

Queensland



REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1962

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(includes amendments up to Act No. 56 of 1996)**

Reprint No. 2A

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Information about this reprint

This Act is reprinted as at 12 February 1997. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1962

[as amended by all amendments that commenced on or before 12 February 1997]

An Act to consolidate and amend the law relating to the registration of births, deaths and marriages

Short title

1. This Act may be cited as the *Registration of Births, Deaths and Marriages Act 1962*.

Application of Act

4. Unless expressly provided, this Act applies to all births, deaths and marriages (whether or not the birth or death happened or the marriage was solemnised before the commencement of this Act).

Interpretation

5.(1) Without limiting the operation of the *Acts Interpretation Act 1954*, in this Act—

“boat” means any type of ship or other vessel used in navigation by water or for another purpose on water, and includes a ship or other vessel of whatever size and however it is propelled or moved.

Example—

1. A hovercraft or other surface effect craft.

“Commonwealth Marriage Act” means the *Marriage Act 1961* (Cwlth).

“coroner” means a coroner within the meaning of the *Coroners Act 1958*.

“deputy registrar general” means the deputy registrar general appointed

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under this Act, and includes any person for the time being appointed to act as or performing the duties of the deputy registrar general.

“district” means a registry district proclaimed under this Act.

“district registrar” means any person appointed as a district registrar under this Act, and includes any person for the time being appointed to act as or performing the duties of a district registrar, and also includes, in relation to the district of Brisbane, the registrar general.

“general register of marriages” means the general register of marriages kept by the registrar general under this Act.

“general registry” means the general registry for Queensland established under this Act.

“occupier”, in relation to a public institution, includes the secretary, matron, superintendent, any chief officer, and any deputy of any of the aforesaid persons, and, in relation to premises let in separate apartments or lodgings, whether public institutions or not, includes, but without affecting anything hereinbefore in this definition contained, any person residing in the premises who is the person under whom the separate apartments or lodgings are immediately held, or the person’s agent.

“premises” includes a public institution.

“public institution” includes a prison, reformatory, institution, hospital, psychiatric hospital or other place where patients (within the meaning of the *Mental Health Act 1974*) are received and any public or charitable institution.

“registrar general” means the registrar general appointed under this Act, and includes the deputy registrar general, and also includes any person for the time being appointed to act as or performing the duties of the registrar general.

(2) For the purposes of this Act—

- (a) a child born alive is one whose heart has beaten after it has been completely expelled or extracted from its mother; and
- (b) a child not born alive is one whose heart has not beaten after it has been completely expelled or extracted from its mother and who is

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either—

- (i) of not less than 20 weeks gestation; or
- (ii) of not less than 400 g by weight at birth; and
- (c) reference in this Act to a child is a reference to a child born alive and a child not born alive.

(3) For the purposes of this Act, a child not born alive shall be deemed to be a person who has died in the premises in which it is completely expelled or extracted from its mother.

General registry

6. There shall be at Brisbane a general registry for Queensland for the general registration of all births, deaths and marriages in Queensland.

Appointment of registrar general

7. The Governor in Council may appoint a registrar general.

Appointment of deputy registrar general

8.(1) The Governor in Council may appoint a deputy registrar general.

(2) Any act, matter or thing directed or authorised to be done or performed by the registrar general, under the provisions of this Act or of any other Act or enactment, may be done or performed by the deputy registrar general, and every act, matter or thing so done or performed by the deputy registrar general shall be valid and effectual as if done or performed by the registrar general.

Registry districts

9.(1) The Governor in Council may, from time to time, by proclamation published in the gazette divide the State into such and so many registry districts as the Governor in Council shall deem fit, 1 of them being the district of Brisbane.

(2) Every district proclaimed as a registry district under the repealed Acts

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and existing immediately prior to the commencement of this Act shall be deemed to have been proclaimed under this Act.

District registrars

10.(1) The Governor in Council may appoint such persons as the Governor in Council shall think fit to be district registrars and assistant district registrars for and in respect of each district, and such other officers as are necessary for carrying out the objects and purposes of this Act.

(1A) However, in the case of the district of Brisbane the office of the district registrar for that district shall merge and be vested in the registrar general, who shall, for the purposes of this Act, be the district registrar for the district of Brisbane.

(2) Every person who immediately prior to the commencement of this Act held the office of district registrar or assistant district registrar or any other office, whether permanently or temporarily, under the repealed Acts shall, without further or other appointment whatsoever, continue to hold such office and shall be deemed to have been appointed and to hold office under this Act according to the terms of the person's appointment under the repealed Acts.

(3) Any district registrar or assistant district registrar may at any time be appointed and hold office with respect to 2 or more districts.

(4) Except with respect to the offices of registrar general and deputy registrar general any appointment under this Act as district registrar or assistant district registrar may, if the Governor in Council deems fit, be made by the appointment to such office of the holder for the time being of another office under the Crown in right of this State by specifying such other office, but without naming the holder thereof, and the holder of such other office shall thereupon hold the office of district registrar or assistant district registrar, as the case may be, in addition to such other office.

Responsibility for registrations and registers

11.(1) On and from the commencement of the *Registration of Births, Deaths and Marriages Act Amendment Act 1979* the registrar general shall be responsible for the registration under this Act of all unregistered births,

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deaths and marriages happening in Queensland before as well as after the commencement of that Act.

(2) The registrar general shall keep—

- (a) books for the registration therein of births, deaths and marriages happening in Queensland; and
- (b) forms for making certified copies of, or certified extracts from the entries in such books; and
- (c) such other books and forms as are prescribed; and
- (d) such registers, records and books as the registrar general is required by any Act to make or keep.

(3) Subject to subsection (4), every district registrar shall keep—

- (a) the registers of births, deaths and marriages that the district registrar was required to keep prior to the commencement of the *Registration of Births, Deaths and Marriages Act Amendment Act 1979*;
- (b) registers of duplicate entries in respect of births and deaths that are received by the district registrar pursuant to section 12(1)(b) for such period as is determined by the registrar general either generally throughout the State or in respect of a particular district;
- (c) forms for making certified copies of, or certified extracts from the entries in such registers;
- (d) such other books and forms as are prescribed.

(4) Where the registrar general so directs, a district registrar shall forward to the registrar general the registers of births, deaths and marriages the district registrar was required to keep prior to the commencement of the *Registration of Births, Deaths and Marriages Act Amendment Act 1979*.

Duties of registrar general and district registrars re births and deaths

12.(1) The registrar general shall—

- (a) register every birth and death that occurs in Queensland by making an entry in the appropriate book, in consecutive order from the beginning to the end of the book, of such particulars

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relating to the birth or death as are prescribed and as are furnished to the registrar general, and shall number such entries consecutively;

- (b) as soon as practicable after registering such births and deaths, send to the district registrar concerned a duplicate of the entry of each such birth or death that happened in that district registrar's district.

(2) Every district registrar shall—

- (a) to the best of the district registrar's ability procure information in the prescribed form of every birth or death happening within the district registrar's district; and
- (b) as soon as practicable thereafter forward the form duly completed to the registrar general.

Duties of assistant district registrar

13. Every assistant district registrar shall inform himself or herself carefully of every birth and death happening within the district for which the assistant district registrar is appointed and shall assist the district registrar of that district, and, as necessary, of any other district, in the performance of the district registrar's powers and duties under this Act.

General register of marriages

15.(1) The registrar general shall make and keep a general register of marriages which shall consist of all certificates of marriage relating to marriages solemnised in Queensland and registered by the registrar general.

(2) The general register of marriages may consist of such number of bound volumes of certificates of marriage as the registrar general may determine.

(3) For all the purposes of this Act, certificates of marriage contained in the general register of marriages shall be deemed to have been entered in that register, and the particulars contained in such certificates shall be deemed to be entries in that register.

Marriages on boats

15A. A marriage is taken to be solemnised in Queensland if—

- (a) it is solemnised on a boat under the Commonwealth Marriage Act, part 4, division 2; and
- (b) the boat goes to the place where the marriage is solemnised from a port in Queensland (the **“home port”**) without stopping at a port that is not in Queensland; and
- (c) after the marriage is solemnised, the boat returns to the home port, or another port in Queensland, without stopping at a port that is not in Queensland.

Noting of dissolution or annulment of marriage

16. Upon receipt of notification from any proper authority that a marriage solemnised in Queensland has been dissolved or annulled in Australia by the decree or order of a court of competent jurisdiction (and whether such decree or order was made prior to or subsequent to the commencement of this Act) the registrar general may cause any appropriate entry or certificate relating to such marriage and made or contained in any register kept by the registrar general, and any such entry made in any register kept by a district registrar to be noted accordingly.

Seals of office

17.(1) The registrar general shall cause a seal or stamp to be made for the general registry and for each district registry and the registrar general and district registrars respectively shall sign and cause to be sealed or stamped with such seal or stamp, as the case may be, every certificate, certified copy or certified extract given in their respective offices.

