

**Authorised Version No. 034**  
**Births, Deaths and Marriages Registration**  
**Act 1996**

**No. 43 of 1996**

Authorised Version incorporating amendments as at  
1 March 2017

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Authorised Version incorporating amendments as at  
1 March 2017

**The Parliament of Victoria enacts as follows:**

**Part 1—Preliminary**

**1 Purpose**

The main purpose of this Act is to provide for the registration of births, deaths, marriages and changes of name in Victoria.

**2 Commencement**

- (1) This Part comes into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation before 31 December 1997, it comes into operation on that day.

**3 Objects of Act**

The objects of this Act are to provide for—

- (a) the registration of births, deaths and marriages in Victoria; and
- (b) the registration of changes of name; and

S. 3(caa)  
inserted by  
No. 76/2008  
s. 149.

(c) the keeping of registers for recording and preserving information about births, deaths, marriages, changes of name and adoptions in perpetuity; and

(caa) the keeping of information relating to donors and surrogacy arrangements under the **Assisted Reproductive Treatment Act 2008**; and

S. 3(ca)  
inserted by  
No. 29/2004  
s. 3(1).

(ca) the alteration of the record of sex in a person's birth registration where the person has undergone sex affirmation surgery; and

(d) access to the information in the registers in appropriate cases by government or private agencies and members of the public, from within and outside the State; and

(e) the issue of certified and uncertified information from the registers; and

S. 3(ea)  
inserted by  
No. 29/2004  
s. 3(2).

(ea) the issue of documents acknowledging the identity of certain persons who have undergone sex affirmation surgery; and

(f) the collection and dissemination of statistical information.

#### 4 Definitions

(1) In this Act—

*adult* means a person who—

(a) is 18 years of age or more; or

(b) although under 18 years of age, is or has been married;

*birth* includes still-birth;

*birth registration statement* means a statement required to be lodged with the Registrar under section 14;

*change*, in relation to a name, includes an addition, omission or substitution;

*child* means a person under 18 years of age;

S. 4(1) def. of *child* inserted by No. 36/2004 s. 16.

*corresponding law* means a law of another State that—

- (a) provides for the registration of births, deaths and marriages; and
- (b) has been declared to be a corresponding law for the purposes of this Act by an Order made under subsection (2);

*Council* means CCOPMM within the meaning of section 3(1) of the **Public Health and Wellbeing Act 2008**;

S. 4(1) def. of *Council* inserted by No. 36/2004 s. 16, substituted by No. 46/2008 s. 247(1).

*Court* means the County Court;

*death* does not include a still-birth;

*disposal* of human remains means—

- (a) cremation of the remains; or
- (b) burial of the remains (including burial at sea); or
- (c) placing the remains in a mausoleum or other permanent resting place; or
- (d) placing the remains in the custody of an educational or scientific institution for the purpose of medical education or research; or

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- (e) removal of the remains from the State (but not if the remains have been cremated or are taken from the State by sea and buried at sea in the course of the voyage);

S. 4(1) def. of *doctor* amended by No. 97/2005 s. 182(Sch. 4 item 5), substituted by No. 13/2010 s. 34(a).

***doctor*** means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

***funeral director*** means a person who carries on the business of arranging for the disposal of human remains;

S. 4(1) def. of *Institute* inserted by No. 36/2004 s. 16, amended by No. 77/2008 s. 129(Sch. 2 item 3.1(a)).

***Institute*** has the same meaning as in section 3(1) of the **Victorian Institute of Forensic Medicine Act 1985**;

S. 4(1) def. of *interstate recognition certificate* inserted by No. 29/2004 s. 4.

***interstate recognition certificate*** means a current certificate identifying a person as being of a particular sex that is issued under the Gender Reassignment Act 2000 of Western Australia, the Sexual Reassignment Act 1988 of South Australia or any other law prescribed by the regulations for the purposes of Part 4A of this Act;

S. 4(1) def. of *midwife* inserted by No. 13/2010 s. 34(b).

***midwife*** means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a midwife (other than as a student); and



(b) in the register of midwives kept for that profession;

***neonatal death*** means the death of a live-born child within 28 days after the birth;

S. 4(1) def. of *neonatal death* inserted by No. 36/2004 s. 16.

***parent*** means a person who is presumed under the **Status of Children Act 1974** to be the mother, father or parent of a child;

