

Queensland



ANNO UNDECIMO

**ELIZABETHAE SECUNDAE REGINAE**

**No. 24 of 1962**

**An Act to Consolidate and Amend the Law relating to the  
Registration of Births, Deaths and Marriages**

[ASSENTED TO 13TH DECEMBER, 1962]

**B**E 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. This Act may be cited as "*The Registration of Births, Deaths and Marriages Act of 1962.*" Short title

2. Save as herein otherwise provided, this Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*. Commencement

3. This Act including every Proclamation, Order in Council and regulation hereunder shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof or provision of any Proclamation, Order in Council or Severability

regulation hereunder would but for this section have been construed as being in excess of that power, it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power.

**Repeals and Savings**

4. "*The Registration of Births Deaths and Marriages Acts, 1855 to 1958,*" "*The Amended Registration Act of 1867,*" and sections one and two of "*The Marriage Law Amendment Act of 1870*" are repealed :

Provided that, but without limiting the operation of "*The Acts Interpretation Acts, 1954 to 1962,*"—

(a) unless otherwise expressly provided every Proclamation and regulation made under the repealed Acts and in force at the commencement of this Act shall, subject as hereinafter provided, continue in force for purposes of this Act until it is repealed, amended or otherwise modified or revoked under this Act:

Provided that every such Proclamation and regulation shall be read and construed subject to this Act;

- (b) all books and registers kept and maintained by the Registrar-General and any district registrar under the repealed Acts shall be deemed to be so kept and maintained, and all entries therein shall be deemed to have been made under this Act ;
- (c) all certificates and certified copies of and certified extracts from entries in any register kept and maintained under the repealed Acts and issued under the repealed Acts shall be valid and effectual as if issued under this Act ;
- (d) all penalties and forfeitures imposed under the repealed Acts and not received at the commencement of this Act may be enforced and applied as if this Act had not come into operation ;
- (e) all inquiries, actions and proceedings of whatever nature commenced or pending at the commencement of this Act under the repealed Acts may be carried on and

prosecuted as if this Act had not come into operation, and no such inquiry, action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained ;

- (f) unless otherwise expressly provided this Act shall apply with respect to births, deaths and marriages notwithstanding that any such birth or death happened or that any such marriage was solemnized prior to the commencement of this Act.

5. Without limiting the operation of "*The Acts Interpretation Acts, 1954 to 1962*," in this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say :—

- "Burial"—Includes any cremation duly performed under the provisions of "*The Cremation Acts, 1913 to 1961*" ;
- "Commonwealth Marriage Act"—The *Marriage Act* 1961 of the Commonwealth: The term includes any Commonwealth Act amending or in substitution for that Act;
- "Coroner"—A coroner within the meaning of "*The Coroners Act of 1958*" ;
- "Deputy Registrar-General"—The Deputy Registrar-General appointed under this Act: The term includes any person for the time being appointed to act as or performing the duties of the Deputy Registrar-General;
- "District"—A registry district proclaimed under this Act ;
- "District registrar"—Any person appointed as a district registrar under this Act: The term includes any person for the time being appointed to act as or performing the duties of a district registrar: The term also includes, in relation to the district of Brisbane, the Registrar-General;

---

<b>General register of marriages</b>	“ <b>General register of marriages</b> ”—The general register of marriages kept by the Registrar-General under this Act ;
<b>General registry</b>	“ <b>General registry</b> ”—The general registry for Queensland established under this Act ;
<b>Occupier</b>	“ <b>Occupier</b> ”—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 his agent ;
<b>Premises</b>	“ <b>Premises</b> ”—Includes a public institution ;
<b>Public institution</b>	“ <b>Public institution</b> ”—Includes a prison, reformatory, institution, hospital, special hospital or other place where mentally ill patients are received and any public or charitable institution ;
<b>Registrar-General</b>	“ <b>Registrar-General</b> ”—The Registrar-General appointed under this Act: The term includes the Deputy Registrar-General: The term also includes any person for the time being appointed to act as or performing the duties of the Registrar-General ;
<b>Repealed Acts</b>	“ <b>Repealed Acts</b> ”—The Acts and enactments repealed by section four of this Act, or any of them ;
<b>Still-born child</b>	“ <b>Still-born child</b> ”—A child which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life.