(2) Every entry in a register shall be deemed to be signed by the registrar general if it bears a print of the facsimile of the registrar general's signature.

(3) Every certificate, certified copy or certified extract given in the office of the registrar general or a district registrar shall be deemed to be signed by the registrar general or, as the case may be, district registrar if it bears a print of the facsimile of the registrar general's or district registrar's signature and

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shall be deemed to be sealed or stamped with the registrar general's or district registrar's seal or stamp if it bears a print of the facsimile of the registrar general's or district registrar's seal or stamp.

Certificates etc. to be received in evidence

18. Any certificate, certified copy or certified extract purporting to be signed by the registrar general or any district registrar and sealed or stamped in accordance with the provisions of section 17 shall be received in all courts of justice as evidence of the birth, death or marriage to which the same relates and of the other particulars therein recorded without further proof of such matters, and any certificate purporting to be signed by the registrar general and sealed or stamped as aforesaid that any original register of births, deaths or marriages for any specified period, and for any particular district, is lost or destroyed shall be received in any court of justice as conclusive evidence of that fact.

District registrar etc. may make inquiries

19. It shall be lawful for the registrar general and for any district registrar or assistant district registrar to ask of any person seeking to register or required by or under this Act to furnish information concerning any birth or death any of the particulars required by or under this Act to be registered.

Indexes

20.(1) Indexes shall be kept in the general registry of all births, deaths and marriages registered in Queensland.

(2) Indexes shall be kept in every district (other than the registry at Brisbane) of all entries of births, deaths and marriages registered or held in the office of the district registrar concerned.

Certified copies of entries of deaths

21. In any case where a coroner, by virtue of the *Coroners Act 1958*, is inquiring into the death of any person and, although that inquiry or the inquest (if any) is incomplete, the registrar general has received a certificate

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of the cause of death (including a certificate in connection with a post-mortem or other examination made under the *Coroners Act 1958*) signed by a medical practitioner and given in conformity with that Act, and the registration of death, apart from the entry of the results of the coroner's inquiry or inquest, is complete, then it shall be lawful for the registrar general or a district registrar concerned, notwithstanding that an entry of the results of the coroner's inquiry or inquest may be later made, to furnish to any applicant requiring documentary proof of the death a certified copy of the entries then appearing in relation to that death in the register of deaths.

Searches and copies

22.(1) Subject to subsections (3) to (3D), any person shall, upon application in writing and upon payment of the prescribed fees, be entitled, at any time when the office of the registrar general or, as the case may be, a district registrar, is open for the transaction of public business, to—

- (a) cause the registrar general or, as the case may be, a district registrar to have a search made of the indexes and the several registers kept by the registrar general or district registrar for any entry or duplicate entry therein; or
- (b) obtain from the registrar general or a district registrar a certificate signed by the registrar general or district registrar certifying particulars contained in an entry or duplicate entry in a register kept by the registrar general or district registrar; or
- (c) obtain from the registrar general or, as the case may be, a district registrar an extract from any entry or duplicate entry in any register kept by the registrar general or district registrar, certified under the registrar general's or district registrar's hand.

(1AA) A certificate mentioned in subsection (1)(b) and an extract must contain the particulars prescribed under a regulation.

(1A) In making a certified extract from an entry or duplicate entry in a register relating to the birth of a child registered prior to the commencement of the *Registration of Births, Deaths and Marriages Act Amendment Act 1974*, the registrar general or, as the case may be, district registrar shall show as the surname of the child—

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- (a) where a person is registered as the father of the child and a marginal note has not been entered in the appropriate birth registration pursuant to section 28A—the surname of the father;
- (b) where no person is registered as the father of the child—the surname of the mother;
- (c) where pursuant to section 28A there is entered in the appropriate birth registration a marginal note showing the surname of the mother as the surname of the child—the surname of the mother as evidenced by that note.

(1AB) Every certified extract made under subsection (1A) shall, if otherwise correct, be deemed to be a true extract from the original entry or duplicate entry in the register.

(1B) On and from the commencement of the *Registration of Births, Deaths and Marriages Act Amendment Act 1978*, in making a certificate from an entry or duplicate entry in a register relating to the birth of a child, the registrar general or, as the case may be, a district registrar shall omit from the certificate—

- (a) particulars of any surname of the mother (other than her surname at the date of the birth and her maiden surname);
- (b) particulars of any marriage of the father and of the mother;
- (c) particulars of any children of the father by any marriage (other than his marriage to the mother).

(1C) A certificate mentioned in subsection (1B), if otherwise correct, is taken to be a true copy of the original or duplicate entry in the register, to the extent it contains the particulars contained in the original or duplicate entry.

(2) In making a certificate, or certified extract from the entry or duplicate entry in any register relating to the birth of any illegitimate child the registrar general, or a district registrar, as the case may be, shall omit from the certificate or extract the word ‘illegitimate’ and any other word or words directly referring to the fact that the child is illegitimate, in any case where that word or those words appear or formerly appeared in the register.

(2A) A certificate mentioned in subsection (2), if otherwise correct, is taken to be a true copy of the original or duplicate entry in the register, to the extent it contains the particulars contained in the original or duplicate entry.

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(2B) A certified extract mentioned in subsection (2), if otherwise correct, is taken to be a true extract from the original or duplicate entry in the register.

(3) The registrar general or a district registrar may, in any case the registrar general or district registrar thinks fit, require the person seeking to have any such search made or to obtain any such certificate or extract to disclose the reasons for the person's request and any other relevant matters and if, in the opinion of the registrar general or the district registrar concerned, the search or certificate or extract is required for improper reasons or the person requesting the search or certificate or extract has not proper reasons, or if the person requesting the search or certificate or extract fails to disclose such information as is required hereunder, the registrar general or district registrar concerned may refuse to allow the search or to issue such certified copy or extract.

(3A) However, where a district registrar refuses to allow the search to be made or to issue the certificate or extract the applicant may in writing and upon payment of the fees prescribed for such search or certificate or extract, as the case may be, request the registrar general to cause such search to be made or certificate or extract to be issued and the registrar general may either comply with that request or, pursuant to subsection (3), refuse to do so.

(3B) Where the registrar general refuses to cause any search to be made or to issue any certificate or extract, whether in the first instance or after a refusal by a district registrar, the person requesting such search or certificate or extract may apply to a judge of the Supreme Court, upon affidavit of the facts, for an order calling upon the registrar general to show cause why such act should not be done, and if after due service of such order good cause is not shown against it, the judge may make the same absolute with or without or upon payment of costs.

(3C) However, no order for costs shall be made against the registrar general if the court is satisfied that at the time of the registrar general's refusal the registrar general had reasonable grounds for such refusal.

(3D) The registrar general upon being served with an order absolute shall obey the order and do the act required by it to be done.

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(4) Nothing in this section shall derogate from any regulation made under the *Adoption of Children Act 1964*.

Notice of births

23.(1) Where a child is born in any premises or where in any premises any living newborn child is found it shall be the duty of each of the following persons, that is to say—

(a) the father and mother of the child;

and in the case of the death, absence, or inability of the father and mother, or in the case where the father and mother are unknown, of each of the following—

(b) the occupier of the premises in which the child was, to the knowledge of that occupier, born;

(c) every person present at the birth;

(d) every person finding or taking charge of the child;

to lodge with the registrar general or the district registrar of the district in which such birth happens or, if the place of birth is unknown, then for the district in which the child is found, within 60 days next thereafter, a certificate of birth in the prescribed form or a form to the like effect signed by the informant and containing so much of the information required by or under this Act to be contained therein concerning the birth as is within the informant's knowledge and belief.

(1A) However, where 1 or more such certificates are lodged with the registrar general or the district registrar concerned within the time prescribed as aforesaid and all the information required by or under this Act to be contained in the certificate concerning the birth has been given, whether as the result of the lodgment of any 1 certificate or partly as a result of the lodgment of 1 certificate and partly as a result of the lodgment of another or others, within such time, then the lodging of the certificate or certificates and the giving of that information shall act as a discharge of the duty imposed by subsection (1) on every other person.

(2) In every case of a birth other than the cases referred to in subsection (1) (including where a living newborn child is found elsewhere

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than in premises and the place of birth is unknown) it shall be the duty of each of the following persons, that is to say—

(a) the father and mother of the child;

and in the case of the death, absence or inability of the father and mother or in the case where the father and mother are unknown, of each of the following—

(b) every person present at the birth;

(c) every person finding or taking charge of the child;

to lodge with the registrar general or the district registrar for the district in which such birth happens or, if the place of birth is unknown, then for the district in which the child is found, within 60 days next thereafter, a certificate of birth in the prescribed form or a form to the like effect, signed by the informant and containing so much of the information required by or under this Act to be contained therein concerning the birth as is within the informant's knowledge and belief.