S. 4(1) def. of *parent* inserted by No. 76/2008 s. 150(1).

***partner***, in relation to a person, means—

- (a) the person's spouse; or
- (b) a person who lives with the first person as a couple on a genuine domestic basis;

S. 4(1) def. of *partner* inserted by No. 76/2008 s. 150(1).

***perinatal death*** means—

- (a) the death of a live-born child within 28 days after the birth; or
- (b) a still-birth;

***prohibited name*** means a name that—

- (a) is obscene or offensive; or
- (b) could not practicably be established by repute or usage—
  - (i) because it is too long; or
  - (ii) because it consists of or includes symbols without phonetic significance; or
  - (iii) for some other reason; or
- (c) is contrary to the public interest for some other reason;

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S. 4(1) def. of  
*registrable  
event*  
amended by  
No. 76/2008  
s. 150(2).

*registrable event* means a birth, change of name, death, marriage, adoption or surrogacy arrangement;

*registrable information* means information that must or may be included in the Register;

*Register* means the Register established under Part 7;

*registering authority* means an authority responsible under a corresponding law for the registration of births, deaths and marriages;

*Registrar* means the Registrar of Births, Deaths and Marriages;

S. 4(1) def. of  
*reviewable  
death*  
inserted by  
No. 36/2004  
s. 16,  
substituted by  
No. 77/2008  
s. 129(Sch. 2  
item 3.1(b)).

*reviewable death* has the same meaning as in section 5 of the **Coroners Act 2008**;

S. 4(1) def. of  
*Secretary to  
the  
Department of  
Health*  
inserted by  
No. 29/2010  
s. 47(1).

*Secretary to the Department of Health* means the Department Head (within the meaning of the **Public Administration Act 2004**) of the Department of Health;

S. 4(1) def. of  
*sex  
affirmation  
surgery*  
inserted by  
No. 29/2004  
s. 4.

*sex affirmation surgery* means a surgical procedure involving the alteration of a person's reproductive organs carried out for the purpose of assisting the person to be considered to be a member of the opposite sex;

*sibling* has the same meaning as in section 3(1) of the **Coroners Act 2008**;

S. 4(1) def. of *sibling* inserted by No. 36/2004 s. 16, amended by No. 77/2008 s. 129(Sch. 2 item 3.1(c)).

*State* includes a Territory;

*still-birth* means the birth of a still-born child;

*still-born child* means a child of at least 20 weeks' gestation or, if it cannot be reliably established whether the period of gestation is more or less than 20 weeks, with a body mass of at least 400 grams at birth, that exhibits no sign of respiration or heartbeat, or other sign of life, after birth;

*surrogacy arrangement* has the meaning given by the **Assisted Reproductive Treatment Act 2008**;

S. 4(1) def. of *surrogacy arrangement* inserted by No. 76/2008 s. 150(1).

*surrogate mother* means a woman who gives birth to a child pursuant to a surrogacy arrangement;

S. 4(1) def. of *surrogate mother* inserted by No. 76/2008 s. 150(1).

\* \* \* \* \*

S. 4(1) def. of *Tribunal* repealed by No. 52/1998 s. 311(Sch. 1 item 9.1).

*VARTA* means the Victorian Assisted Reproductive Treatment Authority established under Part 10 of the **Assisted Reproductive Treatment Act 2008**;

S. 4(1) def. of *VARTA* inserted by No. 6/2016 s. 38.

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- (2) The Governor in Council, by Order published in the Government Gazette, may declare a law of another State to be a corresponding law for the purposes of this Act.
- (3) The Governor in Council, by Order published in the Government Gazette, may revoke or vary an Order made under subsection (2).

## Part 2—Administration

### Division 1—The Registrar

#### 5 Registrar

A Registrar of Births, Deaths and Marriages must be employed under Part 3 of the **Public Administration Act 2004** for the purposes of this Act and the **Relationships Act 2008**.

S. 5  
amended by  
Nos 46/1998  
s. 7(Sch. 1),  
108/2004  
s. 117(1)  
(Sch. 3  
item 19),  
12/2008  
s. 73(1)(Sch. 1  
item 4.1).

