

Queensland



ANNO VICESIMO OCTAVO

ELIZABETHAE SECUNDAE REGINAE

No. 58 of 1979

**An Act to amend the Registration of Births, Deaths and  
Marriages Act 1962–1978 in certain particulars**

[ASSENTED TO 7TH DECEMBER, 1979]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title and citation.** (1) This Act may be cited as the *Registration of Births, Deaths and Marriages Act Amendment Act 1979*.

(2) In this Act the *Registration of Births, Deaths and Marriages Act 1962–1978* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Registration of Births, Deaths and Marriages Act 1962–1979*.

**2. Commencement.** (1) Except as provided in subsection (2), this Act shall commence on a date to be fixed by Proclamation.

(2) Notwithstanding subsection (1), the Governor in Council may, by Proclamation under subsection (1) or by a subsequent Proclamation or Proclamations fix a date or dates for the commencement of the several provisions of this Act later than the date fixed by the Proclamation under subsection (1) for the commencement of this Act.

**3. Repeal of and new s. 11.** The Principal Act is amended by repealing section 11 and substituting the following section:—

**“11. Responsibility for registrations and registers.** (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, 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;
- (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.

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

- (a) the registers of births, deaths and marriages that he 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 him 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 he was required to keep prior to the commencement of the *Registration of Births, Deaths and Marriages Act Amendment Act 1979*.”.

**4. Repeal of and new s. 12.** The Principal Act is amended by repealing section 12 and substituting the following section:—

**“12. Duties of Registrar-General and district registrars re births and deaths.** (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 relating to the birth or death as are prescribed and as are furnished to him, 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 his ability procure information in the prescribed form of every birth or death happening within his district; and

(b) as soon as practicable thereafter forward the form duly completed to the Registrar-General.”.

**5. Repeal of s. 14.** The Principal Act is amended by repealing section 14.

**6. Amendment of s. 15.** Section 15 of the Principal Act is amended by omitting the first paragraph and substituting the following paragraph:—

“The Registrar-General shall make and keep in the general registry a general register of marriages which shall consist of all certificates of marriage relating to marriages solemnized in Queensland and registered by him.”.

**7. Amendment of s. 17.** Section 17 of the Principal Act is amended by—

(a) renumbering the existing section as subsection (1);

(b) inserting after subsection (1) the following subsections:—

“ (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 his 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 his signature and shall be deemed to be sealed or stamped with his seal or stamp if it bears a print of the facsimile of his seal or stamp.”.

**8. Amendment of s. 20.** Section 20 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:—

“ (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.”.

**9. Amendment of s. 21.** Section 21 of the Principal Act is amended by—

(a) omitting the words “or a district registrar concerned”;

(b) omitting the words “district registrar, notwithstanding” and substituting the words “a district registrar concerned, notwithstanding”.

**10. Amendment of s. 22.** Section 22 of the Principal Act is amended by—

(a) in subsections (1), (1A), (1B) and (2), inserting after the word “entry” wherever occurring the words “or duplicate entry” in each case;

(b) omitting subsection (4) and substituting the following subsection:—

“ (4) Nothing in this section shall derogate from regulation 29 of The Adoption of Children Regulations, 1965, as amended from time to time.”.

**11. Amendment of s. 23.** Section 23 of the Principal Act is amended by—

(a) in subsections (1) and (2),

(i) inserting after the words “ to lodge with ” wherever occurring the words “ the Registrar-General or ” in each case;

(ii) inserting after the words “ are lodged with ” wherever occurring the words “ the Registrar-General or ” in each case;

(b) in subsection (3), omitting the words “ or other district registrar concerned ”.

**12. Amendment of s. 24.** Section 24 of the Principal Act is amended by—

(a) in subsections (1) and (2), inserting after the words “ lodge with ” wherever occurring the words “ the Registrar-General or ” in each case;

(b) in paragraph (b) of subsection (5), omitting the words “ district registrar ” and substituting the words “ Registrar-General ”.

**13. Amendment of s. 25.** Section 25 of the Principal Act is amended by—

(a) omitting the words “ or, as the case may be, the district registrar,”;

(b) omitting the words “ or district registrar, as the case may be,”.

**14. Amendment of s. 26.** Section 26 of the Principal Act is amended by—

(a) omitting subsection (1) and substituting the following subsection:—

“ (1) Notwithstanding that the period of 60 days referred to in section 23 of this Act has expired—

(a) it shall be lawful for the Registrar-General to register the birth of a child at any time within three years following the birth upon the person or persons required under section 23 of this Act to furnish information concerning the birth making a solemn declaration in the prescribed form or a form to the like effect and on payment of the prescribed fee;

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

(b) in the third paragraph of subsection (2),

(i) omitting the words “ a district registrar ” and substituting the words “ the Registrar-General ”;

(ii) omitting the words “ relating to a birth which happened in his district ”.

**15. Amendment of s. 28.** Section 28 of the Principal Act is amended by—

- (a) in subsection (1),
  - (i) omitting the words “district registrar for the district in which the birth was registered” and substituting the word “Registrar-General”;
  - (ii) omitting the words “that district registrar” and substituting the words “the Registrar-General”;
  - (iii) in the first proviso, omitting the words “district registrar” and substituting the words “Registrar-General or the district registrar for the district in which the birth happened”;
  - (iv) in the second proviso,
    - (A) omitting the words “district registrar concerned” and substituting the word “Registrar-General”;
    - (B) omitting the words “that district registrar” and substituting the words “the Registrar-General”;
- (b) in subsection (3), omitting the words “this section” and substituting the words “subsection (1)”.