(2A) However, where 1 or more such certificates are lodged with the registrar general or the district registrar concerned within the time prescribed as aforesaid and all the information required by or under this Act to be contained in the certificate concerning the birth has been given, whether as a result of the lodgment of any 1 certificate or partly as a result of the lodgment of 1 certificate and partly as a result of the lodgment of another or others, within such time, then the lodging of the certificate or certificates and the giving of that information shall act as a discharge of the duty imposed by subsection (2) on every other person.

(3) Notwithstanding anything hereinbefore contained in this section, the registrar general may cause to be registered any birth in relation to which any certificate of birth signed by any informant hereinbefore in this section referred to is received by any district registrar or assistant district registrar within the time prescribed as aforesaid.

Notification of perinatal death

24.(1) Any medical practitioner who attends to the confinement of the mother of a child not born alive or who (whether by order of a coroner or otherwise) examines the body of a child not born alive shall, forthwith after

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the confinement or examination, lodge with the registrar general or the district registrar for the district in which the confinement happened or, if the place of confinement is unknown, then for the district in which the body is found a medical certificate of cause of perinatal death in the prescribed form or a form to the like effect signed by the medical practitioner and stating to the best of the medical practitioner's information and belief the particulars set out in such prescribed form.

(2) Any medical practitioner who attends to a child who dies within 28 days after birth or who (whether by order of a coroner or otherwise), makes a post-mortem examination of the body shall, forthwith after the death or examination, lodge with the registrar general or the district registrar for the district in which the death occurred or, if the place of death is unknown, for the district in which the body is found a medical certificate of cause of perinatal death in the prescribed form or a form to the like effect signed by the medical practitioner and stating to the best of the medical practitioner's information and belief the particulars set out in such prescribed form.

(3) Where a post-mortem examination is made of the body of a child who has died within 28 days after birth, the certificate referred to in section 31 shall be the medical certificate of cause of perinatal death referred to in subsection (2) of this section, and accordingly the due lodging by the medical practitioner concerned of such medical certificate shall be a sufficient compliance by the medical practitioner with the provisions of section 31 relating to the lodgment by the medical practitioner of the certificate referred to in that section.

(4) For the purposes of the *Coroners Act 1958*, a medical certificate of cause of perinatal death referred to in this section shall be deemed not to be a medical certificate as to the cause of death except—

- (a) where it relates to a death concerning which a coroner has no jurisdiction to inquire and to hold an inquest under that Act; or
- (b) where, relating to a death concerning which a coroner has jurisdiction, the issue of a medical certificate as to the cause of death is not prohibited by that Act or, if prohibited, the coroner has consented to that certificate being issued as a medical certificate as to the cause of death for the purposes of that Act.

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(5) In the case of every child not born alive or who has died within 28 days after birth, the registrar general shall insert in the register of deaths the cause of death shown in the medical certificate relating to such child lodged pursuant to this section.

Father's registration where child's parents not married to each other

25.(1) Notwithstanding the provisions of section 23, 26 or 27, in the case of a child whose parents were not married to each other at the time of its conception and have not since married each other, the registrar general shall not enter in the register the name of any person as father of the child except—

- (a) at the joint request of the mother and the person acknowledging himself to be the father of the child; or
- (b) at the request of the mother, if there is a declaration of paternity, made under the *Status of Children Act 1978*, having force and effect in relation to the child and the registrar general is satisfied that in the circumstances of the case it is likely the declaration will not be revoked.

(2) This Act does not require a person to give information, as the father of the child, concerning the birth of a child—

- (a) in any case where the registrar general is prohibited from entering in the register the name of any person as father of the child; or
- (b) in the case referred to in subsection (1)(b).

(3) In the case of a joint request referred to in subsection (1)(a) both the mother and the person acknowledging himself to be the father shall sign a certificate of birth of the child to whom the joint request relates.

(4) If the mother of a child to whom subsection (1) relates is dead or the registrar general is satisfied that the mother's whereabouts are unknown or that the mother is unable to sign a certificate of birth the registrar general may enter in the register the name of the person acknowledging himself to be the father of the child at the request of that person alone.

(5) A joint request or a request by a person acknowledging himself to be the father of a child, referred to in subsection (1) or (4), may be made at the

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time when the birth is registered or at any time thereafter and, in the latter case, may be so made whether the birth was registered before or after the commencement of the *Status of Children Act 1978*.

Late registrations of birth

26.(1) Notwithstanding that the period of 60 days referred to in section 23 has expired—

- (a) it shall be lawful for the registrar general to register the birth of a child at any time within 3 years following the birth upon the person or persons required under section 23 to furnish information concerning the birth making a solemn declaration in the prescribed form or a form to the like effect;
- (b) it shall be lawful for the registrar general to register the birth of a child at any time after the expiration of 3 years following the birth upon being satisfied, on such evidence as is considered by the registrar general to be sufficient, of such birth, and upon the person or persons required under section 23 to furnish information concerning the birth making a solemn declaration in the prescribed form or a form to the like effect.

(2) If, because of—

- (a) lack of evidence; or
- (b) any other reason;

the registrar general is not able to register the birth of a person that is claimed to have happened in Queensland, application may be made to a District Court judge for an order that the birth be registered.

(2A) The order—

- (a) shall contain the necessary particulars for the registration of the birth; and
- (b) upon the application of the person seeking the order, may direct as to the name to be entered in the register as the surname of the person to whose birth the order relates, being the surname that the judge making the order considers, in the judge's discretion, to be appropriate in the circumstances of the case.

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(2B) It shall be lawful for the registrar general, upon receipt of such an order, to register that birth.

(3) The record kept by the registrar general as at the commencement of this Act and containing entries of births in relation to which certificates of birth were not received within the time prescribed under the repealed Acts, and known as the 'Memorandum of Births', shall be deemed to be a register of births under this Act, and the births recorded therein shall be deemed to have been duly registered under the repealed Acts, notwithstanding that certificates of birth in relation to the same were not received within the time prescribed under the repealed Acts.

(4) If the registrar general receives the prescribed form mentioned in subsection (1)(a) or (b), or a copy of the court order mentioned in subsection (2B), about a child, whether before or after the commencement of this subsection, the registrar general may register the child's birth after the commencement even though the fee prescribed under a regulation for the registration has not been paid.

Registration of births happening at sea etc.

27.(1) In every case where a child under the age of 18 months comes into Queensland and such child was born at sea or in any place outside the Commonwealth and the parents of such child intend to reside in Queensland it shall be lawful for the registrar general to register the birth of such child upon the father or the mother making a solemn declaration in the form prescribed or a form to the like effect, and producing such evidence of the birth as the registrar general deems sufficient, and on payment of the prescribed fee.

(2) However, no such birth shall be registered under this section after the expiration of 3 years after such child came into Queensland.

Entry of child's surname in register

27A.(1) The name to be entered in the register of births as the surname of a child shall be—

- (a) where there is an order under section 26(2) that directs as to the surname that shall be entered therein relating to the child in

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question—that surname;

(b) if there is no such order and unless subsection (2) applies—

- (i) the surname of the father, where a person is registered as the father of the child; or
- (ii) the surname of the mother, where no person is registered as the father of the child.

(2) Subject to subsections (3) and (4), upon application in the prescribed form by—

- (a) the mother of a child and the person who upon registration of the birth of that child would be registered as the father; or
- (b) the mother of a child, if the person who upon registration of the birth of that child would be registered as the father—
 - (i) would be registered as such under section 25(1)(b); or
 - (ii) is deceased (whether or not that child is a posthumous child); or
- (c) the person who upon registration of the birth of a child would be registered as the father, if the mother of that child is deceased; or
- (d) the person who upon registration of the birth of a child would, pursuant to section 25(4), be registered as the father;

the registrar general shall, in terms of the application, enter in the register of births as the surname of that child—

- (e) a surname formed by combining the surnames of the mother and the person registered as the father of that child in any separated order and whether or not joined by a hyphen; or
- (f) the surname of the mother of that child.

(3) An application under subsection (2) must be made prior to the registration of the birth of the child to which it relates.

(4) Where the validity of an application under subsection (2) is dependent upon the death of a person, the registrar general is not to act on the application unless the registrar general has received written notice of the death of that person certified as correct by the person having the custody of

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the official records of deaths for the place where the death of that person is recorded.

Entry of change of child's surname

27B.(1) Where the name entered in the register of births as the surname of a child is that directed by an order under section 26(2) and subsequently a person is registered as the father of the child, upon application in the prescribed form—

- (a) by the mother of the child; or
- (b) if the mother is dead or the registrar general is satisfied that her whereabouts are unknown or that she is unable to make the application—by the father of the child;

the registrar general may, subject to subsection (2), enter in the register of births a change of surname of the child to the surname of the father.¹

(2) The registrar general shall not act upon an application under subsection (1), if at the date of the application the child has attained the age of 12 years, unless there is lodged with the registrar general a consent in the prescribed form of the child to the change of surname applied for.