#### 6 Registrar's general functions

The Registrar's general functions are—

- (a) to establish and maintain the registers necessary for the purposes of this Act and the **Relationships Act 2008**; and
- (b) to administer the registration system established by this Act and the **Relationships Act 2008** and ensure that they operate efficiently, effectively and economically; and
- (ba) to provide information in relation to reviewable deaths for the purposes of the **Coroners Act 2008** and the **Victorian Institute of Forensic Medicine Act 1985** including information in relation to—
- (i) the identification of living siblings; and
- (ii) known or registered previous child deaths including neonatal deaths; and
- (bb) to perform functions given to the Registrar by the **Assisted Reproductive Treatment Act 2008**; and

S. 6(a)  
amended by  
No. 12/2008  
s. 73(1)(Sch. 1  
item 4.2).

S. 6(b)  
amended by  
No. 12/2008  
s. 73(1)(Sch. 1  
item 4.3).

S. 6(ba)  
inserted by  
No. 36/2004  
s. 17,  
amended by  
No. 77/2008  
s. 129(Sch. 2  
item 3.2).

S. 6(bb)  
inserted by  
No. 76/2008  
s. 151.

S. 6(c)  
amended by  
No. 12/2008  
s. 73(1)(Sch. 1  
item 4.4).

(c) to ensure that this Act and the **Relationships Act 2008** are administered in the way best calculated to achieve the objects of this Act and the **Relationships Act 2008**.

S. 7  
substituted by  
No. 46/1998  
s. 7(Sch. 1),  
amended by  
Nos 108/2004  
s. 117(1)  
(Sch. 3  
item 19),  
12/2008  
s. 73(1)(Sch. 1  
item 4.5).

## 7 Registrar's staff

Any other employees that are necessary for the purposes of this Act and the **Relationships Act 2008** may be employed under the **Public Administration Act 2004**.

S. 8  
amended by  
Nos 46/1998  
s. 7(Sch. 1),  
74/2000  
s. 3(Sch. 1  
item 12),  
12/2008  
s. 73(1)(Sch. 1  
item 4.6).

## 8 Delegation

The Registrar, by instrument, may delegate to a person employed pursuant to section 7 any of the Registrar's powers under this Act and the **Relationships Act 2008**, other than this power of delegation.

## Division 2—Execution of documents

### 9 The Registrar's seal

The Registrar has a seal.

### 10 Execution of documents

- (1) The Registrar may issue a certificate or other document under the Registrar's signature and seal, or a facsimile of the Registrar's signature and seal produced by stamp or machine imprint or by a prescribed method.
- (2) All courts must take judicial notice of the Registrar's signature and seal or facsimile of the Registrar's signature and seal produced in accordance with subsection (1) affixed to a certificate or other document and, until the

contrary is proved, must presume that it was duly affixed.

### **Division 3—Reciprocal administrative arrangements**

#### **11 Reciprocal administrative arrangements**

- (1) The Minister may enter into an arrangement with the Minister responsible for the administration of a corresponding law providing for—
  - (a) the exercise by the Registrar of powers and functions of the registering authority under the corresponding law; and
  - (b) the exercise by the registering authority under the corresponding law of powers and functions of the Registrar under this Act.
- (2) When an arrangement is in force under this section—
  - (a) the Registrar may exercise, to the extent authorised by the arrangement (but subject to the conditions of the arrangement) the powers and functions of the registering authority under the corresponding law; and
  - (b) the registering authority under the corresponding law may exercise, to the extent authorised by the arrangement (but subject to the conditions of the arrangement) the powers and functions of the Registrar under this Act.
- (3) An arrangement under this section may—
  - (a) establish a data base in which information is recorded for the benefit of all the participants in the arrangement; and
  - (b) provide for access to information contained in the data base; and

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- (c) provide for payments by or to participants in the arrangement for services provided under the arrangement.



## **Part 3—Registration of births**

### **Division 1—Notification of births**

#### **12 Notification of births**

(1) When a child is born in the State, the responsible person must give notice of the birth to the Registrar including any particulars required by the Registrar.

Penalty: 10 penalty units.

(2) Notice under subsection (1) may be given—

(a) in writing; or

(b) in any other manner approved by the Registrar by notice published in the Government Gazette.