**General Registry**

6. (1) There shall be at Brisbane a General Registry for Queensland for the general registration of all births, deaths and marriages in Queensland.

(2) The office existing at Brisbane immediately prior to the commencement of this Act for the general registration of births, deaths and marriages in Queensland shall continue and shall be the general registry.

7. (1) The Governor in Council may appoint a Registrar-General. Appointment  
of Registrar-  
General

(2) The person who immediately prior to the commencement of this Act held the office of Registrar-General under the repealed Acts shall without further or other appointment whatsoever be the Registrar-General and shall be deemed to have been appointed to that office under this Act, and shall hold office accordingly.

8. (1) The Governor in Council may appoint a Deputy Registrar-General. Appointment  
of 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.

(3) The person who immediately prior to the commencement of this Act held the office of Deputy Registrar-General under "*The Marriage Law Amendment Act of 1870*" shall, without further or other appointment whatsoever, be the Deputy Registrar-General and shall be deemed to have been appointed to that office under this Act, and shall hold office accordingly.

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 he shall deem fit, one of them being the district of Brisbane. Registry  
districts

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

Provided that 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 his 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 two 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.

Registers

11. Every district registrar shall keep—

- (a) books for the registration therein of births, deaths and marriages happening within his district ;
- (b) forms for making certified copies of, or certified extracts from, the entries in such books ; and
- (c) such other books and forms as may be prescribed.

**12. Every district registrar shall—**Duties of  
district  
registrar

- (a) inform himself carefully of every birth, death and marriage happening within his district, and as soon as possible after the happening of any such event, and without fee or reward (except as otherwise prescribed by or under this Act), register every such birth, death or marriage by making an entry in the appropriate book, in consecutive order from the beginning to the end of such book, of such particulars relating to the birth, death or marriage as may be prescribed and which have been furnished to him, and shall number such entries consecutively ; and
- (b) upon receipt of an official certificate of marriage pursuant to the Commonwealth Marriage Act, before registering such marriage as aforesaid, indicate on the certificate, verifying such indication by his signature, the date of the receipt by him of such certificate: Where a district registrar solemnizes a marriage he shall, for the purposes of this paragraph, be deemed to have received the official certificate relating to that marriage immediately that certificate has been duly signed in accordance with the Commonwealth Marriage Act:

Provided that where a marriage has been solemnized prior to the commencement of the Commonwealth Marriage Act, the district registrar shall register the marriage in accordance with the law relating to its registration in force as at the date of solemnization of the marriage and, notwithstanding the provisions of section four of this Act, for this purpose and to this extent, the provisions of the repealed Acts relating to the registration of marriages shall continue in force as though the repealed Acts had not been repealed:

Provided further that, in the case of marriages solemnized in the district of Brisbane, the Registrar-General shall, instead of registering any such marriages as hereinbefore provided by making entries in the appropriate book, register such marriages by

---

inserting the certificates of marriage in the general register of marriages kept in accordance with section fifteen of this Act.

Duties of  
assistant  
district  
registrar

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

Returns to  
general  
registry

14. (1) Every district registrar (other than the Registrar-General) shall, in the months of January, April, July and October in each year transmit to the general registry duplicates of entries made with respect to births and deaths, and with respect to marriages solemnized prior to the commencement of the Commonwealth Marriage Act, and all original certificates of births and deaths, registered by him during the three months next preceding, and all such duplicates and original certificates shall be thereafter kept in the general registry in such order and manner as the Registrar-General may determine, so that the same may be most readily seen and examined.

(2) Every district registrar (other than the Registrar-General) shall each month transmit to the general registry all certificates of marriage and other documents relating thereto received by him in the month next preceding and with respect to which he has entered the prescribed particulars in the marriage register kept by him.

