by the Registrar-General after the commencement of that Act,

shall be deemed to be established by the Principal Registrar
10 under section 9 of the Principal Act, as amended by this Act.

10. Particulars of or information relating to births, still-
births, deaths, marriages and adoptions and any prescribed
legitimation information furnished to the Registrar-General
before the appointed day for the purposes of the Principal
15 Act shall be deemed to have been furnished to the Principal
Registrar for like purposes under the Principal Act, as
amended by this Act.

Particulars
and inform-
ation furn-
ished before
commence-
ment of
this Act.

11. The protection from liability conferred on the Crown,
the Minister, the Registrar-General or any other person under
20 section 56 of the Principal Act shall, notwithstanding the
amendment made to that section by this Act, continue to
apply to any act, matter or thing done or omitted to be done
by the Registrar-General before the appointed day bona fide
for the purpose of executing the Principal Act.

Protection
from
liability.

- 25 12. Where facts constituting an offence against the
Principal Act came to the knowledge of the Registrar-General
at any time before the appointed day, the Principal Registrar
shall be deemed to have had knowledge of those facts from
that time for the purposes of section 59 (2) of the Principal
30 Act, as amended by this Act.

Proceedings
for offences.

Registration of Births, Deaths and Marriages (Amendment).

13. A copy of a register or of an entry in a register certified under the hand of the Registrar-General under section 30 (1) (a) of the Evidence Act, 1898, before the appointed day, or a certificate under the hand of the Registrar-General issued under section 30 (1) (b) or 30 (3) of that Act before the appointed day shall be deemed to have been certified or issued by the Principal Registrar under section 30 (1) (a), (1) (b) or (3), as the case may be, of the Evidence Act, 1898, as amended by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[16c]

No. , 1975.

A BILL

To provide for the appointment of a Principal Registrar of Births, Deaths and Marriages; to transfer to that person the exercise and performance of the powers, authorities, duties and functions of the Registrar-General under the Registration of Births, Deaths and Marriages Act, 1973; for these and other purposes to amend that Act and certain other Acts; and for purposes connected therewith.

[MR WADDY—21 *August*, 1975.]

BE

Registration of Births, Deaths and Marriages (Amendment).

5 **BE** it enacted by the Queen'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 the same, as follows:—

1. This Act may be cited as the "Registration of Births, Deaths and Marriages (Amendment) Act, 1975".

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Registration of Births, Deaths and Marriages Act, 15 1973, is, in this Act, referred to as the Principal Act. Principal
Act.

4. The Principal Act is amended— Amendment
of Act No.
87, 1973.

(a) by omitting from the matter relating to Part II in section 3 the matter "ss. 5-10" and by inserting instead the matter "ss. 4A-10"; Sec. 3.
(Division
of Act.)

20 (b) (i) by inserting after the definition of "death" in section 4 (1) the following definition :— Sec. 4.
(Inter-
pretation.)

"Deputy Principal Registrar" means a Deputy Principal Registrar of Births, Deaths and Marriages appointed under section 4B;

25

(ii)

Registration of Births, Deaths and Marriages (Amendment).

(ii) by inserting after the definition of "prescribed legitimation information" in section 4 (1) the following definition :—

5 "Principal Registrar" means the Principal Registrar of Births, Deaths and Marriages appointed under section 4A;

(c) by inserting before section 5 the following Secs. 4A–4D.
sections :—

10 4A. The Governor may, under and subject to Principal Registrar.
the Public Service Act, 1902, appoint a person to be Principal Registrar of Births, Deaths and Marriages.

15 4B. (1) The Governor may, under and subject Deputy Principal Registrars.
to the Public Service Act, 1902, appoint such number of persons as he thinks necessary to be Deputy Principal Registrars of Births, Deaths and Marriages.

20 (2) A person holding office or acting as Deputy Principal Registrar may exercise and perform the same powers, authorities, duties and functions as are conferred and imposed on the Principal Registrar by or under this or any other Act, and any such power, authority, duty or
25 function exercised or performed by a person so holding office or acting shall be deemed to have been exercised or performed by the Principal Registrar.

30 4C. (1) The Principal Registrar shall have a Seal of
seal of office which bears an impression of the Arms of the State of New South Wales and the words "New South Wales" and which bears in the margin thereof the words "Principal Registrar of Births, Deaths and Marriages".

(2)

Registration of Births, Deaths and Marriages (Amendment).

5 (2) Where the Principal Registrar or a Deputy Principal Registrar, acting or purporting to act under the authority of this or any other Act, issues, signs or makes any instrument, document or writing, the instrument, document or writing is not invalid by reason of any informality in the manner or time of affixing, impressing or printing the seal of the Principal Registrar thereon, or of the omission to affix, impress or print the seal thereon.

10 (3) All courts and persons acting judicially—

(a) shall take judicial notice of the seal of the Principal Registrar that has been affixed to any instrument, document or writing; and

15 (b) shall, until the contrary is proved, presume that the seal was properly affixed.

20 4D. (1) A statutory declaration may be made before the Principal Registrar or a Deputy Principal Registrar. Statutory declarations.

(2) A statutory declaration made under subsection (1) shall have the same effect as if made before a justice.

25 5. Each provision of the Principal Act specified in Column 1 of Schedule 1 is amended in the manner set forth opposite that provision in Column 2 of Schedule 1. Further amendment of Act No. 87, 1973.

30 6. Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2. Amendment of Acts other than Principal Act.

7. Schedule 3 has effect.

SCHEDULE Savings, transitional and other provisions.

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENT OF THE PRINCIPAL ACT.