Entry of change of child's registered surname in respect of certain children born on or after 1 July 1974

27C.(1) Subject to subsections (2) to (4), upon application in the prescribed form by—

- (a) the mother and the person registered as the father of a prescribed child; or
- (b) the mother of a prescribed child, if a person is registered as the father of that child and—
 - (i) was registered as such under section 25(1)(b) prior to the prescribed date; or

¹ See section 29B (Changing particulars in register of births) for requirements about entering a change of a child's surname in the register of births.

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- (ii) is deceased (whether or not that child is a posthumous child); or
- (c) the person registered as the father of a prescribed child, if that registration occurred prior to the prescribed date and the mother of that child is deceased; or
- (d) the person who, pursuant to section 25(4), is registered as the father of a prescribed child, if that registration took effect prior to the prescribed date;

the registrar general shall, in terms of the application, enter in the register of births a change of surname of that child² to—

- (e) a surname formed by combining the surnames (as at the date of birth of that child) of the mother and the person registered as the father of that child in any separated order and whether or not joined by a hyphen; or
- (f) the surname (as at the date of birth of that child) of the mother of that child.

(2) An application under subsection (1), by whomsoever made, may be made in respect of a prescribed child once only.

(3) It is not competent to a person registered as the father of a prescribed child pursuant to a request under section 25(1) or (4) to join in making an application under subsection (1)(a) in respect of that child if a request in respect of that child could have been made under section 27D.

(4) Where the validity of an application under subsection (1) is dependent upon the death of a person, the registrar general is not to act on the application unless the registrar general has received written notice of the death of that person certified as correct by the person having the custody of the official records of deaths for the place where the death of that person is recorded.

(5) In this section—

“prescribed child” means a child—

² See section 29B (Changing particulars in register of births) for requirements about entering a change of a child’s surname in the register of births.

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- (a) who was born on or after 1 July 1974 and prior to the prescribed date; and
- (b) who has not attained the age of 18 years; and
- (c) who has not married; and
- (d) in respect of whom the registrar general has not entered in the appropriate birth registration a change of surname under section 28A;

“prescribed date” means the date proclaimed under section 2(2) of the *Registration of Births, Deaths and Marriages Act Amendment Act 1991*.

Request in respect of child’s registered surname where father registered pursuant to s 25 on or after prescribed date

27D.(1) Where on or after the prescribed date and subsequent to the registration under this Act of the birth of a child, the registrar general is requested pursuant to section 25(1) or (4) to enter in the register the name of a person as the father of that child and is at the same time requested by the persons or person making the first mentioned request—

- (a) to enter a change of surname of that child; or
- (b) not to enter a change of surname of that child;

the registrar general shall, if the first mentioned request is granted and that child is a prescribed child—

- (c) in a case to which paragraph (a) applies—enter in the register of births, in terms of the second request, a change of surname of that child³ to—
 - (i) the child’s father’s surname, as at the child’s date of birth; or
 - (ii) the child’s mother’s surname, as at the child’s date of birth;
or
 - (iii) one formed by combining the surnames, as at the child’s

³ See section 29B (Changing particulars in register of births) for requirements about entering a change of a child’s surname in the register of births.

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date of birth, of the child's mother and the person registered as the child's father in any separated order, whether or not joined by a hyphen; or

- (d) in a case to which paragraph (b) applies—notwithstanding section 27A(1)(b)(i), leave the surname of that child unchanged.

(2) In this section—

“prescribed child” means a child—

- (a) who has not attained the age of 18 years; and
- (b) who has not married; and
- (c) in respect of whom the registrar general has not entered in the appropriate birth registration a change of surname under section 28A;

“prescribed date” means the date proclaimed under section 2(2) of the *Registration of Births, Deaths and Marriages Act Amendment Act 1991*.

Registration of name after registration of birth

28.(1) If any child whose birth has been registered under this Act or the *Adoption of Children Act 1964* without a first or christian name has any such name given to it after the registration, or if any additional first name or christian name is given to a child to whom a first or christian name was given at the time when its birth was registered, or if another first or christian name is given to any child in place of the registered name, the parents of the child or, where the director within the meaning of the *Children's Services Act 1965* is, pursuant to the *Adoption of Children Act 1964* or the *Children's Services Act 1965*, the guardian of the child, the director, may, in writing in the prescribed form or a form to the like effect, request the registrar general to register the name so given and the registrar general, on receipt of the prescribed fee—

- (a) shall register the name accordingly, if the request is received by the registrar general within 7 years after the date of the birth; or
- (b) having regard to the best interests of the child, may register the

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name accordingly, if the request is received by the registrar general at any other time before the child attains the age of 18 years.

(1A) However, where the request is received by the registrar general or the district registrar for the district in which the birth happened within 60 days after the date of the child's birth or adoption, no fee shall be payable.

(1B) In addition, the registrar general may register the name so given under this section on the request of 1 parent if the other is dead or is unable to sign, or if the parents are divorced or legally separated and the parent making the application has the sole custody by court order of the child, or if the registrar general is satisfied that the whereabouts of the other parent are unknown.

(1C) In addition, in the case of a child whose parents were not married to each other at the time of its conception and have not since married each other, a request by the mother alone shall be sufficient.

(2) Particulars of any alteration or addition to the register under this section shall be entered on the appropriate birth registration.

(3) Not more than 1 altered or additional entry to the register in respect of the name of any child shall be made under subsection (1).

(4) If the registrar general is satisfied on evidence given to the registrar general that a person who is 18 or more has evidenced the change of the person's name by deed poll or other legal process, the registrar general may, on payment of the fee prescribed under a regulation—

- (a) enter the change by making a note in the margin, or in the place set aside for notes, in the appropriate entry in the register of marriages; or
- (b) enter the change in the register of births.⁴

⁴ See section 29B (Changing particulars in register of births) for requirements about entering a change of a person's name by deed poll or other legal process in the register of births.

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Entry of change of surname of child

28A.(1) Upon application in the prescribed form by the mother of a child—

- (a) whose birth has been registered under this Act; and
- (b) who has not become an adopted child under the law of any place outside Queensland; and
- (c) who has not attained the age of 18 years; and
- (d) who has not married;

the registrar general, subject to the provisions of this section that apply in relation to that application and to the application's compliance with those provisions, may—

- (e) enter in the register of births a change of surname of the child to the appropriate surname of the mother; or⁵
- (f) for a registration entered in the adopted children register kept under the *Adoption of Children Act 1964*—enter a change of surname of the child to the appropriate surname of the mother.

(1A) In subsection (1)—

“mother” includes a woman who by reason of the making of an adoption order has become a parent of a child pursuant to the *Adoption of Children Act 1964*;

“appropriate surname of the mother” means the surname to which it is sought to change a child's surname by way of an application that complies with the provisions of this section that apply in relation to that application.

(2) An application may be made under this section in respect of a child to whose father the applicant was not married at its conception and whose father she has not since married and may seek the change of the child's surname to the applicant's maiden name, or to her surname at the date of the child's birth or, if the applicant is married, to her surname by marriage at the date of the application.

⁵ See section 29B (Changing particulars in register of births) for requirements about entering a change of a child's surname in the register of births.

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(2A) Upon production to the registrar general of evidence satisfactory to the registrar general that—

- (a) the child is known and has, for a continuous period of 1 year at the least immediately preceding the date of the application, been known by the applicant's surname to which the application seeks to change the child's surname; and
- (b) the child is residing with the applicant at the date of the application; and
- (c) the provisions of subsection (5) have been complied with;

the registrar general may exercise the power conferred on the registrar general by subsection (1)(e) or (f), whichever is appropriate.

(3) An application may be made under this section in respect of a child to whose father the applicant was married at its conception or whose father she has since married and may seek the change of the child's surname to the applicant's surname at the date of the application, being her surname at that date by a marriage subsequent to the termination (by reason of divorce or death) of her marriage to the child's father.

(3A) Upon production to the registrar general of evidence satisfactory to the registrar general that—

- (a) the child is known and has, for a continuous period of 1 year at the least immediately preceding the date of the application, been known by the applicant's surname to which the application seeks to change the child's surname; and
- (b) the child is residing with the applicant at the date of the application; and
- (c) the provisions of subsection (5) have been complied with;

the registrar general may exercise the power conferred on the registrar general by subsection (1)(e) or (f), whichever is appropriate.

(4) An application may be made under this section in respect of a child of whom the applicant is a parent by reason of the making of an adoption order under the *Adoption of Children Act 1964* and may seek the change of the child's surname to the applicant's surname at the date of the application, being her surname at that date by a marriage subsequent to the termination

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(by reason of divorce or death) of her marriage to the child's other parent by reason of the making of the adoption order.