General  
register of  
marriages

15. 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 the district of Brisbane and marriages registered in other districts and transmitted to the general registry as required by section fourteen of this Act.

The general register of marriages may consist of such number of bound volumes of certificates of marriage as the Registrar-General may determine.



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.

16. Upon receipt of notification from any proper authority that a marriage solemnized 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 him, and any such entry made in any register kept by a district registrar to be noted accordingly.

Noting of dissolution or annulment of marriage

17. 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.

Seals of office

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 seventeen of this Act 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.

Certificates, &c., to be received in evidence

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.

District registrar, &c., may make inquiries

## 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 district of Brisbane) of all births, deaths and marriages registered in the district.

## Certified copies of entries of deaths

21. In any case where a coroner, by virtue of "*The Coroners Act of 1958*," is inquiring into the death of any person and, although that inquiry or the inquest, if any, is incomplete, the Registrar-General or a district registrar concerned has received a certificate of the cause of death (including a certificate in connection with a *post-mortem* or other examination made under "*The Coroners Act of 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 district registrar, 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 subsection (3) of this section, 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 him for any entry therein; or
- (b) obtain from the Registrar-General or, as the case may be, a district registrar a copy of any entry in any register kept by him, certified under his hand; or
- (c) obtain from the Registrar-General or, as the case may be, a district registrar an extract from any entry in any register kept by him, certified under his hand.

(2) In making a certified copy of, or certified extract from the 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 such copy 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.

Every certified copy or extract made under this subsection shall, if otherwise correct, be deemed to be a true copy of, or a true extract from the original entry in the register.

(3) The Registrar-General or a district registrar may, in any case he thinks fit, require the person seeking to have any such search made or to obtain any such certified copy or extract to disclose the reasons for his request and any other relevant matters and if, in the opinion of the Registrar-General or the district registrar concerned, the search or certified copy or extract is required for improper reasons or the person requesting the search or certified copy or extract has not proper reasons, or if the person requesting the search or certified copy 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 :

Provided that where a district registrar refuses to allow the search to be made or to issue the certified copy or extract the applicant may in writing and upon payment of the fees prescribed for such search or certified copy or extract, as the case may be, request the Registrar-General to cause such search to be made or certified copy or extract to be issued and the Registrar-General may either comply with that request or, pursuant to the foregoing provisions of this subsection, refuse to do so.

Where the Registrar-General refuses to cause any search to be made or to issue any certified copy or extract, whether in the first instance or after a refusal by a district registrar, the person requesting such search or certified copy 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 :

Provided that no order for costs shall be made against the Registrar-General if the Court is satisfied that at the time of his refusal the Registrar-General had reasonable grounds for such refusal.

The Registrar-General upon being served with an order absolute shall obey the order and do the act required by it to be done.

(4) Nothing in this section shall derogate from section twenty of "*The Adoption of Children Acts, 1935 to 1952.*"

Notice of  
births

**23.** (1) Where a child is born in any premises or where in any premises any living new-born 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 ; and

(d) Every person finding or taking charge of the child,

to lodge with 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 sixty 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 his knowledge and belief :

Provided that where one or more such certificates are lodged with 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 one certificate or partly as a result of the lodgment of one 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 this subsection on every other person.

(2) In every case of a birth other than the cases referred to in subsection (1) of this section (including where a living new-born child is found elsewhere 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 ; and

(c) Every person finding or taking charge of the child,

to lodge with 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 sixty 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 his knowledge and belief :

Provided that where one or more such certificates are lodged with 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 one certificate or partly as a result of the lodgment of one 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 this subsection on every other person.

(3) Notwithstanding anything hereinbefore contained in this section, the Registrar-General or other district registrar concerned 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.

Notice of  
still-births

**24.** (1) In the case of every still-born child, it shall be the duty of every person who would, if the still-born child had been born alive, have been required by this Act to lodge a certificate of birth, to lodge with the district registrar for the district in which the birth happens or, if the place of birth is unknown, then for the district in which the still-born child is found, within thirty days next thereafter, a certificate of still-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 still birth as is within his knowledge and belief :

Provided that where one or more such certificates are lodged with 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 still-birth has been given, whether as a result of the lodgment of any one certificate or partly as a result of the lodgment of one 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 this subsection on every other person.