Column 1.	Column 2.
5 Provision of Principal Act.	Amendment.
10 Sections 4 (1), 4 (2) (a), 5 (1), 5 (2), 5 (4), 5 (8), 6, 7 (1), 7 (4), 7 (5), 8, 9 (1), 10 (1), 11 (1), 11 (2), 11 (3), 12 (6), 13 (1), 13 (4), 14 (3) (b), 14 (5), 14 (7), 15, 16 (1), 16 (2), 21, 22 (1), 22 (2), 22 (3), 22 (4), 22 (5), 26 (1), 26 (2), 29 (2), 29 (3), 29 (4), 29 (5), 30, 31 (1) (a), 31 (1) (b), 32 (1), 32 (2), 33 (1), 34 (1), 34 (2), 35 (3), 35 (5), 35 (6) (a), 36 (1), 37 (1), 38 (1), 39 (1), 40 (b), 41 (1), 41 (2), 41 (3), 42 (1), 43 (1), 43 (2), 44 (1), 44 (2), 45 (1), 45 (2), 46 (1), 46 (2) (a), 46 (2) (b), 48 (1) (b), 48 (1) (c), 48 (2), 48 (3), 51 (1), 53, 54 (1), 55, 56, 59 (2), 60 and 61 (1) (b).	Omit "Registrar-General" wherever occurring, insert instead "Principal Registrar".
Section 48 (1) (a) ..	After "Registrar-General" insert "and have come into the custody of the Principal Registrar".
35 Section 54 (3) ..	Omit "Registrar-General" where firstly occurring, insert instead "Principal Registrar". Omit "Department of the Registrar-General", insert instead "office of the Principal Registrar".
40 Section 61 (1) (a) ..	Omit "Registrar-General in so far as those offices are concerned with the execution or intended execution of this Act", insert instead "Principal Registrar".
Clause 2 (3) of Schedule 3.	Omit "Registrar-General", insert instead "Principal Registrar".
45 Clause 2 (4) of Schedule 3.	Omit "Registrar-General" where secondly occurring, insert instead "Principal Registrar".
Clause 7 (2) of Schedule 3.	Omit the subclause.
50 Clause 13 (2) (d) of Schedule 3.	Omit "Registrar-General", insert instead "Principal Registrar".
Clause 15 of Schedule 3	Omit the clause.

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 2.

Sec. 6.

AMENDMENT OF ACTS OTHER THAN PRINCIPAL ACT.

Column 1.		Column 2.	
5	Year and No. of Act.	Short title of Act.	Amendment.
10	1898, No. 11..	Evidence Act, 1898.	Section 30 (1) (a)— Omit “Registrar-General or any deputy or district registrar”, insert instead “Principal Registrar of Births, Deaths and Marriages or any local registrar”.
15			Section 30 (1) (b)— Omit “Registrar-General or deputy or district registrar”, insert instead “Principal Registrar or local registrar”.
20	1912, No. 41..	Parliamentary Electorates and Elections Act, 1912.	Section 30 (3)— Omit “Registrar-General”, insert instead “Principal Registrar of Births, Deaths and Marriages”.
25	1912, No. 46..	Friendly Societies Act, 1912.	Section 41 (1)— Omit “Registrar-General”, insert instead “Principal Registrar of Births, Deaths and Marriages”.
30	1919, No. 6..	Conveyancing Act, 1919.	Section 116— Omit the section. Section 117 (4)— Omit the subsection.
35			Section 202 (1)— Omit “, and the Registration of Births, Deaths and Marriages Act, 1973” wherever occurring.
40	1965, No. 23..	Adoption of Children Act, 1965.	Section 202 (3)— Omit “and the Registration of Births, Deaths and Marriages Act, 1973, and the regulations made thereunder”.
			Section 61— Omit “Registrar-General”, insert instead “Principal Registrar of Births, Deaths and Marriages”.
			Section 63— Omit “Registrar-General”, insert instead “Principal Registrar of Births, Deaths and Marriages”.

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 3.

Sec. 7.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule, "appointed day" means the day appointed and notified under section 2 (2). Definition of appointed day.

2. A reference in any Act enacted before the appointed day, other than this Act or the Principal Act, or in any instrument under an Act which took effect before that day, to the Registrar-General shall, where that reference appears in a provision dealing with the registration of births, still-births, deaths, marriages, adoptions or legitimations, be construed as a reference to the Principal Registrar. References to Registrar-General in other Acts, etc.

3. Upon the appointed day—

- (a) the registers and indexes which before that day were established and kept by the Registrar-General under section 9 of the Principal Act; and Transfer of registers, etc., to Principal Registrar.
- (b) the prescribed records referred to in section 48 (1) of the Principal Act which immediately before that day were in the custody of the Registrar-General,

shall be transferred to the Principal Registrar.

4. Except to the extent that the Principal Registrar otherwise directs, a form that, immediately before the appointed day, was authorised for use for certain purposes under the Principal Act shall be deemed to be approved by the Principal Registrar for the like purposes under the Principal Act, as amended by this Act. Approved forms.

Registration of Births, Deaths and Marriages (Amendment).

5. (1) A person holding office as a local registrar or deputy local registrar for a city, town, suburb or other place under section 5 (1) of the Principal Act immediately before the appointed day shall be deemed to have been appointed to be a local registrar or deputy local registrar, as the case may be, for that city, town, suburb or place by the Principal Registrar under section 5 (1) of the Principal Act, as amended by this Act.

(2) The appointment of the holder of an office or position at a city, town, suburb or other place as a local registrar or deputy local registrar for that city, town, suburb or place under section 5 (2) of the Principal Act, in force immediately before the appointed day, shall be deemed to be an appointment made by the Principal Registrar under section 5 (2) of the Principal Act, as amended by this Act.

6. Except to the extent that the Principal Registrar otherwise directs, a direction given by the Registrar-General under section 6 or 10 of the Principal Act and in force immediately before the appointed day shall be deemed to be a direction given by the Principal Registrar under section 6 or 10, as the case may be, of the Principal Act, as amended by this Act.

7. A delegation made by the Registrar-General under section 7 of the Principal Act and in force immediately before the appointed day shall be deemed to have been made by the Principal Registrar under section 7 of the Principal Act, as amended by this Act.

8. A seal of office caused to be made by the Registrar-General for use by a local registrar under section 8 of the Principal Act before the appointed day shall be deemed to have been caused to be made by the Principal Registrar for use by that local registrar under section 8 of the Principal Act, as amended by this Act.

Registration of Births, Deaths and Marriages (Amendment).

9. The registers and indexes—

Registers.

- 5 (a) deemed to have been established under section 9 of the Principal Act by the Registrar-General by virtue of clause 1 of Schedule 3 of the Principal Act; or
- (b) established under section 9 of the Principal Act by the Registrar-General after the commencement of that Act,

shall be deemed to be established by the Principal Registrar
10 under section 9 of the Principal Act, as amended by this Act.

10. Particulars of or information relating to births, still-
births, deaths, marriages and adoptions and any prescribed
legitimation information furnished to the Registrar-General
before the appointed day for the purposes of the Principal
15 Act shall be deemed to have been furnished to the Principal
Registrar for like purposes under the Principal Act, as
amended by this Act.