(3) The notice must be given—

(a) in the case of a child born alive, within 21 days after the birth;

(b) in the case of a still-birth, within 48 hours after the birth.

(4) When notice of a still-birth is given, the responsible person must also give the Registrar a doctor's certificate, in a form approved by the Registrar, certifying the cause of foetal death.

(5) The doctor's certificate referred to in subsection (4) must be completed by—

(a) the doctor responsible for the professional care of the mother at the birth; or

(b) a doctor who examined the body of the still-born child after the birth.

(6) In this section—

*responsible person* means—

- (a) in the case of a child born in a hospital or brought to a hospital within 24 hours after birth, the chief executive officer of the hospital; or
- (b) in any other case—
  - (i) the doctor or midwife responsible for the professional care of the mother at the birth or a doctor who examined the body of the still-born child after the birth; or
  - (ii) if no doctor or midwife was in attendance at the birth, any other person in attendance at the birth.

## **Division 2—Registration of births**

### **13 Cases in which registration of birth is required or authorised**

- (1) If a child is born in the State, the birth must be registered under this Act.
- (2) If a court orders the registration of a birth, the birth must be registered under this Act.
- (3) A birth may be registered under this Act if a child is born—
  - (a) in an aircraft during a flight to a place of disembarkation in the State; or
  - (b) on a vessel during a voyage to a place of disembarkation in the State.

- (4) If a child is born outside the Commonwealth, but the child is to become a resident of the State, the birth may be registered under this Act.
- (5) The Registrar may refuse to register a birth under subsection (3) or (4) if the birth is registered under a corresponding law.

#### **14 How to have the birth of a child registered**

A person has the birth of a child registered under this Act by lodging a birth registration statement with the Registrar in a form and manner required by the Registrar specifying any prescribed particulars.

#### **15 Responsibility to have a birth registered**

- (1) The parents of a child are jointly responsible for having the child's birth registered under this Act and must both sign the birth registration statement but the Registrar may accept a birth registration statement from one of the parents if satisfied that it is not practicable to obtain the signatures of both parents on the birth registration statement.
- (2) If a child is a foundling, the person who has custody of the child is responsible for having the child's birth registered.
- (3) The Registrar may accept a birth registration statement from a person who is not responsible for having the child's birth registered if satisfied that—
  - (a) the person lodging the statement has knowledge of the relevant facts; and
  - (b) the child's parents are unable or unlikely to lodge a birth registration statement.

## 16 Registration of parentage details

- (1) The Registrar must not include information about the identity of a child's parent in the Register unless—
- (a) the parents of the child make a joint application for the inclusion of registrable information about that identity; or
  - (b) one parent of the child makes an application for the inclusion of registrable information about that identity and the other parent cannot join in the application because—
    - (i) he or she is dead; or
    - (ii) he or she cannot be found; or
    - (iii) of some other reason; or
  - (c) one parent of the child makes an application for the inclusion of registrable information about that identity and the Registrar is satisfied that the other parent does not dispute the correctness of that information; or
  - (d) any court having jurisdiction orders the inclusion of registrable information about that identity in the Register; or
  - (e) any court having jurisdiction makes a finding that a particular person is a parent of a child; or
  - (f) the Registrar is entitled under any law (including a law of another State or the Commonwealth) to make a presumption as to the identity of the child's parent.

S. 16(1)(a)  
amended by  
No. 76/2008  
s. 152.

- (2) The Registrar may include information about the identity of a child's parent in the Register if—
- (a) the Registrar is not prohibited by subsection (1) from so doing; or
  - (b) despite subsection (1), both parents are unable to give registrable information about the identity of a child's parent or parents for some reason or are unavailable and another person can provide information to the Registrar's satisfaction as to the identity of the child's parent or parents; or
  - (c) despite subsection (1), one parent has provided the birth registration statement and the registrable information relates only to the identity of that parent.

#### **17 Addition of details after birth registration**

- (1) Subject to section 16, a person may apply to the Registrar for the inclusion of additional registrable information about a person's birth registration in the Register.
- (2) An application under subsection (1)—
  - (a) must be made in writing; and
  - (b) must include the information required by the Registrar; and
  - (c) must, if the Registrar requires verification of the information contained in the application, be accompanied by a statutory declaration verifying the information contained in the application and other evidence the Registrar may require.