(2) Every district registrar (other than the Registrar-General) shall, as required by the Registrar-General, transmit to the Registrar-General all certificates of still-birth lodged with him, and the Registrar-General shall without any registration thereof preserve such certificates for ten years or such other period as may be prescribed.

Father of  
illegitimate  
child

**25.** Notwithstanding anything contained in sections twenty-three, twenty-four, twenty-six and twenty-seven of this Act, in the case of an illegitimate child, no person shall as father of the child be required to give information concerning the birth of the child, and the Registrar-General or, as the case may be, the district registrar, shall not enter in the register the name of any person as father of the child except at the joint request of the

mother and the person acknowledging himself to be the father of the child, and that person shall in that case sign a certificate of birth together with the mother:

Provided that if the mother is dead or the Registrar-General or district registrar, as the case may be, is satisfied that her whereabouts are unknown or that she is unable to sign a certificate of birth the request of the father alone shall be sufficient.

26. (1) Notwithstanding that the period of sixty days referred to in section twenty-three of this Act has expired :—

Late registrations of births

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

It shall be lawful for the Registrar-General, upon being satisfied as aforesaid with respect to a birth which happened within the district of Brisbane, and for the district registrar concerned, upon receipt of such authority as aforesaid, and in either such case, upon the person or persons required under section twenty-three of this Act to furnish information concerning the birth of the child making a solemn declaration in the prescribed form or a form to the like effect, and on payment of the prescribed fee, to register such birth.

(2) No birth of any child in Queensland shall be registered under this Act at any time after the expiration of seven years following the birth of the child except by order of a Judge of the Supreme Court or of a District Court.

It shall be lawful for a district registrar, upon receipt of such an order relating to a birth which happened in his district, and upon the person or persons required under section twenty-three 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, to register such 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.

Registration  
of births  
happening  
at sea, &c.

27. In every case where a child under the age of eighteen 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:

Provided that no such birth shall be registered under this section after the expiration of three years after such child came into Queensland.

Registration  
of name after  
registration  
of birth

28. (1) If any child whose birth has been registered under this Act 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, at any time within seven years after the date of the birth, may in writing in the prescribed form or a form to the like effect, request the district registrar for the district in which



the birth was registered to register the name so given, and that district registrar shall, on receipt of the prescribed fee, register the name accordingly :

Provided that, where the request is received by the district registrar within sixty days after the date of the birth, no fee shall be payable:

Provided further that the district registrar concerned may register the name so given under this section on the request of one 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 that district registrar is satisfied that the whereabouts of the other parent are unknown :

And provided further that in the case of an illegitimate child, 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 one altered or additional entry to the register in respect of the name of any child shall be made under this section.

(4) Upon lodgment of evidence to the satisfaction of the Registrar-General that any person over the age of twenty-one years has evidenced the change of his name by deed poll or other legal process, the Registrar-General may, on receipt of the prescribed fee, cause the particulars of such change to be noted in the margin of any appropriate entry of birth or marriage relating to such person.

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 re-registration 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.

Registration  
of birth of  
legitimated  
child

(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 twenty-three of this Act signed by the person or persons giving the information contained therein.

(3) The Registrar-General, if he has no reason to believe that the child is not a legitimated child and that the information referred to in the last preceding subsection is not true and correct, shall, if the child was born in the district of Brisbane, register or re-register the birth of the child, or if the child was born elsewhere in Queensland transmit the application and the accompanying certificate of birth to the district registrar for the district in which the birth happened, and such district registrar shall register or re-register the birth of the child.

The Registrar-General may make such inquiries (if any) as he thinks fit to inform himself whether the person to whom the application relates is a legitimated child and the information aforementioned is true and correct.