Particulars
and inform-
ation furn-
ished before
commence-
ment of
this Act.

11. The protection from liability conferred on the Crown,
the Minister, the Registrar-General or any other person under
20 section 56 of the Principal Act shall, notwithstanding the
amendment made to that section by this Act, continue to
apply to any act, matter or thing done or omitted to be done
by the Registrar-General before the appointed day bona fide
for the purpose of executing the Principal Act.

Protection
from
liability.

- 25 12. Where facts constituting an offence against the
Principal Act came to the knowledge of the Registrar-General
at any time before the appointed day, the Principal Registrar
shall be deemed to have had knowledge of those facts from
that time for the purposes of section 59 (2) of the Principal
30 Act, as amended by this Act.

Proceedings
for offences.

Registration of Births, Deaths and Marriages (Amendment).

13. A copy of a register or of an entry in a register certified under the hand of the Registrar-General under section 30 (1) (a) of the Evidence Act, 1898, before the appointed day, or a certificate under the hand of the Registrar-General issued under section 30 (1) (b) or 30 (3) of that Act before the appointed day shall be deemed to have been certified or issued by the Principal Registrar under section 30 (1) (a), (1) (b) or (3), as the case may be, of the Evidence Act, 1898, as amended by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[16c]

PROOF

**REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES
(AMENDMENT) BILL, 1975**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide for the appointment of a Principal Registrar of Births, Deaths and Marriages;
 - (b) to transfer the exercise and performance of the powers, authorities, duties and functions of the Registrar-General under the Registration of Births, Deaths and Marriages Act, 1973, to the Principal Registrar of Births, Deaths and Marriages;
 - (c) to provide for the appointment of Deputy Principal Registrars of Births, Deaths and Marriages to exercise and perform the same powers, authorities, duties and functions as are conferred on the Principal Registrar of Births, Deaths and Marriages; and
 - (d) to make other provisions of a minor, consequential or transitional nature.
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PROOF

No. , 1975.

A BILL

To provide for the appointment of a Principal Registrar of Births, Deaths and Marriages; to transfer to that person the exercise and performance of the powers, authorities, duties and functions of the Registrar-General under the Registration of Births, Deaths and Marriages Act, 1973; for these and other purposes to amend that Act and certain other Acts; and for purposes connected therewith.

[MR WADDY—21 *August*, 1975.]

BE

Registration of Births, Deaths and Marriages (Amendment).

BE it enacted by the Queen'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 the same, as follows:—

1. This Act may be cited as the "Registration of Births, Deaths and Marriages (Amendment) Act, 1975".

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Registration of Births, Deaths and Marriages Act, 1973, is, in this Act, referred to as the Principal Act. Principal
Act.

4. The Principal Act is amended— Amendment
of Act No.
87, 1973.

(a) by omitting from the matter relating to Part II in section 3 the matter "ss. 5-10" and by inserting instead the matter "ss. 4A-10"; Sec. 3.
(Division
of Act.)

20 (b) (i) by inserting after the definition of "death" in section 4 (1) the following definition:— Sec. 4.
(Inter-
pretation.)

"Deputy Principal Registrar" means a Deputy Principal Registrar of Births, Deaths and Marriages appointed under section 4B;

(ii)

Registration of Births, Deaths and Marriages (Amendment).

- (ii) by inserting after the definition of "prescribed legitimation information" in section 4 (1) the following definition :—

5 "Principal Registrar" means the Principal Registrar of Births, Deaths and Marriages appointed under section 4A;

- (c) by inserting before section 5 the following Secs. 4A-4D.
sections :—

10 4A. The Governor may, under and subject to the Public Service Act, 1902, appoint a person to be Principal Registrar of Births, Deaths and Marriages. Principal Registrar.

15 4B. (1) The Governor may, under and subject to the Public Service Act, 1902, appoint such number of persons as he thinks necessary to be Deputy Principal Registrars of Births, Deaths and Marriages. Deputy Principal Registrars.

20 (2) A person holding office or acting as Deputy Principal Registrar may exercise and perform the same powers, authorities, duties and functions as are conferred and imposed on the Principal Registrar by or under this or any other Act, and any such power, authority, duty or function exercised or performed by a person so
25 holding office or acting shall be deemed to have been exercised or performed by the Principal Registrar.

30 4C. (1) The Principal Registrar shall have a seal of office which bears an impression of the Arms of the State of New South Wales and the words "New South Wales" and which bears in the margin thereof the words "Principal Registrar of Births, Deaths and Marriages". Seal of office.

(2)

Registration of Births, Deaths and Marriages (Amendment).

5 (2) Where the Principal Registrar or a Deputy Principal Registrar, acting or purporting to act under the authority of this or any other Act, issues, signs or makes any instrument, document or writing, the instrument, document or writing is not invalid by reason of any informality in the manner or time of affixing, impressing or printing the seal of the Principal Registrar thereon, or of the omission to affix, impress or print the seal thereon.

10 (3) All courts and persons acting judicially—

(a) shall take judicial notice of the seal of the Principal Registrar that has been affixed to any instrument, document or writing; and

15 (b) shall, until the contrary is proved, presume that the seal was properly affixed.

20 4D. (1) A statutory declaration may be made before the Principal Registrar or a Deputy Principal Registrar. Statutory declarations.

(2) A statutory declaration made under subsection (1) shall have the same effect as if made before a justice.

25 5. Each provision of the Principal Act specified in Column 1 of Schedule 1 is amended in the manner set forth opposite that provision in Column 2 of Schedule 1. Further amendment of Act No. 87, 1973.

30 6. Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2. Amendment of Acts other than Principal Act.

7. Schedule 3 has effect.

SCHEDULE Savings, transitional and other provisions.

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENT OF THE PRINCIPAL ACT.

