

# LEGISLATIVE ASSEMBLY

---

## REGISTRATION OF BIRTHS DEATHS AND MARRIAGES BILL.

---

### *Explanatory Memorandum.*

---

- Clause 1. (Short Title commencement and division.)  
This clause sets out the arrangement of the Act which is to come into operation by proclamation of the Governor in Council.
- Clause 2. (Repeals and savings.)  
This is the normal type of clause found in all the consolidation Acts.  
Existing Registrars of Births and Deaths are removed from office and are reappointed as Collecting Agents.  
All Registers and documents held by existing Registrars are to be delivered to the Government Statist.
- Clause 3. (Interpretation.)  
The opportunity has been taken to gather together in the one clause definitions which in many cases are scattered throughout the existing Act.
- Clause 4. (Government Statist.)  
This is a new provision which sets down the records to be maintained by the Government Statist.  
Any register of stillbirths may be destroyed after the lapse of ten years after the making of the last entry therein. The information contained in the entry of a stillbirth is required essentially for medical research purposes and is deemed by the medical profession to be of no practical value after that period.
- Clause 5. (Births and Deaths to be registered according to the forms in Schedules.)  
This clause provides that it is the duty of the Government Statist to procure information of every birth, stillbirth and death which happens in Victoria and to learn and to register the particulars relating to each according to the prescribed forms.  
Every such registration is to be made without fee or reward in the appropriate form and in numerical order.  
The Government Statist is authorized to ask any person seeking to register any event, the several particulars required to be registered ?

Clause 6 (Officers and employees.)

This clause provides for the appointment, subject to the *Public Service Act* 1958, of registration officers and other officers and employees as are required for the purposes of this Act.

Every registration officer is given the full power of the Government Statist, with such restrictions and limitations as may be imposed by him, to discharge the duties of the Government Statist under this Bill.

There is no obligation upon any person dealing with a registration officer to see whether any restriction or limitation has, in fact, been placed upon that officer.

Clause 7. (Collecting agents.)

This clause provides for the appointment and removal of collecting agents. Collecting agents take the place of the registrars of Births and Deaths who operate under the existing legislation.

Clause 8. (Duties of Collecting agents.)

This prescribes the duties of collecting agents.

Clause 9.\* (Registry offices.)

Clause 10.\* (As to how particulars may be supplied to Government Statist.)

Clause 11.\* (Power to Government Statist and collecting agents to take declarations.)

Clause 12.\* (Parents or occupiers of house in which births or deaths happen to give notice.)

Clause 13.\* (Parents or occupiers of house required to give particulars of birth so far as known.)

Clause 14.\* (As to registration after the expiration of sixty days from the birth of a child.)

Clause 15.\* (Registration of birth after twelve months.)

Clause 16.\* (Registration after seven years.)

Clause 17.\* (Registration of name after registration of birth.)

Clause 18.† (Persons present or in attendance at death or occupier of house to give particulars of death.)

Clause 19.† (Issue of certificate of death and reports to coroners by medical practitioners.)

Clause 20. (Registration of births and deaths occurring at sea.)

This clause combines two provisions in existing legislation and does not entail any change.

Clause 21. (As to requirements under this Part to give notice or information.)

This is a new provision which makes explicit what was implicit under the existing law, that is to say, specific provision is made for everyone to be discharged from the obligation to give notice or information as soon as one of the persons required has given the necessary notice for information. However, there is an exception in the case of the occupiers of houses where births and still-births take place. To maintain accurate records, it is essential that the occupier give notice in every case.

---

\* These provisions are substantially identical with the existing provisions. Necessary consequential alterations to make the provisions fit the new system have been made and some simplification of the drafting has been effected.

† These provisions are substantially the same as the existing provisions.

- Clause 22.\* (Undertaker &c. to forward certificate of burial.)
- Clause 23.\* (Provision for further information as to particulars of birth or death in default of information required by this Act.)
- Clause 24.\* (Punishment for giving false information.)
- Clause 25.\* (Determination of surname of illegitimate child where father is informant.)
- Clause 26. (Notation that information has been duly signed or attested to be made in the register.)
- This clause amends the existing law by removing the necessity for the informant to sign the register. This amendment is required because it is no longer necessary for the informant to attend to register the event.
- Clause 27. (Extracts of entries to be supplied to informants.)
- This clause provides for written notice to the informant in the form of an Extract that registration has been completed.
- Clause 28. (Government Statist to register child—legitimation of children.)
- This provision is practically identical with the existing law except that registration may be effected by post and a restriction is placed on the issue of a copy of the original registration entry of the child as illegitimate.
- Clause 29.† (Registration by mother of child born before marriage of parents where father dead.)
- Clause 30.† (Legitimation of illegitimate children after marriage of parents.)
- Clause 31.† (Estate right or interest in certain property not affected.)
- Clause 32.† (Certificate of marriage. Procedure to be followed.)
- Clause 33.† (Particulars may be required.)
- Clause 34.† (Penalty for giving false information.)
- Clause 35.† (Notification of effect of giving false information.)
- Clause 36.† (Notice of celebration of marriage to be sent to Government Statist within seven days.)
- Clause 37.† (Offence of not duly registering marriages, &c.)
- Clause 38.† (Certificate in marriage of Quakers or of Jews to be sent to Government Statist.)
- Clause 39.† (Completion and amendment of Certificates of marriage.)
- Clause 40.† (Errors, &c. in registers may be corrected.)
- Clause 41.† (Power to Government Statist to cancel false or illegal registrations.)
- Clause 42.† (Regulations.)
- Clause 43.† (Fees to be taken under this Act.)
- Clause 44.† (Government Statist to report to Chief Secretary annually.)
- Clause 45.† (Register forms to be provided.)

---

\* These provisions are substantially identical with the existing law, except for necessary consequential amendments.

† These provisions are substantially the same as the existing provisions.

- Clause 46. (Indexes of register books to be kept and searches to be made.)
- Clause 47. (Certified copies of entries in register books to be furnished by Government Statist.)
- Clause 48. (Offence of careless keeping of records.)
- Clause 49. (Offence of failing to forward documents to the Government Statist.)
- Clause 50. (Offence of failing or refusing to give notice or information.)  
 This provision increased the penalty for failing or refusing to give notice or information from a maximum of £10 to a maximum of £50.
- Clause 51. This clause provides a penalty for an offence against this Act. The penalties provided under the existing law have been increased.
- Clause 52. \* (Right of minister to fees for baptisms burials or marriages.)
- Clause 53. \* (Certified copies to be evidence.)
- Clause 54. \* (Power to Governor in Council to validate irregular registration of births and deaths.)
- Clause 55. \* (Registers of baptisms marriages and burials solemnized before 1853.)

First  
 Schedule.  
 Second  
 Schedule.  
 Third  
 Schedule.  
 Fourth  
 Schedule.  
 Fifth  
 Schedule.  
 Sixth  
 Schedule.

These Schedules are substantially the same as the existing Schedules but necessary consequential amendments have been made.

Seventh  
 Schedule.  
 Eighth  
 Schedule.

These Schedules are identical with the existing law.

---

\* These provisions are substantially the same as the existing provisions.