

**REGISTRATION OF BIRTHS, DEATHS AND
MARRIAGES (AMENDMENT) ACT.**

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 57, 1975.

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

BE

Registration of Births, Deaths and Marriages (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 57, 1975**
 and with the advice and consent of the Legislative
 Council and Legislative Assembly of New South Wales in
 Parliament assembled, and by the authority of the same, as
 follows:—

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

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

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

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

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

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

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

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

(ii)

- No. 57, 1975** (ii) by inserting after the definition of "prescribed legitimation information" in section 4 (1) the following definition :—
- "Principal Registrar" means the Principal Registrar of Births, Deaths and Marriages appointed under section 4A;**
- Secs. 4A-4D.** (c) by inserting before section 5 the following sections :—
- Principal Registrar.** 4A. The Governor may, under and subject to the Public Service Act, 1902, appoint a person to be Principal Registrar of Births, Deaths and Marriages.
- Deputy Principal Registrars.** 4B. (1) The Governor may, under and subject to the Public Service Act, 1902, appoint such number of persons as he thinks necessary to be Deputy Principal Registrars of Births, Deaths and Marriages.
- (2) A person holding office or acting as Deputy Principal Registrar may exercise and perform the same powers, authorities, duties and functions as are conferred and imposed on the Principal Registrar by or under this or any other Act, and any such power, authority, duty or function exercised or performed by a person so holding office or acting shall be deemed to have been exercised or performed by the Principal Registrar.
- Seal of office.** 4C. (1) The Principal Registrar shall have a seal of office which bears an impression of the Arms of the State of New South Wales and the words "New South Wales" and which bears in the margin thereof the words "Principal Registrar of Births, Deaths and Marriages".

Registration of Births, Deaths and Marriages (Amendment).

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

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(3) All courts and persons acting judicially—

- (a) shall take judicial notice of the seal of the Principal Registrar that has been affixed to any instrument, document or writing; and
- (b) shall, until the contrary is proved, presume that the seal was properly affixed.

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

Statutory declarations.

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

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

Further amendment of Act No. 87, 1973.

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

Amendment of Acts other than Principal Act.

7. Schedule 3 has effect.

Savings, transitional and other provisions.

SCHEDULE

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

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SCHEDULE 1.

AMENDMENT OF THE PRINCIPAL ACT.

Sec. 5.

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

SCHEDULE

Registration of Births, Deaths and Marriages (Amendment).

SCHEDULE 2.

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AMENDMENT OF ACTS OTHER THAN PRINCIPAL ACT.

Sec. 6.

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

SCHEDULE

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SCHEDULE 3.

Sec. 7.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Definition
of appointed
day.

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

References
to Registrar-
General in
other Acts,
etc.

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

Transfer of
registers,
etc., to
Principal
Registrar.

3. Upon the appointed day—

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

shall be transferred to the Principal Registrar.

Approved
forms.

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

5.

Registration of Births, Deaths and Marriages (Amendment).

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

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Local
registrars.

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

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

Directions
given to
local
registrars
by Registrar-
General.

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

Delegation
by Registrar-
General.

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

Seal of
office of
local
registrar.

- No. 57, 1975** 9. The registers and indexes—
- Registers.** (a) deemed to have been established under section 9 of the Principal Act by the Registrar-General by virtue of clause 1 of Schedule 3 of the Principal Act; or
- (b) established under section 9 of the Principal Act by the Registrar-General after the commencement of that Act,
- shall be deemed to be established by the Principal Registrar under section 9 of the Principal Act, as amended by this Act.
- Particulars and information furnished before commencement of this Act.** 10. Particulars of or information relating to births, stillbirths, deaths, marriages and adoptions and any prescribed legitimation information furnished to the Registrar-General before the appointed day for the purposes of the Principal Act shall be deemed to have been furnished to the Principal Registrar for like purposes under the Principal Act, as amended by this Act.
- Protection from liability.** 11. The protection from liability conferred on the Crown, the Minister, the Registrar-General or any other person under section 56 of the Principal Act shall, notwithstanding the amendment made to that section by this Act, continue to apply to any act, matter or thing done or omitted to be done by the Registrar-General before the appointed day bona fide for the purpose of executing the Principal Act.
- Proceedings for offences.** 12. Where facts constituting an offence against the Principal Act came to the knowledge of the Registrar-General at any time before the appointed day, the Principal Registrar shall be deemed to have had knowledge of those facts from that time for the purposes of section 59 (2) of the Principal Act, as amended by this Act.

Registration of Births, Deaths and Marriages (Amendment).

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