Column 1.	Column 2.
5 Provision of Principal Act.	Amendment.
Sections 4 (1), 4 (2) (a), 5 (1), 5 (2), 5 (4), 5 (8), 6, 7 (1), 7 (4), 7 (5), 8, 9 (1), 10 (1), 11 (1), 11 (2), 11 (3), 12 (6), 13 (1), 13 (4), 14 (3) (b), 14 (5), 14 (7), 15, 16 (1), 16 (2), 21, 22 (1), 22 (2), 22 (3), 22 (4), 22 (5), 26 (1), 26 (2), 29 (2), 29 (3), 29 (4), 29 (5), 30, 31 (1) (a), 31 (1) (b), 32 (1), 32 (2), 33 (1), 34 (1), 34 (2), 35 (3), 35 (5), 35 (6) (a), 36 (1), 37 (1), 38 (1), 39 (1), 40 (b), 41 (1), 41 (2), 41 (3), 42 (1), 43 (1), 43 (2), 44 (1), 44 (2), 45 (1), 45 (2), 46 (1), 46 (2) (a), 46 (2) (b), 48 (1) (b), 48 (1) (c), 48 (2), 48 (3), 51 (1), 53, 54 (1), 55, 56, 59 (2), 60 and 61 (1) (b).	Omit "Registrar-General" wherever occurring, insert instead "Principal Registrar".
Section 48 (1) (a) ..	After "Registrar-General" insert "and have come into the custody of the Principal Registrar".
35 Section 54 (3) ..	Omit "Registrar-General" where firstly occurring, insert instead "Principal Registrar". Omit "Department of the Registrar-General", insert instead "office of the Principal Registrar".
Section 61 (1) (a) ..	Omit "Registrar-General in so far as those offices are concerned with the execution or intended execution of this Act", insert instead "Principal Registrar".
40 Clause 2 (3) of Schedule 3.	Omit "Registrar-General", insert instead "Principal Registrar".
45 Clause 2 (4) of Schedule 3.	Omit "Registrar-General" where secondly occurring, insert instead "Principal Registrar".
Clause 7 (2) of Schedule 3.	Omit the subclause.
50 Clause 13 (2) (d) of Schedule 3.	Omit "Registrar-General", insert instead "Principal Registrar".
Clause 15 of Schedule 3	Omit the clause.

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 2.

Sec. 6.

AMENDMENT OF ACTS OTHER THAN PRINCIPAL ACT.

Column 1.		Column 2.	
5	Year and No. of Act.	Short title of Act.	Amendment.
10	1898, No. 11..	Evidence Act, 1898.	Section 30 (1) (a)— Omit “Registrar-General or any deputy or district registrar”, insert instead “Principal Registrar of Births, Deaths and Marriages or any local registrar”.
15			Section 30 (1) (b)— Omit “Registrar-General or deputy or district registrar”, insert instead “Principal Registrar or local registrar”.
20	1912, No. 41..	Parliamentary Electorates and Elections Act, 1912.	Section 30 (3)— Omit “Registrar-General”, insert instead “Principal Registrar of Births, Deaths and Marriages”.
25	1912, No. 46..	Friendly Societies Act, 1912.	Section 41 (1)— Omit “Registrar-General”, insert instead “Principal Registrar of Births, Deaths and Marriages”.
30	1919, No. 6..	Conveyancing Act, 1919.	Section 116— Omit the section. Section 117 (4)— Omit the subsection.
35			Section 202 (1)— Omit “, and the Registration of Births, Deaths and Marriages Act, 1973” wherever occurring.
40	1965, No. 23..	Adoption of Children Act, 1965.	Section 202 (3)— Omit “and the Registration of Births, Deaths and Marriages Act, 1973, and the regulations made thereunder”.
			Section 61— Omit “Registrar-General”, insert instead “Principal Registrar of Births, Deaths and Marriages”.
			Section 63— Omit “Registrar-General”, insert instead “Principal Registrar of Births, Deaths and Marriages”.

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 3.

Sec. 7.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule, "appointed day" means the day appointed and notified under section 2 (2). Definition of appointed day.
2. A reference in any Act enacted before the appointed day, other than this Act or the Principal Act, or in any instrument under an Act which took effect before that day, to the Registrar-General shall, where that reference appears in a provision dealing with the registration of births, still-births, deaths, marriages, adoptions or legitimations, be construed as a reference to the Principal Registrar. References to Registrar-General in other Acts, etc.
3. Upon the appointed day—Transfer of registers, etc., to Principal Registrar.
 - (a) the registers and indexes which before that day were established and kept by the Registrar-General under section 9 of the Principal Act; and
 - (b) the prescribed records referred to in section 48 (1) of the Principal Act which immediately before that day were in the custody of the Registrar-General,shall be transferred to the Principal Registrar.
4. Except to the extent that the Principal Registrar otherwise directs, a form that, immediately before the appointed day, was authorised for use for certain purposes under the Principal Act shall be deemed to be approved by the Principal Registrar for the like purposes under the Principal Act, as amended by this Act. Approved forms.

Registration of Births, Deaths and Marriages (Amendment).

5. (1) A person holding office as a local registrar or deputy local registrar for a city, town, suburb or other place under section 5 (1) of the Principal Act immediately before the appointed day shall be deemed to have been appointed to be a local registrar or deputy local registrar, as the case may be, for that city, town, suburb or place by the Principal Registrar under section 5 (1) of the Principal Act, as amended by this Act.

(2) The appointment of the holder of an office or position at a city, town, suburb or other place as a local registrar or deputy local registrar for that city, town, suburb or place under section 5 (2) of the Principal Act, in force immediately before the appointed day, shall be deemed to be an appointment made by the Principal Registrar under section 5 (2) of the Principal Act, as amended by this Act.

6. Except to the extent that the Principal Registrar otherwise directs, a direction given by the Registrar-General under section 6 or 10 of the Principal Act and in force immediately before the appointed day shall be deemed to be a direction given by the Principal Registrar under section 6 or 10, as the case may be, of the Principal Act, as amended by this Act.

7. A delegation made by the Registrar-General under section 7 of the Principal Act and in force immediately before the appointed day shall be deemed to have been made by the Principal Registrar under section 7 of the Principal Act, as amended by this Act.

8. A seal of office caused to be made by the Registrar-General for use by a local registrar under section 8 of the Principal Act before the appointed day shall be deemed to have been caused to be made by the Principal Registrar for use by that local registrar under section 8 of the Principal Act, as amended by this Act.

Registration of Births, Deaths and Marriages (Amendment).

9. The registers and indexes—

Registers.

5 (a) deemed to have been established under section 9 of the Principal Act by the Registrar-General by virtue of clause 1 of Schedule 3 of the Principal Act; or

(b) established under section 9 of the Principal Act by the Registrar-General after the commencement of that Act,

shall be deemed to be established by the Principal Registrar
10 under section 9 of the Principal Act, as amended by this Act.

10. Particulars of or information relating to births, still-
births, deaths, marriages and adoptions and any prescribed
legitimation information furnished to the Registrar-General
before the appointed day for the purposes of the Principal
15 Act shall be deemed to have been furnished to the Principal
Registrar for like purposes under the Principal Act, as
amended by this Act.