(4A) Upon production to the registrar general of evidence satisfactory to the registrar general that—

- (a) the child is known and has, for a continuous period of 1 year at the least immediately preceding the date of the application, been known by the applicant's surname to which the application seeks to change the child's surname; and
- (b) the child is residing with the applicant at the date of the application; and
- (c) the provisions of subsections (5) and (5A) have been complied with;

the registrar general may exercise the power conferred on the registrar general by subsection (1)(f).

(5) The registrar general shall not act upon an application made pursuant to subsection (2), (3) or (4) unless the appropriate provisions of paragraphs (a) to (d) are complied with—

- (a) if at the date of the application the child has attained the age of 12 years—there shall be lodged with the registrar general a consent in the prescribed form to the change of surname applied for of the child;
- (b) if at the date of the application the child has not attained the age of 12 years—there shall be lodged with the registrar general an undertaking in the prescribed form by the applicant and by the husband (if any) of the applicant that if the application is approved the child will be informed of the particulars of the change of its surname when in the opinion of the person giving the undertaking the child has attained an appropriate age less than the age of 18 years;
- (c) there shall be lodged with the registrar general a consent in the prescribed form to the change of surname applied for of the husband (if any) of the applicant and of the director within the meaning of the *Children's Services Act 1965*;
- (d) unless there is in operation in relation to the application an order

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granted under subsection (5AB), there shall be lodged with the registrar general a consent in the prescribed form to the change of surname applied for of—

- (i) the child's father, where the application is made pursuant to subsection (3), or, if he is deceased, a guardian of the child;
- (ii) the person who is the male parent of the child by reason of the making of an adoption order, where the application is made pursuant to subsection (4), or, if he is deceased, a guardian of the child.

(5AA) A consent required by subsection (5), other than that of the director—

- (a) shall be witnessed by—
 - (i) an officer of the department of government for the time being administering the *Children's Services Act 1965*; or
 - (ii) a barrister or solicitor; or
 - (iii) a justice; and
- (b) shall be irrevocable except by notice in writing witnessed by a justice and delivered to the director within 30 days from the date of the consent.

(5A) A person who has made an application under subsection (3) or (4) may apply to the Supreme Court or to the Childrens Court for an order that a consent required by the appropriate provision of subsection (5)(d) be dispensed with on the ground that—

- (a) the whereabouts of the person whose consent is required have not been discovered after reasonable inquiries made by or on behalf of the applicant and are unknown to the applicant; or
- (b) the person whose consent is required is incapable of giving a valid consent; or
- (c) there has been no contact between the child to whom the application relates and the person whose consent is required for a period of 2 years.

(5AB) A court to which application is made under subsection (5A) may

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make the order thereby sought if the court is satisfied that the ground on which the order is sought is established by the evidence adduced in relation to the application and jurisdiction is hereby conferred on the Childrens Court accordingly.

(5B) Where an application is made under subsection (2) to change a child's surname to the applicant's maiden name, the requirements for the husband's undertaking and consent contained in subsection (5)(b) and (c) do not apply.

(6) The director shall not give consent to a change of surname of a child pursuant to this section—

- (a) until the expiration of 30 days from the date of the consent (other than the director's consent) required by subsection (5) last given; or
- (b) if it appears to the director that—
 - (i) a consent (other than the director's consent) required by subsection (5) has not been given or has been given otherwise than in accordance with subsection (5) and (5AA); or
 - (ii) a consent required by subsection (5) has been revoked in accordance with subsection (5AA); or
 - (iii) a form of consent required by subsection (5) has been altered in a material particular without authority; or
 - (iv) a form of consent required by subsection (5) has been completed by a person who, as at the date of such completion did not understand the nature of the consent or was not in a fit condition to consent; or
 - (v) a consent required by subsection (5) has been obtained by fraud, duress or other improper means; or
- (c) if, after such investigation as the director thinks fit, the director is not satisfied that the change of surname is in the best interests of the child.

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Registration of birth of legitimated child

29.(1) Where under the provisions of the Commonwealth Marriage Act a child born in Queensland whose parents were not married to each other at the time of the birth of the child is, by virtue of the fact that those parents have subsequently married each other, the legitimate child of those parents, application for the registration or reregistration of the birth of the child as the lawful issue of those parents shall be made to the registrar general as hereinafter in this section provided.

(2) The application shall contain such information with respect to the legitimation of the child as is prescribed by regulations under the Commonwealth Marriage Act, and required by those regulations and by that Act to be furnished to the appropriate registering authority, and shall be accompanied by the certificate of birth prescribed by section 23 of this Act signed by the person or persons giving the information contained therein.

(3) The registrar general, if the registrar general has no reason to believe that the child is not a legitimated child and that the information referred to in subsection (2) is not true and correct, shall register or reregister the birth of the child.

(3A) The registrar general may make such inquiries (if any) as the registrar general thinks fit to inform himself or herself whether the person to whom the application relates is a legitimated child and the information aforementioned is true and correct.

(3B) Any entry made in a register pursuant to this section shall indicate that such entry was made under the authority of this section.

(4) Where any person whose birth is sought to be registered or reregistered under this section has previously been registered as illegitimate, the registrar general shall note in the margin to such previous entry of registration the fact of the making of the new entry and shall advise the district registrar concerned to make a similar notation in the margin of such previous entry of registration or, as the case may be, duplicate entry of registration.

Registration of birth before 1988 amending Act of child not born alive

29A.(1) Where application is made to the registrar general to register the

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birth of a child not born alive that happened before the passing of the *Registration of Births, Deaths and Marriages Act Amendment Act 1989*, it shall be deemed that the prescribed provisions of this Act apply in respect of that birth, according to the terms of those provisions, subject to this section.

(2) If in any case referred to in subsection (1) the applicant does not furnish to the registrar general sufficient information to comply with the relevant prescribed provisions of this Act, the registrar general shall refer the matter of the application to the Minister.

(3) If in respect of a matter referred to the Minister under subsection (2) the Minister or the Minister's delegate appointed in writing in this behalf is satisfied by the applicant of sufficient facts relating to the birth to which the application relates as to justify, in the Minister's or delegate's opinion, registration of the birth, the Minister or delegate may approve of the application whereupon the prescribed provisions of this Act shall apply in respect of that birth, according to the terms of those provisions, varied only as expressly specified in the approval and it shall be lawful for the registrar general to register the birth in accordance with the approval.

(4) If in any case of an application referred to in subsection (1) it appears to the person considering the application that it is impracticable to furnish such documentary evidence relating to the birth as is required by this Act, evidence of the relevant facts may be furnished by affidavit made in accordance with law upon oath or affirmation.

(5) An application under this section shall not be successful unless there is furnished to the registrar general, the Minister or the delegate in connection with the application sufficient information to enable the registrar general to register in accordance with the prescribed provisions of this Act the death of the child to whose birth the application relates.

(6) Subsection (4) applies in respect of evidence relating to a death as it does in respect of evidence relating to a birth.

(7) In this section—

“prescribed provisions of this Act” means the provisions of this Act concerning notification or registration of birth or death, other than the provisions of this section or section 26(2) and provisions that require payment of any fee for registration of a birth or death.

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Changing particulars in register of births

29B.(1) This section applies if the registrar general proposes to enter in the register of births—

- (a) a change of a child's surname under section 27B(1), 27C(1), 27D(1)(c) or 28A(1)(e); or
- (b) a change of a person's name by deed poll or other legal process under section 28(4).

(2) The registrar general may enter the change by—

- (a) making a note in the margin, or in the place set aside for notes, in the appropriate entry; and
- (b) if the registrar general considers it is appropriate to reregister the birth—
 - (i) closing the entry in the way the registrar general considers appropriate; and
 - (ii) reregistering the birth of the child or person.⁶

Application for reregistration of birth

29C.(1) This section applies if—

- (a) notes have been made under this Act by the registrar general on an entry in the register of births; and
- (b) the registrar general has not reregistered the birth of the person to whom the entry relates.

(2) This section also applies if particulars of an alteration of, or addition to, a person's name are entered in an entry in the register of births under section 28(2).

(3) Application may be made for reregistration of the person's birth.

(4) However, an application may be made only by—

- (a) if the person is an adult—the person; or

⁶ See section 29D (Notes about reregistration of births) for requirements about reregistering births.

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(b) if the person is a minor—a parent or guardian of the person.

(5) The application must—

- (a) be made to the registrar general; and
- (b) be in the prescribed form; and
- (c) be accompanied by the fee prescribed under a regulation.

(6) If an application is made under this section, the registrar general must—

- (a) close the entry in the way the registrar general considers appropriate; and
- (b) reregister the person's birth.⁷

Notes about reregistration of births

29D.(1) If the registrar general reregisters a birth under section 29B or 29C, the registrar general must—

- (a) make a note, in the entry closed for reregistering the birth (the **“closed entry”**), to show the birth has been reregistered; and
- (b) make a note, in the entry containing particulars of the reregistration (the **“new entry”**), to show the new entry was made under section 29B or 29C.