S. 17A  
inserted by  
No. 76/2008  
s. 153.

**17A Addition of details after birth registration—  
registration of partner**

- (1) This section applies if—
  - (a) a woman has undergone a procedure within the meaning of Part III of the **Status of Children Act 1974** as a result of which she became pregnant and gave birth to a child; and
  - (b) by application of a presumption in that Part the woman's female partner is presumed to be a parent of the child; and
  - (c) the child's birth was registered before the commencement of the **Assisted Reproductive Treatment Act 2008**.
- (2) If the Register only names the mother of the child, the mother and her partner may apply to amend the Register to name the partner as a parent of the child.
- (3) If the Register names the mother and father of the child, the Register must not be amended to name the partner as a parent of the child without a court order.
- (4) An application under subsection (2) must be accompanied by a statutory declaration made by the woman's partner stating that she consented to the procedure that resulted in the pregnancy.

S. 17B  
inserted by  
No. 76/2008  
s. 153.

**17B Birth registration of child conceived by a treatment  
procedure**

- (1) If a birth registration statement specifies the child was conceived by a donor treatment procedure, the Registrar must mark the words "donor conceived" against the entry about the child's birth in the Register.

- (1A) If the Registrar receives information from VARTA disclosing that a child, whose birth was registered on or after 1 January 2010, was conceived by a donor treatment procedure, the Registrar must mark the words "donor conceived" against the entry about the child's birth in the Register.
- (2) Subject to subsection (3), when the Registrar issues a certificate certifying particulars contained in an entry about the birth of a person conceived by a donor treatment procedure, the Registrar must attach an addendum to the certificate stating that further information is available about the entry.
- (3) The Registrar must not issue the addendum referred to in subsection (2) to any person other than the person conceived by a donor treatment procedure named in the entry.
- (4) In this section *donor treatment procedure* means a donor treatment procedure within the meaning of the **Assisted Reproductive Treatment Act 2008**.

S. 17B(1A)  
inserted by  
No. 6/2016  
s. 39.

## 18 Obligation to have birth registered

- (1) A person responsible for having the birth of a child registered must ensure that a birth registration statement is lodged with the Registrar within 60 days after the date of the birth.
- Penalty: 10 penalty units.
- (2) However, the Registrar must accept a birth registration statement even though it is lodged after the end of the 60 day period.
- (3) The Registrar may request that further information be provided to support the birth registration statement at any time before the Registrar registers the birth.

## 19 Registration

- (1) The Registrar registers a birth by making an entry about the birth in the Register.
- (2) However, if the particulars available to the Registrar are incomplete the Registrar may register a birth on the basis of incomplete particulars.

S. 19A  
(Heading)  
amended by  
No. 80/2014  
s. 42.

S. 19A  
inserted by  
No. 76/2008  
s. 154.

### 19A Surrogate birth registration—substitute parentage orders

- (1) If the court makes a substitute parentage order under the **Status of Children Act 1974**, on receipt of the sealed copy of the substitute parentage order the Registrar must—
  - (a) register the surrogacy by entering the prescribed particulars in the Surrogate Birth Register; and
  - (b) mark the words "closed—surrogate" against the original birth entry in the Register.
- (2) If the court makes an order under the **Status of Children Act 1974** for the discharge of a substitute parentage order, on receipt of the sealed copy of the discharge order the Registrar must—
  - (a) cancel the relevant entry in the Surrogate Birth Register; and
  - (b) remove the words "closed—surrogate" from the original birth entry in the Register.

S. 19B  
inserted by  
No. 80/2014  
s. 43.

### 19B Surrogate birth registration—corresponding surrogacy parentage orders

- (1) If the court makes a registration order under the **Status of Children Act 1974**, on receipt of a sealed copy of the registration order and a copy of the sealed copy of the corresponding surrogacy parentage order the Registrar must—



- (a) register the surrogacy by entering the prescribed particulars in the Surrogate Birth Register; and
  - (b) mark the words "closed—surrogate" against the original birth entry in the Register.
- (2) If the court makes an order under the **Status of Children Act 1974** revoking a registration order, on receipt of the sealed copy of that order the Registrar must—
- (a) cancel the relevant entry in the Surrogate Birth Register; and
  - (b) remove the words "closed—surrogate" from the original birth entry in the Register.
- (3) In this section—

*corresponding surrogacy parentage order* and *registration order* have the meanings given in section 17 of the **Status of Children Act 1974**.