Particulars
and inform-
ation furn-
ished before
commence-
ment of
this Act.

11. The protection from liability conferred on the Crown,
the Minister, the Registrar-General or any other person under
20 section 56 of the Principal Act shall, notwithstanding the
amendment made to that section by this Act, continue to
apply to any act, matter or thing done or omitted to be done
by the Registrar-General before the appointed day bona fide
for the purpose of executing the Principal Act.

Protection
from
liability.

25 12. Where facts constituting an offence against the
Principal Act came to the knowledge of the Registrar-General
at any time before the appointed day, the Principal Registrar
shall be deemed to have had knowledge of those facts from
that time for the purposes of section 59 (2) of the Principal
30 Act, as amended by this Act.

Proceedings
for offences.

Registration of Births, Deaths and Marriages (Amendment).

13. A copy of a register or of an entry in a register Evidence
certified under the hand of the Registrar-General under Act, 1898.
section 30 (1) (a) of the Evidence Act, 1898, before the
appointed day, or a certificate under the hand of the Registrar-
5 General issued under section 30 (1) (b) or 30 (3) of that
Act before the appointed day shall be deemed to have been
certified or issued by the Principal Registrar under section
30 (1) (a), (1) (b) or (3), as the case may be, of the
Evidence Act, 1898, as amended by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 57, 1975.

An Act to provide for the appointment of a Principal Registrar of Births, Deaths and Marriages; to transfer to that person the exercise and performance of the powers, authorities, duties and functions of the Registrar-General under the Registration of Births, Deaths and Marriages Act, 1973; for these and other purposes to amend that Act and certain other Acts; and for purposes connected therewith. [Assented to, 9th October, 1975.]

BE

Registration of Births, Deaths and Marriages (Amendment).

BE it enacted by the Queen'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 the same, as follows:—

Short title. **1.** This Act may be cited as the "Registration of Births, Deaths and Marriages (Amendment) Act, 1975".

Commence- **2.** (1) This section and section 1 shall commence on the
ment. date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal **3.** The Registration of Births, Deaths and Marriages Act,
Act. 1973, is, in this Act, referred to as the Principal Act.

Amendment **4.** The Principal Act is amended—
of Act No.
87, 1973.

Sec. 3. (a) by omitting from the matter relating to Part II in
(Division section 3 the matter "ss. 5-10" and by inserting
of Act.) instead the matter "ss. 4A-10";

Sec. 4. (b) (i) by inserting after the definition of "death" in
(Inter- section 4 (1) the following definition :—
pretation.)

"Deputy Principal Registrar" means a
Deputy Principal Registrar of Births,
Deaths and Marriages appointed
under section 4B;

(ii)

Registration of Births, Deaths and Marriages (Amendment).

- (ii) by inserting after the definition of "prescribed legitimization information" in section 4 (1) the following definition :—

"Principal Registrar" means the Principal Registrar of Births, Deaths and Marriages appointed under section 4A;

- (c) by inserting before section 5 the following Secs. 4A—4D.
sections :—

4A. The Governor may, under and subject to the Public Service Act, 1902, appoint a person to be Principal Registrar of Births, Deaths and Marriages. Principal Registrar.

4B. (1) The Governor may, under and subject to the Public Service Act, 1902, appoint such number of persons as he thinks necessary to be Deputy Principal Registrars of Births, Deaths and Marriages. Deputy Principal Registrars.

(2) A person holding office or acting as Deputy Principal Registrar may exercise and perform the same powers, authorities, duties and functions as are conferred and imposed on the Principal Registrar by or under this or any other Act, and any such power, authority, duty or function exercised or performed by a person so holding office or acting shall be deemed to have been exercised or performed by the Principal Registrar.

4C. (1) The Principal Registrar shall have a seal of office which bears an impression of the Arms of the State of New South Wales and the words "New South Wales" and which bears in the margin thereof the words "Principal Registrar of Births, Deaths and Marriages". Seal of office.

Registration of Births, Deaths and Marriages (Amendment).

(2) Where the Principal Registrar or a Deputy Principal Registrar, acting or purporting to act under the authority of this or any other Act, issues, signs or makes any instrument, document or writing, the instrument, document or writing is not invalid by reason of any informality in the manner or time of affixing, impressing or printing the seal of the Principal Registrar thereon, or of the omission to affix, impress or print the seal thereon.

(3) All courts and persons acting judicially—

(a) shall take judicial notice of the seal of the Principal Registrar that has been affixed to any instrument, document or writing; and

(b) shall, until the contrary is proved, presume that the seal was properly affixed.

Statutory
declarations.

4D. (1) A statutory declaration may be made before the Principal Registrar or a Deputy Principal Registrar.

(2) A statutory declaration made under subsection (1) shall have the same effect as if made before a justice.

Further
amendment
of Act No.
87, 1973.

5. Each provision of the Principal Act specified in Column 1 of Schedule 1 is amended in the manner set forth opposite that provision in Column 2 of Schedule 1.

Amendment
of Acts
other than
Principal
Act.

6. Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2.

Savings,
transitional
and other
provisions.

7. Schedule 3 has effect.

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENT OF THE PRINCIPAL ACT.