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 re-registered under this section has previously been registered as illegitimate, then, if the person was born in the district of Brisbane, the Registrar-General or, if such person was born elsewhere in Queensland, the district registrar concerned, shall note in the margin to such previous entry of registration the fact of the making of the new entry.

A district registrar upon making such note shall advise the Registrar-General of the particulars of such note.

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 he 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 ; and
- (e) The person disposing of or causing the disposal of the body,

to lodge with 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 thirty 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 his knowledge and belief :

Provided that where one or more certificates are lodged with 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 one certificate or partly as the result of the lodgment of one 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 this subsection on every other such person.

(2) In every case of a death other than the cases referred to in subsection (1) of this section (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) ;
- (b) Every person present at the death ;
- (c) Every person finding or taking charge of the body ; and
- (d) The person disposing of or causing the disposal of the body,

to lodge with 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 thirty 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 his knowledge and belief :

Provided that where one or more such certificates are lodged with 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 one certificate or partly as the result of the lodgment of one 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 this subsection on every other such person.

(3) Notwithstanding anything hereinbefore contained in this section, the Registrar-General or district registrar concerned 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 any district registrar at any time.

*Post-mortem  
examination  
certificate*

31. Where a *post-mortem* examination is made by virtue of “*The Coroners Act of 1958*” of any dead body, the medical practitioner by whom the *post-mortem* examination is made shall, in addition to any duty imposed upon him by “*The Coroners Act of 1958*” immediately cause to be lodged with 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, his certificate as to the cause of death as disclosed by the *post-mortem* examination and the district registrar concerned, 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 death as so disclosed.

*Certificate  
that inquest  
of death  
unnecessary*

32. Where, by virtue of “*The Coroners Act of 1958*,” the coroner, or the Under Secretary of the Department of Justice, on the recommendation of the coroner, decides that the holding of an inquest is unnecessary, he shall forthwith send to 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 certificate under his hand of such decision and of the cause of death as disclosed by his inquiry, and the district registrar concerned, 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.

**33.** Where, by virtue of "*The Coroners Act of 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, he shall forthwith send to 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 such order or certificate, and the district registrar concerned shall make or cause to be made an entry in the appropriate register of such information set forth in the order or certificate as he considers necessary for the completion of the registration of the death in question.

**34.** Unless a coroner has issued an order under "*The Coroners Act of 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 or of a still-born child 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 district registrar for the district in which the death or still-birth happened or, if the place of death or still-birth is unknown, then for the district in which the body was found.

The provisions of this section shall be in addition to and not in substitution for or diminution of the provisions of section twenty-one of "*The Coroners Act of 1958*."

**35.** Where an inquest of death is held, the coroner holding the same shall forthwith after giving his finding send to 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 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 district registrar concerned, containing such other particulars as the district registrar may require, and the district registrar concerned 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.

Certificate  
where body  
received for  
anatomical  
examination

**36.** Where, by virtue of Part IX of "*The Medical Acts, 1939 to 1958*," any dead body is received for anatomical examination, the person so receiving it shall forthwith cause to be lodged with 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 district registrar concerned shall make or cause to be made an entry in the appropriate register of such information set forth in the certificate or copy of the certificate of death as he 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.** 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.

Information as to any such death at sea may be given by the master or commander of the vessel or by the Superintendent of the Mercantile Marine Office, 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.

**39.** Where in relation to the death of any person the Registrar-General or any other 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 of 1958*"), he shall, (unless the giving of that certificate is prohibited by "*The Coroners Act of 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 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. Certificate of death

**40.** (1) Every undertaker or other person in charge of a burial shall forthwith lodge with 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) of this section. Certificate of burial

(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 two 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 two witnesses of the cremation.

(3) The district registrar concerned, 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 he considers necessary for the completion of the registration of the death in question.