### **Division 3—Court orders for registration of birth**

#### **20 Court may order registration of birth**

- (1) The Court may, on application by an interested person or on its own initiative, order—
- (a) the registration of a birth; or
  - (b) the inclusion of registrable information about a birth or a child's parents in the Register.
- (2) If a court (including a court of another State or the Commonwealth) finds that—
- (a) the birth of a person is not registered as required under this Act or a corresponding law; or

- (b) the registrable information contained in an entry about a birth in the Register under this Act or a corresponding law is incomplete or incorrect—

the court may direct registration of the birth or the inclusion or correction of registrable information in the Register under this Act or the corresponding law (as the case may require).

#### **Division 4—Perinatal death**

##### **21 Registrar may forward medical certificates**

Despite anything to the contrary in any Act or law, the Registrar may forward or make available to the Australian Statistician or to the Secretary of the Department of Health any medical certificate in his or her possession or under his or her control relating to any perinatal death.

#### **Division 5—Child's name**

##### **22 Name of child**

- (1) The birth registration statement must state the name of the child.
- (2) However, the Registrar may assign a name to the child if—
  - (a) the name stated in the birth registration statement is a prohibited name; or
  - (b) the birth registration statement is lodged by both parents of the child and they satisfy the Registrar that they are unable to agree on the child's name.

##### **23 Dispute about child's name**

- (1) If there is a dispute between parents about a child's name, either parent may apply to the Court for a resolution of the dispute.

S. 21  
amended by  
Nos 29/2010  
s. 47(2),  
44/2014  
s. 33(Sch.  
item 5).

Births, Deaths and Marriages Registration Act 1996  
No. 43 of 1996  
Part 3—Registration of births

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- (2) On an application under subsection (1), the Court may—
- (a) resolve the dispute about the child's name as the Court considers appropriate; and
  - (b) order the Registrar to register the child's name in a form specified in the order.

## Part 4—Change of name

### 24 Change of name by registration

A person's name may be changed by registration of the change under this Part.

### 25 Application to register change of adult's name

S. 25(1)  
substituted by  
No. 68/2013  
s. 12.

- (1) An adult person may apply to the Registrar in the approved form for registration of a change of the person's name if—
- (a) the person's birth is registered in Victoria; or
  - (b) the person—
    - (i) was born outside Australia; and
    - (ii) is a person whose birth is not registered in Victoria or another State or a Territory; and
    - (iii) has been ordinarily resident in Victoria for at least 12 months immediately before the application is made.

S. 25(1A)  
inserted by  
No. 68/2013  
s. 12.

- (1A) The Registrar may waive the 12 month requirement under subsection (1)(b)(iii) if the Registrar is satisfied that—
- (a) the change of name is sought for the purpose of the protection of the applicant or a child of the applicant; or
  - (b) the applicant has legally married and wishes to change to the applicant's married name.
- (2) An application for registration of a change of name must be accompanied by the prescribed fee.

### 26 Application to register change of child's name

S. 26(1)  
substituted by  
No. 68/2013  
s. 13.

- (1) The parents of a child may apply to the Registrar in the approved form for registration of a change of the child's name if—

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- (a) the child's birth is registered in Victoria; or
  - (b) the child—
    - (i) was born outside Australia; and
    - (ii) is a child whose birth is not registered in Victoria or another State or a Territory; and
    - (iii) has been ordinarily resident in Victoria for at least 12 months immediately before the application is made.
- (1A) The Registrar may waive the 12 month requirement under subsection (1)(b)(iii) if the Registrar is satisfied that—
- (a) the change of name is sought for the purpose of the protection of the child, the applicant or another child of the applicant; or
  - (b) the applicants have legally married and wish the child to change to the married name of both applicants.
- (1B) The 12 month requirement under subsection (1)(b)(iii) is waived if the Court has approved the proposed change of name for a child under subsection (4).
- (2) An application for registration of a change of a child's name must be accompanied by the prescribed fee.
- (3) An application for registration of a change of a child's name may be made by one parent if—
- (a) the applicant is the sole parent named in the registration of the child's birth under this Act or any other law; or
  - (b) there is no other surviving parent of the child; or

**S. 26(1A)**  
inserted by  
**No. 68/2013**  
s. 13.

**S. 26(1B)**  
inserted by  
**No. 68/2013**  
s. 13.

- (c) the Court approves the proposed change of name.
- (4) The Court may, on application by a child's parent, approve a proposed change of name for the child if satisfied that the change is in the child's best interests.
- (5) If the parents of a child are dead, cannot be found, or for some other reason cannot exercise their parental responsibilities to a child, the child's guardian may apply for registration of a change of the child's name.