Column 1.	Column 2.
Provision of Principal Act.	Amendment.
Sections 4 (1), 4 (2) (a), 5 (1), 5 (2), 5 (4), 5 (8), 6, 7 (1), 7 (4), 7 (5), 8, 9 (1), 10 (1), 11 (1), 11 (2), 11 (3), 12 (6), 13 (1), 13 (4), 14 (3) (b), 14 (5), 14 (7), 15, 16 (1), 16 (2), 21, 22 (1), 22 (2), 22 (3), 22 (4), 22 (5), 26 (1), 26 (2), 29 (2), 29 (3), 29 (4), 29 (5), 30, 31 (1) (a), 31 (1) (b), 32 (1), 32 (2), 33 (1), 34 (1), 34 (2), 35 (3), 35 (5), 35 (6) (a), 36 (1), 37 (1), 38 (1), 39 (1), 40 (b), 41 (1), 41 (2), 41 (3), 42 (1), 43 (1), 43 (2), 44 (1), 44 (2), 45 (1), 45 (2), 46 (1), 46 (2) (a), 46 (2) (b), 48 (1) (b), 48 (1) (c), 48 (2), 48 (3), 51 (1), 53, 54 (1), 55, 56, 59 (2), 60 and 61 (1) (b).	Omit "Registrar-General" wherever occurring, insert instead "Principal Registrar".
Section 48 (1) (a) ..	After "Registrar-General" insert "and have come into the custody of the Principal Registrar".
Section 54 (3) ..	Omit "Registrar-General" where firstly occurring, insert instead "Principal Registrar". Omit "Department of the Registrar-General", insert instead "office of the Principal Registrar".
Section 61 (1) (a) ..	Omit "Registrar-General in so far as those offices are concerned with the execution or intended execution of this Act", insert instead "Principal Registrar".
Clause 2 (3) of Schedule 3.	Omit "Registrar-General", insert instead "Principal Registrar".
Clause 2 (4) of Schedule 3.	Omit "Registrar-General" where secondly occurring, insert instead "Principal Registrar".
Clause 7 (2) of Schedule 3.	Omit the subclause.
Clause 13 (2) (d) of Schedule 3.	Omit "Registrar-General", insert instead "Principal Registrar".
Clause 15 of Schedule 3	Omit the clause.

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

Sec. 6.

SCHEDULE 2.

AMENDMENT OF ACTS OTHER THAN PRINCIPAL ACT.

Column 1.		Column 2.
Year and No. of Act.	Short title of Act.	Amendment.
1898, No. 11..	Evidence Act, 1898.	<p>Section 30 (1) (a)— Omit "Registrar-General or any deputy or district registrar", insert instead "Principal Registrar of Births, Deaths and Marriages or any local registrar".</p> <p>Section 30 (1) (b)— Omit "Registrar-General or deputy or district registrar", insert instead "Principal Registrar or local registrar".</p> <p>Section 30 (3)— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".</p>
1912, No. 41..	Parliamentary Electorates and Elections Act, 1912.	<p>Section 41 (1)— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".</p>
1912, No. 46..	Friendly Societies Act, 1912.	<p>Section 116— Omit the section.</p> <p>Section 117 (4)— Omit the subsection.</p>
1919, No. 6..	Conveyancing Act, 1919.	<p>Section 202 (1)— Omit "and the Registration of Births, Deaths and Marriages Act, 1973" wherever occurring.</p> <p>Section 202 (3)— Omit "and the Registration of Births, Deaths and Marriages Act, 1973, and the regulations made thereunder".</p>
1965, No. 23..	Adoption of Children Act, 1965.	<p>Section 61— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".</p> <p>Section 63— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".</p>

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 3.

Sec. 7.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule, "appointed day" means the day appointed and notified under section 2 (2). Definition of appointed day.

2. A reference in any Act enacted before the appointed day, other than this Act or the Principal Act, or in any instrument under an Act which took effect before that day, to the Registrar-General shall, where that reference appears in a provision dealing with the registration of births, still-births, deaths, marriages, adoptions or legitimations, be construed as a reference to the Principal Registrar. References to Registrar-General in other Acts, etc.

3. Upon the appointed day—

- (a) the registers and indexes which before that day were established and kept by the Registrar-General under section 9 of the Principal Act; and
- (b) the prescribed records referred to in section 48 (1) of the Principal Act which immediately before that day were in the custody of the Registrar-General,

Transfer of registers, etc., to Principal Registrar.

shall be transferred to the Principal Registrar.

4. Except to the extent that the Principal Registrar otherwise directs, a form that, immediately before the appointed day, was authorised for use for certain purposes under the Principal Act shall be deemed to be approved by the Principal Registrar for the like purposes under the Principal Act, as amended by this Act. Approved forms.

Registration of Births, Deaths and Marriages (Amendment).

Local
registrars.

5. (1) A person holding office as a local registrar or deputy local registrar for a city, town, suburb or other place under section 5 (1) of the Principal Act immediately before the appointed day shall be deemed to have been appointed to be a local registrar or deputy local registrar, as the case may be, for that city, town, suburb or place by the Principal Registrar under section 5 (1) of the Principal Act, as amended by this Act.

(2) The appointment of the holder of an office or position at a city, town, suburb or other place as a local registrar or deputy local registrar for that city, town, suburb or place under section 5 (2) of the Principal Act, in force immediately before the appointed day, shall be deemed to be an appointment made by the Principal Registrar under section 5 (2) of the Principal Act, as amended by this Act.

Directions
given to
local
registrars
by Registrar-
General.

6. Except to the extent that the Principal Registrar otherwise directs, a direction given by the Registrar-General under section 6 or 10 of the Principal Act and in force immediately before the appointed day shall be deemed to be a direction given by the Principal Registrar under section 6 or 10, as the case may be, of the Principal Act, as amended by this Act.

Delegation
by Registrar-
General.

7. A delegation made by the Registrar-General under section 7 of the Principal Act and in force immediately before the appointed day shall be deemed to have been made by the Principal Registrar under section 7 of the Principal Act, as amended by this Act.

Seal of
office of
local
registrar.

8. A seal of office caused to be made by the Registrar-General for use by a local registrar under section 8 of the Principal Act before the appointed day shall be deemed to have been caused to be made by the Principal Registrar for use by that local registrar under section 8 of the Principal Act, as amended by this Act.

Registration of Births, Deaths and Marriages (Amendment).

9. The registers and indexes—

Registers.

- (a) deemed to have been established under section 9 of the Principal Act by the Registrar-General by virtue of clause 1 of Schedule 3 of the Principal Act; or
- (b) established under section 9 of the Principal Act by the Registrar-General after the commencement of that Act,

shall be deemed to be established by the Principal Registrar under section 9 of the Principal Act, as amended by this Act.

10. Particulars of or information relating to births, still-births, deaths, marriages and adoptions and any prescribed legitimation information furnished to the Registrar-General before the appointed day for the purposes of the Principal Act shall be deemed to have been furnished to the Principal Registrar for like purposes under the Principal Act, as amended by this Act.

Particulars and information furnished before commencement of this Act.

11. The protection from liability conferred on the Crown, the Minister, the Registrar-General or any other person under section 56 of the Principal Act shall, notwithstanding the amendment made to that section by this Act, continue to apply to any act, matter or thing done or omitted to be done by the Registrar-General before the appointed day bona fide for the purpose of executing the Principal Act.

Protection from liability.