**16. Amendment of s. 29.** Section 29 of the Principal Act is amended by—

- (a) in the first paragraph of subsection (3),
  - (i) omitting the words “, if the child was born in the district of Brisbane,”;
  - (ii) omitting all words from and including the words “, or if the child” to and including the words “shall register or re-register the birth of the child”;
- (b) omitting subsection (4) and substituting the following subsection:—

“(4) Where any person whose birth is sought to be registered or re-registered 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.”.

**17. Amendment of s. 30.** Section 30 of the Principal Act is amended by—

- (a) in subsections (1) and (2),
  - (i) inserting after the words “to lodge with” wherever occurring the words “the Registrar-General or” in each case;
  - (ii) inserting after the words “are lodged with” wherever occurring the words “the Registrar-General or” in each case;
- (b) in subsection (3),
  - (i) omitting the words “or district registrar concerned”;
  - (ii) omitting the words “any district registrar” and substituting the word “him”.

**18. Amendment of s. 31.** Section 31 of the Principal Act is amended by—

- (a) inserting after the words “to be lodged with” the words “the Registrar-General or”;
- (b) omitting the words “district registrar concerned” and substituting the word “Registrar-General”.

**19. Amendment of s. 32.** Section 32 of the Principal Act is amended by—

(a) omitting all words from and including the words “district registrar for the district” to and including the words “body was found,” and substituting the word “Registrar-General”;

(b) omitting the words “district registrar concerned” and substituting the word “Registrar-General”.

**20. Amendment of s. 33.** Section 33 of the Principal Act is amended by—

(a) omitting all words from and including the words “district registrar for the district” to and including the words “body was found,” and substituting the word “Registrar-General”;

(b) omitting the words “district registrar concerned” and substituting the word “Registrar-General”.

**21. Amendment of s. 34.** Section 34 of the Principal Act is amended by inserting after the words “to the like effect to” the words “the Registrar-General or”.

**22. Repeal of and new s. 35.** The Principal Act is amended by repealing section 35 and substituting the following section:—

“**35. Certificate of holding of inquest of death.** Where an inquest of death is held, the coroner holding the same shall forthwith after giving his finding send to the Registrar-General a certificate in the prescribed form or a form to the like effect under his hand of the holding of the inquest, of the date of his finding and of the cause of death as found by him, 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 he considers necessary for the completion of the registration of the death in question.”.

**23. Amendment of s. 36.** Section 36 of the Principal Act is amended by—

(a) inserting after the words “to be lodged with” the words “the Registrar-General or”;

(b) omitting the words “district registrar concerned” and substituting the word “Registrar-General”.

**24. Amendment of s. 40.** Section 40 of the Principal Act is amended by—

(a) in subsection (1), inserting after the words “lodge with” the words “the Registrar-General or”;

(b) in subsection (3), omitting the words “district registrar concerned” and substituting the word “Registrar-General”.

**25. Amendment of s. 41.** Section 41 of the Principal Act is amended by—

(a) omitting the words “district registrar keeping the register in which the information is entered” and substituting the word “Registrar-General”;

(b) omitting the words “district registrar” where secondly occurring and substituting the word “Registrar-General”.

26. Amendment of s. 42. Section 42 of the Principal Act is amended by—

- (a) in subsection (2),
- (i) omitting the words “ or any district registrar ”;
- (ii) adding the following paragraphs at the end of the subsection:—

“ Where such correction has been made by him 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.

Where such correction has been made by him in an entry of a birth or death registered by him 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 him, and the district registrar shall carry out such direction unless such duplicate entry is no longer being kept by him.”;

- (b) omitting subsections (3) and (4) and substituting the following subsections:—

“(3) An error of fact or substance may, on such evidence as appears to him to be sufficient, be corrected by the Registrar-General in any register of births or deaths, or of marriages solemnized prior to the commencement of the Commonwealth Marriage Act, kept by him in the general registry by making, signing and dating an entry in the margin containing the correct particulars, and where such correction has been made by him 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.

Where such correction has been made by him in an entry of a birth or death registered by him 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 him, and the district registrar shall carry out such direction unless such duplicate entry is no longer being kept by him.

(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 him 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 solemnized in a district other than Brisbane, direct the district registrar of that district (if the marriage was registered by him) to make a similar correction in the entry relating to that marriage in the register kept by him and the district registrar shall carry out such direction.”;

- (c) in subsection (5),
  - (i) omitting the words “ or a district registrar ”;
  - (ii) omitting the words “ or district registrar ”;
- (d) in subsection (6),
  - (i) inserting after the word “ entry ” where firstly occurring the words “ or duplicate entry ”;
  - (ii) inserting after the word “ entry ” where thirdly, fourthly and fifthly occurring the words “ or duplicate entry ” in each case;
  - (iii) inserting after the expression “ (3) or (4) of this section ” the words “ or any duplicate entry corrected in accordance with subsection (3) of this section ”;
  - (iv) in the proviso, inserting after the word “ orginal ” the words “ or duplicate ”.

**27. Amendment of s. 44.** Section 44 of the Principal Act is amended by—

(a) in subsection (1) omitting the words “ Fifty pounds ” and substituting the expression “ \$100 ”;

(b) omitting subsection (2) and substituting the following subsections:—

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

Penalty: \$40.

(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 his keeping, shall be guilty of an offence against this Act.

Penalty: \$40.”;

(c) in subsection (3), omitting the words “ Fifty pounds ” and substituting the expression “ \$100 ”.