

No. 58 of 1977

AN ORDINANCE

To amend the *Registration of Births, Deaths and Marriages Ordinance 1963*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this nineteenth day of October 1977.

JOHN R. KERR
Governor-General

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES (AMENDMENT) ORDINANCE (No. 2) 1977

- | | |
|---|---|
| <p>1. This Ordinance may be cited as the <i>Registration of Births, Deaths and Marriages (Amendment) Ordinance (No. 2) 1977</i>.*</p> | <p>Short title</p> |
| <p>2. In this Ordinance, "Principal Ordinance" means the <i>Registration of Births, Deaths and Marriages Ordinance 1963</i>.†</p> | <p>Principal Ordinance</p> |
| <p>3. Section 3 of the Principal Ordinance is repealed.</p> | <p>Repeal</p> |
| <p>4. (1) Section 12 of the Principal Ordinance is amended—</p> <p style="padding-left: 20px;">(a) by omitting from sub-section (1) "Subject to the next succeeding sub-section, the occupier" and substituting "The occupier"; and</p> <p style="padding-left: 20px;">(b) by omitting sub-section (2).</p> <p>(2) The amendments made by sub-section (1) do not apply in relation to the birth of a child before the date of commencement of this Ordinance.</p> | <p>Notice of birth to be given to Registrar</p> |
| <p>5. (1) Section 13 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:</p> <p style="padding-left: 20px;">"(4) This section does not apply in relation to a child not born alive."</p> | <p>Particulars for registration of birth</p> |

* Notified in the *Commonwealth of Australia Gazette* on 24 October 1977.

† Ordinance No. 17, 1963 as amended by No. 19, 1966; No. 47, 1974; No. 29, 1975; and Nos. 18 and 50, 1977.

(2) The amendment made by sub-section (1) applies in relation to—

- (a) a child born not more than 28 days before the date of commencement of this Ordinance in respect of whom sub-section 13 (1) of the Principal Ordinance has not, immediately before that date, been complied with; and
- (b) a child born on or after the date of commencement of this Ordinance.

Surname to
be entered
in Register
of Births

6. Section 18 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (1) (a) “ subject to sub-sections (1A) and (1B),” before “ the surname of his father ”; and
- (b) by inserting after sub-section (1) the following sub-sections:

“ (1A) Where—

- (a) the surname of the mother of a child at the date of the child’s birth is the same as the surname of the father of the child at that date; and
- (b) the name to be entered in the Register of Births as the surname of the child for the purposes of this Ordinance would, but for this sub-section, be the surname of the father of the child at the date of the child’s birth,

the name to be entered in the Register of Births as the surname of the child is, if the mother and the father of the child so request the Registrar in writing, the maiden name of the mother of the child.

“ (1B) Where—

- (a) the surname of the mother of a child at the date of the child’s birth is not the same as the surname of the father of the child at that date; and
- (b) the name to be entered in the Register of Births as the surname of the child for the purposes of this Ordinance would, but for this sub-section, be the surname of the father of the child at the date of the child’s birth,

the name to be entered in the Register of Births as the surname of the child is, if the mother and the father of the child so request the Registrar in writing—

- (c) the surname of the mother of the child at the date of the child’s birth; or
- (d) a surname that is a combination of the surnames of the mother and the father of the child at the date of the child’s birth.”

- 7.** Section 19 of the Principal Ordinance is amended by omitting from paragraph (4) (a) “expiration of one year” and substituting “expiration of 4 years”. Additional name given at baptism or by notice to Registrar
- 8.** Section 28 of the Principal Ordinance is amended by omitting from sub-section (1) “of a member” and substituting “to a member”. Deaths on aircraft, &c.
- 9.** Section 39 of the Principal Ordinance is amended by omitting sub-sections (2) and (3) and substituting the following sub-sections: Taking body out of the Territory
- “ (2) A person shall not remove, or cause or permit the removal of, a body from the Territory—
- (a) where it is proposed to move the body to a State or the Northern Territory of Australia—except in a hermetically sealed polyethylene container; and
 - (b) where it is proposed to move the body outside Australia—except in a sealed zinc-lined coffin.
- “ (3) A person who removes, or arranges for the removal of, the body of a person from the Territory shall, forthwith after the removal of the body, give to the Registrar notice of the removal of the body in accordance with Form 9A.”.
- 10.** Section 43 of the Principal Ordinance is amended by inserting in sub-section (3) “, or extract from,” after “certified copy of”. Notice of dissolution or annulment of marriage
- 11.** Section 44 of the Principal Ordinance is amended by omitting sub-section (4). Registrar to re-register births of legitimated children
- 12.** The Fourth Schedule to the Principal Ordinance is amended by omitting Form 10 and substituting the following forms: Fourth Schedule

FORM 9A

Section 39

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages Ordinance 1963
NOTICE OF REMOVAL OF BODY FROM TERRITORY

To the Registrar

1. I, _____, of _____, hereby
give notice that on the _____ day of _____,
19____, the body of _____
was removed from the Territory for * burial
* cremation
* anatomical examination

at†

2. The person responsible for making arrangements for the disposal of the body is
_____, undertaker, of _____.

3. The death of _____

* was _____ reported to the Coroner.
* was not _____

Dated the _____ day of _____, 19____.

(Signature)

* Strike out whichever is not applicable.

† If anatomical examination, insert name and address of university or other institution at which examination to take place.

FORM 10

Section 51

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages Ordinance 1963

CERTIFICATE OF ENTRY IN REGISTER

I, _____, the Registrar of Births,
Deaths and Marriages for the Australian Capital Territory, hereby certify that the above
is a true copy of an entry in a Register kept by me.

Dated the _____ day of _____, 19____.

Registrar