#### **27 Child's consent to change of name**

A change of a name of a child aged 12 years or more must not be registered unless—

- (a) the child consents to the change of name; or
- (b) the child is unable to understand the meaning and implications of the change of name.

#### **28 Registration of change of name**

- (1) Before registering a change of name under this Part, the Registrar may require the applicant to provide evidence to establish to the Registrar's satisfaction—
  - (a) the identity and age of the person whose name is to be changed; and
  - (b) that the change of name is not sought for a fraudulent or other improper purpose; and
  - (c) if the person whose name is to be changed is a child aged 12 years or more, that—
    - (i) the child consents to the change of name; or
    - (ii) the child is unable to understand the meaning and implications of the change of name.

- (2) If the Registrar is satisfied that the name of a person whose birth is registered in the State has been changed under another law or by order of a court, the change of name may be registered under this Act.
- (3) The Registrar may refuse to register a change of name if, as a result of the change, the name would become a prohibited name.

## **29 Entries to be made in the Register**

- (1) The Registrar registers a change of name by making an entry about the change of name in the Register.
- (2) The Registrar must—
  - (a) if the birth of the person whose name has been changed is registered under this Act, note the change of name in the entry relating to the birth; or
  - (b) if the birth of the person whose name has been changed is registered under a corresponding law, notify the relevant registering authority of the change of name.
- (3) If the change of name is noted in the Register under subsection (2), a birth certificate issued by the Registrar for the person must show the person's name as changed under this Part.

### **29A Registrar to notify Chief Commissioner of Police of change of name of certain sex offenders**

S. 29A  
inserted by  
No. 34/2005  
s. 28.

- (1) If—
  - (a) under section 63(1A) of the **Sex Offenders Registration Act 2004** the Registrar has been notified of details in relation to a person; and

(b) the Registrar, at any time on or after that notification, registers a change of name of that person—

the Registrar must, as soon as practicable after that registration, cause written notice of it to be given to the Chief Commissioner of Police.

(2) A notice under subsection (1) must state both the person's former name and new name.

**30 Change of name may still be established by repute or usage**

This Part does not prevent a change of name by repute or usage.



## **Part 4A—Recognition of sex (transsexualism)**

### **Division 1—Persons born in Victoria**

#### **30A Application to alter Register**

- (1) An unmarried person—
  - (a) who is 18 years or over; and
  - (b) whose birth is registered in Victoria; and
  - (c) who has undergone sex affirmation surgery—

may apply to the Registrar for the record of the person's sex in the person's birth registration to be altered.

- (2) An application must be in the form approved by the Registrar and must be accompanied by the prescribed fee (if any).

#### **30B Statutory declarations by doctors**

- (1) An application under section 30A must include statutory declarations, verifying that the applicant has undergone sex affirmation surgery, by—
  - (a) 2 doctors; or
  - (b) 2 medical practitioners registered under the law of the place where the sex affirmation surgery was performed—

who performed the surgery or provided other medical treatment to the applicant in connection with the applicant's transsexualism.

#### **Notes**

- 1 An application does not need to include these statutory declarations if the applicant has already obtained an interstate recognition certificate (see subsection (4)).
- 2 For *doctor*, see section 4(1).

Pt 4A  
(Heading and  
ss 30A–30H)  
inserted by  
No. 29/2004  
s. 5.