12. Where facts constituting an offence against the Principal Act came to the knowledge of the Registrar-General at any time before the appointed day, the Principal Registrar shall be deemed to have had knowledge of those facts from that time for the purposes of section 59 (2) of the Principal Act, as amended by this Act.

Proceedings for offences.

Registration of Births, Deaths and Marriages (Amendment).

Evidence
Act, 1898.

13. A copy of a register or of an entry in a register certified under the hand of the Registrar-General under section 30 (1) (a) of the Evidence Act, 1898, before the appointed day, or a certificate under the hand of the Registrar-General issued under section 30 (1) (b) or 30 (3) of that Act before the appointed day shall be deemed to have been certified or issued by the Principal Registrar under section 30 (1) (a), (1) (b) or (3), as the case may be, of the Evidence Act, 1898, as amended by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 16 September, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 57, 1975.

An Act to provide for the appointment of a Principal Registrar of Births, Deaths and Marriages; to transfer to that person the exercise and performance of the powers, authorities, duties and functions of the Registrar-General under the Registration of Births, Deaths and Marriages Act, 1973; for these and other purposes to amend that Act and certain other Acts; and for purposes connected therewith. [Assented to, 9th October, 1975.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Registration of Births, Deaths and Marriages (Amendment).

BE it enacted by the Queen'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 the same, as follows:—

Short title. 1. This Act may be cited as the "Registration of Births, Deaths and Marriages (Amendment) Act, 1975".

Commence- 2. (1) This section and section 1 shall commence on the
ment. date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal 3. The Registration of Births, Deaths and Marriages Act,
Act. 1973, is, in this Act, referred to as the Principal Act.

Amendment 4. The Principal Act is amended—
of Act No.
87, 1973.

Sec. 3. (a) by omitting from the matter relating to Part II in
(Division section 3 the matter "ss. 5-10" and by inserting
of Act.) instead the matter "ss. 4A-10";

Sec. 4. (b) (i) by inserting after the definition of "death" in
(Inter- section 4 (1) the following definition :—
pretation.)

"Deputy Principal Registrar" means a Deputy Principal Registrar of Births, Deaths and Marriages appointed under section 4B;

(ii)

Registration of Births, Deaths and Marriages (Amendment).

- (ii) by inserting after the definition of "prescribed legitimisation information" in section 4 (1) the following definition :—

"Principal Registrar" means the Principal Registrar of Births, Deaths and Marriages appointed under section 4A;

- (c) by inserting before section 5 the following Secs. 4A–4D.
sections :—

4A. The Governor may, under and subject to the Public Service Act, 1902, appoint a person to be Principal Registrar of Births, Deaths and Marriages. **Principal Registrar.**

4B. (1) The Governor may, under and subject to the Public Service Act, 1902, appoint such number of persons as he thinks necessary to be Deputy Principal Registrars of Births, Deaths and Marriages. **Deputy Principal Registrars.**

(2) A person holding office or acting as Deputy Principal Registrar may exercise and perform the same powers, authorities, duties and functions as are conferred and imposed on the Principal Registrar by or under this or any other Act, and any such power, authority, duty or function exercised or performed by a person so holding office or acting shall be deemed to have been exercised or performed by the Principal Registrar.

4C. (1) The Principal Registrar shall have a seal of office which bears an impression of the Arms of the State of New South Wales and the words "New South Wales" and which bears in the margin thereof the words "Principal Registrar of Births, Deaths and Marriages". **Seal of office.**

Registration of Births, Deaths and Marriages (Amendment).

(2) Where the Principal Registrar or a Deputy Principal Registrar, acting or purporting to act under the authority of this or any other Act, issues, signs or makes any instrument, document or writing, the instrument, document or writing is not invalid by reason of any informality in the manner or time of affixing, impressing or printing the seal of the Principal Registrar thereon, or of the omission to affix, impress or print the seal thereon.

(3) All courts and persons acting judicially—

(a) shall take judicial notice of the seal of the Principal Registrar that has been affixed to any instrument, document or writing; and

(b) shall, until the contrary is proved, presume that the seal was properly affixed.

Statutory
declarations.

4d. (1) A statutory declaration may be made before the Principal Registrar or a Deputy Principal Registrar.

(2) A statutory declaration made under subsection (1) shall have the same effect as if made before a justice.

Further
amendment
of Act No.
87, 1973.

5. Each provision of the Principal Act specified in Column 1 of Schedule 1 is amended in the manner set forth opposite that provision in Column 2 of Schedule 1.

Amendment
of Acts
other than
Principal
Act.

6. Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2.

Savings,
transitional
and other
provisions.

7. Schedule 3 has effect.

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 1.

Sec. 5.

AMENDMENT OF THE PRINCIPAL ACT.

Column 1.	Column 2.
Provision of Principal Act.	Amendment.
Sections 4 (1), 4 (2) (a), 5 (1), 5 (2), 5 (4), 5 (8), 6, 7 (1), 7 (4), 7 (5), 8, 9 (1), 10 (1), 11 (1), 11 (2), 11 (3), 12 (6), 13 (1), 13 (4), 14 (3) (b), 14 (5), 14 (7), 15, 16 (1), 16 (2), 21, 22 (1), 22 (2), 22 (3), 22 (4), 22 (5), 26 (1), 26 (2), 29 (2), 29 (3), 29 (4), 29 (5), 30, 31 (1) (a), 31 (1) (b), 32 (1), 32 (2), 33 (1), 34 (1), 34 (2), 35 (3), 35 (5), 35 (6) (a), 36 (1), 37 (1), 38 (1), 39 (1), 40 (b), 41 (1), 41 (2), 41 (3), 42 (1), 43 (1), 43 (2), 44 (1), 44 (2), 45 (1), 45 (2), 46 (1), 46 (2) (a), 46 (2) (b), 48 (1) (b), 48 (1) (c), 48 (2), 48 (3), 51 (1), 53, 54 (1), 55, 56, 59 (2), 60 and 61 (1) (b).	Omit "Registrar-General" wherever occurring, insert instead "Principal Registrar".
Section 48 (1) (a) ..	After "Registrar-General" insert "and have come into the custody of the Principal Registrar".
Section 54 (3) ..	Omit "Registrar-General" where firstly occurring, insert instead "Principal Registrar". Omit "Department of the Registrar-General", insert instead "office of the Principal Registrar".
Section 61 (1) (a) ..	Omit "Registrar-General in so far as those offices are concerned with the execution or intended execution of this Act", insert instead "Principal Registrar".
Clause 2 (3) of Schedule 3.	Omit "Registrar-General", insert instead "Principal Registrar".
Clause 2 (4) of Schedule 3.	Omit "Registrar-General" where secondly occurring, insert instead "Principal Registrar".
Clause 7 (2) of Schedule 3.	Omit the subclause.
Clause 13 (2) (d) of Schedule 3.	Omit "Registrar-General", insert instead "Principal Registrar".
Clause 15 of Schedule 3	Omit the clause.