(2) The registrar general must—

- (a) in the note made in the closed entry—include a reference to the new entry; and
- (b) in the note made in the new entry—include a reference to the closed entry.

(3) A note made under subsection 1(a) or (b) must be made in the margin, or in the place set aside for notes, in the entry.

⁷ See section 29D (Notes about reregistration of births) for requirements about reregistering births.

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Notice of deaths

30.(1) Where a person dies in any premises or where in any premises a dead body is found, it shall be the duty of each of the following persons, that is to say—

- (a) the occupier of the premises if the occupier knew of the happening of the death;
- (b) every relative of the deceased (including a relative by marriage);
- (c) every inmate of the premises who knew of the happening of the death;
- (d) every person present at the death;
- (e) the person disposing of or causing the disposal of the body;

to lodge with the registrar general or the district registrar for the district in which such death happens or, if the place of death is unknown, then for the district in which the dead body is found, within 30 days next thereafter, a certificate of death in the prescribed form or a form to the like effect signed by the informant and containing so much of the information required by or under this Act to be contained therein concerning the death as is within the informant's knowledge and belief.

(1A) However, where 1 or more certificates are lodged with the registrar general or the district registrar concerned within the time prescribed as aforesaid and all the information required by or under this Act to be contained in the certificate concerning the death has been given, whether as the result of the lodgment of any 1 certificate or partly as the result of the lodgment of 1 certificate and partly as a result of the lodgment of another or others, within such time, then the lodging of the certificate or certificates and the giving of that information shall act as a discharge of the duty imposed by subsection (1) on every other such person.

Deaths elsewhere

(2) In every case of a death other than the cases referred to in subsection (1) (including where a dead body is found elsewhere than in premises and the place of death is unknown) it shall be the duty of each of the following persons, that is to say—

- (a) every relative of the deceased (including a relative by marriage);

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- (b) every person present at the death;
- (c) every person finding or taking charge of the body;
- (d) the person disposing of or causing the disposal of the body;

to lodge with the registrar general or the district registrar for the district in which such death happens or, if the place of death is unknown, then for the district in which the dead body is found, within 30 days next thereafter, a certificate of death in the prescribed form or a form to the like effect signed by the informant and containing so much of the information required by or under this Act to be contained therein concerning the death as is within the informant's knowledge and belief.

(2A) However, where 1 or more such certificates are lodged with the registrar general or the district registrar concerned within the time prescribed as aforesaid and all the information required by or under this Act to be contained in the certificate concerning the death has been given, whether as the result of the lodgment of any 1 certificate or partly as the result of the lodgment of 1 certificate and partly as the result of the lodgment of another or others, within such time, then the lodging of the certificate or certificates and the giving of that information shall act as a discharge of the duty imposed by subsection (2) on every other such person.

(3) Notwithstanding anything hereinbefore contained in this section, the registrar general may cause to be registered any death in relation to which any certificate of death signed by any informant hereinbefore in this section referred to is received by the registrar general at any time.

Post-mortem examination certificate

31.(1) Where a post-mortem examination is made by virtue of the *Coroners Act 1958* of any dead body, the doctor by whom the post-mortem examination is made shall, in addition to any duty imposed upon the doctor by the *Coroners Act 1958* immediately cause to be lodged with the registrar general or the district registrar for the district in which the death happened or, if the place of death is unknown, then for the district in which the dead body was found, the doctor's certificate as to the cause of death as disclosed by the post-mortem examination and the registrar general, upon receipt of that certificate, shall make or cause to be made an entry in the appropriate register of the holding of the post-mortem examination and of the cause of

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death as so disclosed.

(2) Despite subsection (1), another doctor (the “**certifying doctor**”) may complete and lodge the certificate as to the cause of death with the registrar general if—

- (a) it is impractical, for any reason, for the doctor who made the post-mortem examination (the “**examining doctor**”) to complete and lodge the certificate; and
- (b) the certifying doctor completes the certificate on the basis of the clinical notes made by the examining doctor.

Certificate that inquest of death unnecessary

32. Where, by virtue of the *Coroners Act 1958*, the coroner, or the chief executive of the department administering the *Coroners Act 1958*, on the recommendation of the coroner, decides that the holding of an inquest is unnecessary, he or she shall forthwith send to the registrar general a certificate under his or her hand of such decision and of the cause of death as disclosed by his or her inquiry, and the registrar general, upon receipt of that certificate, shall make or cause to be made an entry in the appropriate register of the cause of death as so certified, except in cases where such cause of death corresponds with the cause of death already registered in relation to the death in question.

Order by coroner for burial etc.

33. Where, by virtue of the *Coroners Act 1958*, a coroner has issued an order for the burial, a certificate for the cremation, or an order for the removal out of the State, of the body of a deceased person, the coroner shall forthwith send to the registrar general a copy of such order or certificate, and the registrar general shall make or cause to be made an entry in the appropriate register of such information set forth in the order or certificate as the registrar general considers necessary for the completion of the registration of the death in question.

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Notice of removal of body out of State

34.(1) Unless a coroner has issued an order under the *Coroners Act 1958* for the removal out of the State of the body, no person shall remove or cause or permit or assist in the removal of the body of a deceased person out of the State until notice of the proposed removal of the body out of the State has been given in the prescribed form or a form to the like effect to the registrar general or the district registrar for the district in which the death happened or, if the place of death is unknown, then for the district in which the body was found.

(2) The provisions of this section shall be in addition to and not in substitution for or diminution of the provision of the *Coroners Act 1958*, section 21.

Certificate of holding of inquest of death

35. Where an inquest of death is held, the coroner holding the same shall forthwith after giving the coroner's finding send to the registrar general a certificate in the prescribed form or a form to the like effect under the coroner's hand of the holding of the inquest, of the date of the coroner's finding and of the cause of death as found by the coroner, and, where requested by the registrar general, containing such other particulars as the registrar general requires, and the registrar general shall make or cause to be made an entry in the appropriate register of such information so certified as the registrar general considers necessary for the completion of the registration of the death in question.

Certificate where body received for anatomical examination

36. Where, by virtue of the *Medical Act 1939*, part 9, any dead body is received for anatomical examination, the person so receiving it shall forthwith cause to be lodged with the registrar general or the district registrar for the district in which the death happened or, if the place of death is unknown, then for the district in which the dead body was found, a copy of the certificate of the cause of death together with a certificate in the prescribed form or a form to the like effect signed by that person and containing the information required by or under this Act to be contained therein and the registrar general shall make or cause to be made an entry in

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the appropriate register of such information set forth in the certificate or copy of the certificate of death as the registrar general considers necessary for the completion of the registration of the death in question.

Suicides

37. Where an entry of the cause of death is made in any register of deaths pursuant to this Act, and the death in question was self-inflicted, there shall not be added to the entry the word 'suicide' or any other word or words expressly indicating that the death was self-inflicted.

Registration of deaths at sea or in the air

38.(1) Upon receipt of sufficient information of any death on or from any vessel whilst at sea on its latest voyage to a port in Queensland, or any aircraft during a flight to a place in Queensland, the registrar general shall register such death.

(2) Information as to any such death at sea may be given by the master or commander of the vessel or by the marine crews officer of the Australian Maritime Safety Authority, or, as to any such death on an aircraft, by the person in charge of the aircraft, or, in either case, by any other person competent to give such information, to the registrar general or to any district registrar who shall forward such information to the registrar general.

Certificate of death

39. Where in relation to the death of any person the registrar general or any other district registrar or any assistant district registrar receives a medical certificate of the cause of death (other than a certificate in connection with a post-mortem or other examination made by a medical practitioner under the *Coroners Act 1958*), the registrar general, district registrar or assistant district registrar shall, (unless the giving of that certificate is prohibited by the *Coroners Act 1958*) if so requested, deliver or cause to be delivered without charge to the undertaker or other person having charge of the funeral or removal of the body a certificate under his or her hand in the prescribed form or a form to the like effect that such medical certificate has been received for the purposes of the registration of the death.

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Certificate of burial

40.(1) Every undertaker or other person in charge of a burial shall forthwith lodge with the registrar general or the district registrar for the district in which the death happened or, if the place of death is unknown, then for the district in which the dead body was found, a burial certificate in the prescribed form or a form to the like effect, signed and countersigned in accordance with subsection (2).

(2) Every burial certificate shall be signed by the undertaker or other person in charge of the burial and shall be countersigned by the minister or other person officiating at the burial, or by 2 witnesses of the burial or, in cases of cremation of the body, may be countersigned by the minister or other person officiating in relation thereto but shall be countersigned by 2 witnesses of the cremation.

(3) The registrar general, upon receipt of the burial certificate, shall make or cause to be made in the appropriate register an entry of such information contained in the burial certificate as the registrar general considers necessary for the completion of the registration of the death in question.

Correction of errors in coroner's certificate etc.