**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 Correction of errors in coroner's certificate, &c.

concerning a dead body, the coroner, if satisfied by evidence on oath or statutory declaration that such an error exists, may certify under his hand to the district registrar keeping the register in which the information is entered the nature of the error and the true facts of the case as ascertained by him on that evidence, and the error may thereupon be corrected by the district registrar 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) An alteration 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 solemnized prior to the commencement of the Commonwealth Marriage Act may be corrected by the Registrar-General or any district registrar by ruling through the erroneous particulars in such manner that the whole of such particulars are readily legible, and by writing thereover the correct particulars verified by his initials and the date.

(3) An error of fact or substance may, on such evidence as appears to him to be sufficient, be corrected—

(a) 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; or

(b) in like manner by the district registrar in any register of births or deaths, or of marriages solemnized prior to the commencement of



the Commonwealth Marriage Act, kept by him, and where such correction has been made, the district registrar shall furnish a copy of the marginal entry made by him and particulars sufficient to identify the entry corrected to the Registrar-General, who shall make a similar correction in the appropriate register kept by him in the general registry.

(4) An error in any official certificate of marriage received pursuant to the Commonwealth Marriage Act may be corrected—

- (a) by the Registrar-General who shall, when it is certified to him in accordance with the Commonwealth Marriage 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 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; or
- (b) in like manner and circumstances by the district registrar in any register of marriages kept by him, and where such correction has been made, the district registrar shall furnish a copy of the correction made by him and particulars sufficient to identify the entry corrected, to the Registrar-General, who shall make a similar correction in the general register of marriages.

Where the Registrar-General or a district registrar is an authorised officer for the purposes of section fifty-one of the Commonwealth Marriage Act, he shall, for the purposes of this subsection, be deemed to have received the certification aforementioned immediately upon his being satisfied pursuant to that section that any particular in a certificate of marriage is incorrect.

(5) Any person furnishing evidence for the purpose of correcting an entry in any register may be required by the Registrar-General or a district registrar to sign such amended certificates, make such statutory

declarations and produce such documentary or other evidence as the Registrar-General or district registrar may consider necessary.

(6) Every certified copy of any entry corrected in accordance with subsection (2) of this section 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) of this section or any similar provision of the repealed Acts shall be of the entry as so corrected, and every certified extract from any such entry shall be an extract from such entry as so corrected:

Provided that, in any case where the Registrar-General or the district registrar concerned thinks fit, the certified copy shall be a copy of the original 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 him 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 new-born child or any dead body or any still-born child, wilfully refuses to answer any question put to him 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 new-born child or the dead body or the still-born child, as the case may be ;
- (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 ;

- (c) fails, without reasonable cause to give, lodge or send any certificate, order or other document which he is required by or under this Act to give, lodge or send ;
- (d) being a person upon whom a duty to give information concerning the birth of any living new-born child or concerning a still-born child 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 still-born child or the receipt of a dead body for 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.

Penalty : Fifty pounds.

(2) Every district registrar who shall refuse or without reasonable cause omit to register any birth, death or marriage of which he shall have had due notice under this Act, and every person having the custody of any register book or certified copy thereof or of any part thereof, who shall negligently lose or injure the same or negligently allow the same to be injured whilst in his keeping, shall be guilty of an offence against this Act.

Penalty : Twenty pounds.

(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.

Penalty : Fifty pounds.

(4) All offences against this Act may be prosecuted in a summary manner under "*The Justices Acts, 1886 to 1960.*"

45. (1) 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 Regulations

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 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 ;
- (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 ; 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.

(2) Regulations may be made under this Act at any time after the passing hereof.

Publication  
of Pro-  
clamations,  
&c.

46. (1) Every Proclamation and regulation made under this Act shall—

- (a) be published in the *Gazette* ;
- (b) upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein ;
- (c) take effect from the date of such publication unless, in the case of any such regulation, a later date is specified in that or in any other

regulation for its commencement when in such event it shall take effect from that later date ; and

- (d) be laid before the Legislative Assembly within fourteen sitting days after such publication if the Legislative Assembly is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after any such Proclamation or regulation has been laid before it disallowing such Proclamation or regulation or part thereof, that Proclamation, regulation or part thereof shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Proclamation or regulation.