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

Sec. 6.

SCHEDULE 2.

AMENDMENT OF ACTS OTHER THAN PRINCIPAL ACT.

Column 1.		Column 2.
Year and No. of Act.	Short title of Act.	Amendment.
1898, No. 11..	Evidence Act, 1898.	Section 30 (1) (a)— Omit "Registrar-General or any deputy or district registrar", insert instead "Principal Registrar of Births, Deaths and Marriages or any local registrar". Section 30 (1) (b)— Omit "Registrar-General or deputy or district registrar", insert instead "Principal Registrar or local registrar". Section 30 (3)— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".
1912, No. 41..	Parliamentary Electorates and Elections Act, 1912.	Section 41 (1)— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".
1912, No. 46..	Friendly Societies Act, 1912.	Section 116— Omit the section. Section 117 (4)— Omit the subsection.
1919, No. 6..	Conveyancing Act, 1919.	Section 202 (1)— Omit "and the Registration of Births, Deaths and Marriages Act, 1973" wherever occurring. Section 202 (3)— Omit "and the Registration of Births, Deaths and Marriages Act, 1973, and the regulations made thereunder".
1965, No. 23..	Adoption of Children Act, 1965.	Section 61— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages". Section 63— Omit "Registrar-General", insert instead "Principal Registrar of Births, Deaths and Marriages".

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 3.

Sec. 7.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule, "appointed day" means the day appointed and notified under section 2 (2). Definition of appointed day.

2. A reference in any Act enacted before the appointed day, other than this Act or the Principal Act, or in any instrument under an Act which took effect before that day, to the Registrar-General shall, where that reference appears in a provision dealing with the registration of births, still-births, deaths, marriages, adoptions or legitimations, be construed as a reference to the Principal Registrar. References to Registrar-General in other Acts, etc.

3. Upon the appointed day—

- (a) the registers and indexes which before that day were established and kept by the Registrar-General under section 9 of the Principal Act; and
- (b) the prescribed records referred to in section 48 (1) of the Principal Act which immediately before that day were in the custody of the Registrar-General,

Transfer of registers, etc., to Principal Registrar.

shall be transferred to the Principal Registrar.

4. Except to the extent that the Principal Registrar otherwise directs, a form that, immediately before the appointed day, was authorised for use for certain purposes under the Principal Act shall be deemed to be approved by the Principal Registrar for the like purposes under the Principal Act, as amended by this Act. Approved forms.

Registration of Births, Deaths and Marriages (Amendment).

Local
registrars.

5. (1) A person holding office as a local registrar or deputy local registrar for a city, town, suburb or other place under section 5 (1) of the Principal Act immediately before the appointed day shall be deemed to have been appointed to be a local registrar or deputy local registrar, as the case may be, for that city, town, suburb or place by the Principal Registrar under section 5 (1) of the Principal Act, as amended by this Act.

(2) The appointment of the holder of an office or position at a city, town, suburb or other place as a local registrar or deputy local registrar for that city, town, suburb or place under section 5 (2) of the Principal Act, in force immediately before the appointed day, shall be deemed to be an appointment made by the Principal Registrar under section 5 (2) of the Principal Act, as amended by this Act.

Directions
given to
local
registrars
by Registrar-
General.

6. Except to the extent that the Principal Registrar otherwise directs, a direction given by the Registrar-General under section 6 or 10 of the Principal Act and in force immediately before the appointed day shall be deemed to be a direction given by the Principal Registrar under section 6 or 10, as the case may be, of the Principal Act, as amended by this Act.

Delegation
by Registrar-
General.

7. A delegation made by the Registrar-General under section 7 of the Principal Act and in force immediately before the appointed day shall be deemed to have been made by the Principal Registrar under section 7 of the Principal Act, as amended by this Act.

Seal of
office of
local
registrar.

8. A seal of office caused to be made by the Registrar-General for use by a local registrar under section 8 of the Principal Act before the appointed day shall be deemed to have been caused to be made by the Principal Registrar for use by that local registrar under section 8 of the Principal Act, as amended by this Act.

Registration of Births, Deaths and Marriages (Amendment).

9. The registers and indexes—

Registers.

- (a) deemed to have been established under section 9 of the Principal Act by the Registrar-General by virtue of clause 1 of Schedule 3 of the Principal Act; or
- (b) established under section 9 of the Principal Act by the Registrar-General after the commencement of that Act,

shall be deemed to be established by the Principal Registrar under section 9 of the Principal Act, as amended by this Act.

10. Particulars of or information relating to births, still-births, deaths, marriages and adoptions and any prescribed legitimation information furnished to the Registrar-General before the appointed day for the purposes of the Principal Act shall be deemed to have been furnished to the Principal Registrar for like purposes under the Principal Act, as amended by this Act.

Particulars and information furnished before commencement of this Act.

11. The protection from liability conferred on the Crown, the Minister, the Registrar-General or any other person under section 56 of the Principal Act shall, notwithstanding the amendment made to that section by this Act, continue to apply to any act, matter or thing done or omitted to be done by the Registrar-General before the appointed day bona fide for the purpose of executing the Principal Act.

Protection from liability.

12. Where facts constituting an offence against the Principal Act came to the knowledge of the Registrar-General at any time before the appointed day, the Principal Registrar shall be deemed to have had knowledge of those facts from that time for the purposes of section 59 (2) of the Principal Act, as amended by this Act.

Proceedings for offences.

Registration of Births, Deaths and Marriages (Amendment).

Evidence
Act, 1898.

13. A copy of a register or of an entry in a register certified under the hand of the Registrar-General under section 30 (1) (a) of the Evidence Act, 1898, before the appointed day, or a certificate under the hand of the Registrar-General issued under section 30 (1) (b) or 30 (3) of that Act before the appointed day shall be deemed to have been certified or issued by the Principal Registrar under section 30 (1) (a), (1) (b) or (3), as the case may be, of the Evidence Act, 1898, as amended by this Act.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 9th October, 1975.*