41. Where an error of fact or substance (other than an error relating to the cause of death) occurs in the information given by a coroner's certificate or order concerning a dead body, the coroner, if satisfied by evidence on oath or statutory declaration that such an error exists, may certify under the coroner's hand to the registrar general the nature of the error and the true facts of the case as ascertained by the coroner on that evidence, and the error may thereupon be corrected by the registrar general in the register by entering in the margin (without any alteration of the original entry) the facts as so certified by the coroner.

Correction of errors

42.(1) A correction may be made in any entry in the register of a birth, death, or marriage, in accordance with this section.

(2) Any clerical error which may from time to time be discovered in any entry in a register relating to a birth or death, or relating to a marriage

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solemnised prior to the commencement of the Commonwealth Marriage Act may be corrected by the registrar general under subsection (3B).

(2A) Where such correction has been made by the registrar general in an entry that is a copy of an entry made in a register kept by a district registrar other than the registrar general, the registrar general shall direct the district registrar who has the custody of the register in which the original entry was made to make a similar correction in that entry, and the district registrar shall carry out such direction.

(2B) Where such correction has been made by the registrar general in an entry of a birth or death registered by the registrar general after the commencement of the *Registration of Births, Deaths and Marriages Act Amendment Act 1979* the registrar general shall direct the district registrar for the district in which the birth or death happened to make a similar correction in the duplicate of such entry kept by the district registrar, and the district registrar shall carry out such direction unless such duplicate entry is no longer being kept by the district registrar.

(3) An error of fact or substance may, on such evidence as appears to the registrar general to be sufficient, be corrected by the registrar general under subsection (3B) in any register of births or deaths, or of marriages solemnised prior to the commencement of the Commonwealth Marriage Act, kept by the registrar general in the general registry, and where such correction has been made by the registrar general in an entry which is a copy of an entry made in a register kept by a district registrar other than the registrar general, the registrar general shall direct the district registrar who has the custody of the register in which the original entry was made to make a similar correction in that entry, and the district registrar shall carry out such direction.

(3A) Where such correction has been made by the registrar general in an entry of a birth or death registered by the registrar general after the commencement of the *Registration of Births, Deaths and Marriages Act Amendment Act 1979* the registrar general shall direct the district registrar for the district in which the birth or death happened to make a similar correction in the duplicate of such entry kept by the district registrar, and the district registrar shall carry out such direction unless such duplicate entry is no longer being kept by the district registrar.

(3B) The registrar general may correct an entry in a register mentioned in

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subsection (2) or (3)—

- (a) in the way prescribed under a regulation; or
- (b) by cancelling the entry in the way prescribed under a regulation and, if the registrar general considers it is appropriate to make a new entry in the register, making the new entry.

(3C) After correcting an entry in the way mentioned in subsection (3B)(a), the registrar general may, if the registrar general considers it appropriate, cancel the entry in the way prescribed under a regulation and make a new entry in the register.

(4) An error in any official certificate of marriage received pursuant to the Commonwealth Marriage Act may be corrected by the registrar general who shall, when it is certified to the registrar general in accordance with that Act that a specified correction in a certificate of marriage is necessary, make the specified correction in the general register of marriages, and shall, where the marriage was solemnised in a district other than Brisbane, direct the district registrar of that district (if the marriage was registered by the district registrar) to make a similar correction in the entry relating to that marriage in the register kept by the district registrar and the district registrar shall carry out such direction.

(5) Any person furnishing evidence for the purpose of correcting an entry in any register may be required by the registrar general to sign such amended certificates, make such statutory declarations and produce such documentary or other evidence as the registrar general may consider necessary.

(6) Every certified copy of any entry or duplicate entry corrected in accordance with subsections (2) to (2B) or any similar provision of the repealed Acts shall omit the erroneous particulars and contain the correct particulars entered in accordance with that subsection or provision, and every certified copy of any entry corrected in accordance with subsection (3) or (4) or any duplicate entry corrected in accordance with subsection (3) or (3A) or any similar provision of the repealed Acts shall be of the entry or duplicate entry as so corrected, and every certified extract from any such entry or duplicate entry shall be an extract from such entry or duplicate entry as so corrected.

(6A) However, in any case where the registrar general or the district

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registrar concerned thinks fit, the certified copy shall be a copy of the original or duplicate entry showing all alterations and additions made thereon.

(7) The provisions of this section shall apply irrespective of whether any entry in question was made prior to or subsequent to the commencement of this Act.

Clerical fees not prejudiced

43. Nothing contained in this Act shall affect the right of any officiating minister to receive any fees offered to the minister for the performance of any religious rite of baptism, marriage or burial.

Offences

44.(1) Any person who—

- (a) being required by or under this Act to give information concerning any birth or death or any living newborn child or any dead body or any child not born alive—wilfully refuses to answer any question put to the person by the registrar general or by any district registrar relating to the particulars required to be registered concerning the birth or death or the living newborn child or the dead body or the child not born alive, as the case may be; or
- (b) save as provided in this Act, fails to comply with any requirement of the registrar general or any district registrar made under this Act; or
- (c) fails, without reasonable cause to give, lodge or send any certificate, order or other document which the person is required by or under this Act to give, lodge or send; or
- (d) being a person upon whom a duty to give information concerning the birth of any living newborn child or concerning a child not born alive is imposed by this Act, fails to give that information, and that information is not given; or
- (e) being a person upon whom a duty to give information concerning a death, a child not born alive or the receipt of a dead body for

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anatomical examination is imposed by this Act, fails to give that information, and that information is not given;

shall be guilty of an offence against this Act.

Maximum penalty—2 penalty units.

(2) If the registrar general refuses or without reasonable cause omits to register any birth, death or marriage of which the registrar general shall have had due notice under this Act, the registrar general shall be guilty of an offence against this Act.

Maximum penalty—1 penalty unit.

(2A) Every person who has the custody of any register book or certified copy thereof or of any part thereof who negligently loses or injures the same or negligently allows the same to be injured whilst in the person's keeping, shall be guilty of an offence against this Act.

Maximum penalty—1 penalty unit.

(3) Every person who contravenes or fails to comply with any of the provisions of this Act shall be guilty of an offence against this Act.

Maximum penalty—2 penalty units.

(4) All offences against this Act may be prosecuted in a summary manner under the *Justices Act 1886*.

Regulations

45. The Governor in Council may from time to time make regulations, not inconsistent with this Act, prescribing all matters and things which are by this Act required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, without limiting the generality of the foregoing provisions of this section, in particular—

- (a) prescribing, providing for, regulating and controlling the business and procedure of the general registry;
- (b) prescribing, providing for, regulating and controlling the business of and procedures to be observed by the registrar general, district registrars and assistant district registrars in the exercise of their

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powers, duties and functions under this Act;

- (c) prescribing forms (including the form of registers, certificates and certified extracts from any entries in registers) under this Act and the respective purposes for which such forms shall be used and the matters and information to be contained therein including prescribing forms so as to contain or be accompanied by a declaration under the *Oaths Act 1867* verifying the information and particulars contained therein or so as to be, in whole or in part, in the form of a declaration under that Act;
- (d) prescribing fees payable under this Act on such basis or bases as the Governor in Council considers appropriate and the matters in respect of which such fees shall be paid;
- (e) prescribing the persons by whom and the places and times where and when such fees shall be paid so that fees of different amounts and different bases for the calculation of fees may be prescribed both in relation to different matters and, by reference to different persons, localities or circumstances, the same matters.

ENDNOTES

1 **Index to endnotes**

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2 **Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 12 February 1997. Future amendments of the Registration of Births, Deaths and Marriages Act 1962 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in
unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 40 of 1992	15 April 1994
2	to Act No. 50 of 1995	21 December 1995

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed names and titles	1, 2
Obsolete and redundant provisions	1, 2
Corrected minor errors	1
Renumbered provisions	1

6 List of legislation

Registration of Births, Deaths and Marriages Act 1962 No. 24

date of assent 13 December 1962

ss 1–2 commenced on date of assent

remaining provisions commenced 1 September 1963 (proc pubd gaz 29 June 1963 p 917)

as amended by—

Registration of Births, Deaths and Marriages Act and Another Act Amendment Act 1967 No. 11 pts 1–2

date of assent 5 April 1967

pt 1 commenced on date of assent

remaining provisions commenced 1 October 1967 (proc pubd gaz 2 September 1967 p 41)

Registration of Births, Deaths and Marriages Act Amendment Act 1974 No. 9

date of assent 18 April 1974

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1974 (proc pubd gaz 25 May 1974 p 640)

Coroners Act and Another Act Amendment Act 1977 No. 49 pt 3

date of assent 6 October 1977

commenced on date of assent

Status of Children Act 1978 No. 30 s 14 sch

date of assent 8 June 1978

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 1979 (see s 1(2))

Registration of Births, Deaths and Marriages Act Amendment Act 1978 No. 71

date of assent 8 December 1978

ss 1–2 commenced on date of assent

remaining provisions commenced 1 April 1979 (proc pubd gaz 10 March 1979 p 873)

Registration of Births, Deaths and Marriages Act Amendment Act 1979 No. 58

date of assent 7 December 1979

ss 1–2 commenced on date of assent

s 5 commenced 7 April 1980 (proc pubd gaz 5 April 1980 p 1201)

remaining provisions commenced 1 January 1980 (proc pubd gaz 22 December 1979 p 1677)

Registration of Births, Deaths and Marriages Act Amendment Act 1981 No. 52

date of assent 12 June 1981

ss 1–2 commenced on date of assent

remaining provisions commenced 1 September 1981 (proc pubd gaz 29 August 1981 p 2724)

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Registration of Births, Deaths and Marriages Act Amendment Act 1982 No. 30

date of assent 5 May 1982
commenced on date of assent

Adoption of Children Acts and Another Act Amendment Act 1986 No. 35 pt 4

date of assent 5 September 1986
commenced on date of assent

Family Services Act 1987 No. 32 s 69(1), (9) sch (as amended by Act No. 47 of 1988 s 3 sch 1)

date of assent 30 April 1987
ss 1–2 commenced on date of assent
remaining provisions commenced 9 June 1987 (proc pubd gaz 30 May 1987 p 846)

Registration of Births, Deaths and Marriages Act Amendment Act 1989 No. 15

date of assent 30 March 1989
ss 1–3 commenced on date of assent (see s 3(1))
remaining provisions commenced 1 May 1989 (proc pubd gaz 29 April 1989 p 2802)

Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 sch 6

date of assent 14 November 1990
ss 1–2 commenced on date of assent
remaining provisions commenced 7 December 1989 (see s 2(4)(b))

Registration of Births, Deaths and Marriages Act Amendment Act 1991 No. 5

date of assent 6 March 1991
ss 1–2 commenced on date of assent (see s 2(1))
remaining provisions commenced 1 May 1991 (proc pubd gaz 13 April 1991 p 2220)

Justice Legislation (Miscellaneous Amendments) Act 1991 No. 42 ss 1–3 sch

date of assent 5 August 1991
commenced on date of assent

Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40 ss 1–2 163 sch 1

date of assent 14 August 1992
commenced on date of assent

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 2

date of assent 1 December 1994
commenced on date of assent

Statute Law (Minor Amendments) Act 1995 No. 50 ss 1, 3 sch

date of assent 22 November 1995
commenced on date of assent

Consumer Law and Other Justice Legislation (Miscellaneous Provisions) Act 1996 No. 56 pts 1, 19

date of assent 20 November 1996
commenced on date of assent

7 List of annotations

Commencement

s 2 om R2 (see RA s 37)

Severability

s 3 om 1992 No. 40 s 163 sch 1

Application of Act

s 4 sub 1992 No. 40 s 163 sch 1

Interpretation

s 5 amd 1989 No. 15 s 4(a), (c)
 def “**boat**” ins 1995 No. 50 s 3 sch
 def “**Burial**” om 1992 No. 40 s 163 sch 1
 def “**chief executive**” ins 1992 No. 40 s 163 sch 1
 def “**Child**” ins 1967 No. 11 s 4(a)
 om 1989 No. 15 s 4(b)
 def “**Child not born alive**” ins 1967 No. 11 s 4(a)
 om 1989 No. 15 s 4(b)
 def “**Director-General**” ins 1990 No. 80 s 3 sch 6
 om 1992 No. 40 s 163 sch 1
 def “**Minister**” ins 1990 No. 80 s 3 sch 6
 om 1992 No. 40 s 163 sch 1
 def “**Repealed Acts**” om 1992 No. 40 s 163 sch 1
 def “**Still-born child**” om 1967 No. 11 s 4(b)

General registry

s 6 amd 1992 No. 40 s 163 sch 1

Appointment of registrar general

s 7 amd 1992 No. 40 s 163 sch 1

Appointment of deputy registrar general

s 8 amd 1992 No. 40 s 163 sch 1

Responsibility for registrations and registers

s 11 sub 1979 No. 58 s 3
 amd 1982 No. 30 s 2

Duties of registrar general and district registrars re births and deaths

s 12 sub 1979 No. 58 s 4

Returns to general registry

s 14 om 1979 No. 58 s 5

General register of marriages

s 15 amd 1979 No. 58 s 6; 1991 No. 42 s 3 sch

Marriages on boats

s 15A ins 1995 No. 50 s 3 sch

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Seals of office

s 17 amd 1979 No. 58 s 7

Indexes

s 20 amd 1979 No. 58 s 8

Certified copies of entries of deaths

s 21 amd 1979 No. 58 s 9

Searches and copies

s 22 amd 1974 No. 9 s 3; 1978 No. 71 s 3; 1979 No. 58 s 10; 1982 No. 30 s 3;
 1986 No. 35 s 45; 1995 No. 50 s 3 sch

Notice of births

s 23 amd 1979 No. 58 s 11

Notification of perinatal death

s 24 sub 1967 No. 11 s 5
 amd 1979 No. 58 s 12; 1989 No. 15 s 5

Father's registration where child's parents not married to each other

s 25 amd 1967 No. 11 s 6; 1978 No. 30 s 14 sch; 1979 No. 58 s 13
 sub 1989 No. 15 s 6

Late registrations of birth

s 26 amd 1978 No. 71 s 4; 1979 No. 58 s 14; 1989 No. 15 s 7; 1992 No. 40
 s 163 sch 1; 1996 No. 56 s 170

Entry of child's surname in register

s 27A ins 1974 No. 9 s 4
 sub 1989 No. 15 s 8
 amd 1991 No. 5 s 4

Entry of change of child's surname

s 27B ins 1989 No. 15 s 8
 amd 1995 No. 50 s 3 sch

**Entry of change of child's registered surname in respect of certain children
born on or after 1 July 1974**

s 27C ins 1991 No. 5 s 5
 amd 1995 No. 50 s 3 sch

**Request in respect of child's registered surname where father registered
pursuant to s 25 on or after prescribed date**

s 27D ins 1991 No. 5 s 5
 amd 1995 No. 50 s 3 sch; 1996 No. 56 s 171

Registration of name after registration of birth

s 28 amd 1974 No. 9 s 5; 1978 No. 30 s 14 sch; 1979 No. 58 s 15; 1981 No. 52
 s 3; 1982 No. 30 s 4; 1987 No. 32 s 69(1) sch; 1995 No. 50 s 3 sch;
 1996 No. 56 s 172

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Entry of change of surname of child

- s 28A** ins 1974 No. 9 s 6
amd 1978 No. 30 s 14 sch; 1981 No. 52 s 4
sub 1982 No. 30 s 5
amd 1987 No. 32 s 69(1) sch; 1989 No. 15 s 9; 1991 No. 5 s 6; 1995
No. 50 s 3 sch

Registration of birth of legitimated child

- s 29** amd 1979 No. 58 s 16

Registration of birth before 1988 amending Act of child not born alive

- s 29A** ins 1989 No. 15 s 10
amd 1992 No. 40 s 163 sch 1

Changing particulars in register of births

- s 29B** ins 1995 No. 50 s 3 sch

Application for reregistration of birth

- s 29C** ins 1995 No. 50 s 3 sch

Notes about reregistration of births

- s 29D** ins 1995 No. 50 s 3 sch

Notice of deaths

- s 30** amd 1979 No. 58 s 17

Post-mortem examination certificate

- s 31** amd 1979 No. 58 s 18; 1996 No. 56 s 173

Certificate that inquest of death unnecessary

- s 32** amd 1979 No. 58 s 19; 1990 No. 80 s 3 sch 6

Order by coroner for burial etc.

- s 33** amd 1979 No. 58 s 20

Notice of removal of body out of State

- s 34** amd 1967 No. 11 s 7; 1979 No. 58 s 21

Certificate of holding of inquest of death

- s 35** amd 1977 No. 49 s 12
sub 1979 No. 58 s 22

Certificate where body received for anatomical examination

- s 36** amd 1979 No. 58 s 23

Registration of deaths at sea or in the air

- s 38** amd 1994 No. 87 s 3 sch 2

Certificate of death

- s 39** amd 1967 No. 11 s 8

Certificate of burial

- s 40** amd 1979 No. 58 s 24

Correction of errors in coroner's certificate etc.

- s 41** amd 1979 No. 58 s 25

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Correction of errors

s 42 amd 1979 No. 58 s 26; 1995 No. 50 s 3 sch

Offences

s 44 amd 1967 No. 11 s 9; 1979 No. 58 s 27; 1992 No. 40 s 163 sch 1

Regulations

s 45 amd 1982 No. 30 s 6; 1992 No. 40 s 163 sch 1

Publication of Proclamations, &c.

s 46 om 1989 No. 15 s 11