S. 30A  
inserted by  
No. 29/2004  
s. 5.

S. 30B  
inserted by  
No. 29/2004  
s. 5.

- (2) However, if the sex affirmation surgery was performed outside Australia and the Registrar considers it is not reasonably practicable for the applicant to obtain those statutory declarations, the Registrar may instead require that the application include statutory declarations by 2 persons each of whom is either—
- (a) a medical practitioner registered under the law of the place where the surgery was performed who will verify that the practitioner has examined medical records, that he or she believes to be authentic, confirming that the surgery was performed; or
  - (b) a doctor, or medical practitioner registered under the law of an Australian State or Territory, who the Registrar considers is adequately experienced in treating persons in connection with transsexualism and who will verify that the applicant appears to have undergone sex affirmation surgery.
- (3) A statutory declaration by a medical practitioner registered under the law of a place outside Australia must be witnessed by a person authorised under the law of that place to witness statutory declarations.
- (4) This section does not apply to an application if the applicant—
- (a) has been issued with an interstate recognition certificate; and
  - (b) includes that certificate in the application.

**30C Alteration of Register**

- (1) The Registrar must determine an application under section 30A by altering the record of the applicant's sex in the applicant's birth registration or refusing to do so.
- (2) Before determining the application, the Registrar may require the applicant to provide such further information or documentation as the Registrar reasonably considers is necessary.
- (3) The Registrar cannot make the alteration to the birth registration if the applicant is married.

S. 30C  
inserted by  
No. 29/2004  
s. 5.

**30D Issue of new birth certificate**

After the record of a person's sex in the person's birth registration is altered, any certificate issued by the Registrar concerning that birth registration—

- (a) must state the person's sex in accordance with the record as altered; and
- (b) must not state that the record of the person's sex has been altered; and
- (c) must not state the person's former name (if any).

S. 30D  
inserted by  
No. 29/2004  
s. 5.

**Division 2—Victorian residents born elsewhere**

**30E Application for document acknowledging identity**

- (1) An unmarried person—
  - (a) who is 18 years or over; and
  - (b) whose principal place of residence is, and has been for at least 12 months, in Victoria; and

S. 30E  
inserted by  
No. 29/2004  
s. 5.

- (c) whose birth is registered in a place other than Victoria; and
- (d) who has undergone sex affirmation surgery—

may apply to the Registrar for a document that acknowledges the person's name and sex.

- (2) An application must include statutory declarations as described in section 30B or an interstate recognition certificate issued to the applicant.
- (3) An application must be in the form approved by the Registrar and must be accompanied by the prescribed fee (if any).

S. 30F  
inserted by  
No. 29/2004  
s. 5.

### **30F Issue of document acknowledging identity**

- (1) The Registrar must determine an application under section 30E by issuing a document acknowledging the applicant's name and sex or refusing to do so.
- (2) Before determining the application, the Registrar may require the applicant to provide such further information or documentation as the Registrar reasonably considers is necessary.
- (3) The document must not state the applicant's former sex or former name (if any).
- (4) The Registrar may, if he or she considers it appropriate to do so, include in the document any other information concerning the applicant's birth that the applicant has requested (in writing) be included.
- (5) The document must include a statement to the effect that it is not to be taken to certify the particulars of any entry in the Register.

- (6) The Registrar cannot issue a document under this section if the applicant is married.

### **Division 3—Other matters**

#### **30G Effect of alteration of Register and interstate recognition certificates**

S. 30G  
inserted by  
No. 29/2004  
s. 5.

- (1) If the record of a person's sex in the person's birth registration is altered under this Part the person is a person of the sex as altered.
- (2) If an interstate recognition certificate is issued to a person the person is a person of the sex stated in the certificate.
- (3) Subsections (1) and (2) have effect for the purposes of, but subject to, the law of Victoria.

#### **30H Re-issue of interstate birth certificates**

S. 30H  
inserted by  
No. 29/2004  
s. 5.

To avoid doubt, the validity in Victoria of a certificate that—

- (a) is issued under a law of another State or a Territory; and
- (b) concerns the birth registration of a person—
- is not affected merely because it was issued as a result of the person having undergone sex affirmation surgery.

#### **30I Registrar to notify Chief Commissioner of Police**

S. 30I  
inserted by  
No. 34/2005  
s. 29.

- (1) If—
- (a) under section 63(1A) of the **Sex Offenders Registration Act 2004** the Registrar has been notified of details in relation to a person; and

(b) the Registrar, at any time on or after that notification, under this Part alters the record of that person's sex in that person's birth registration or issues a document acknowledging that person's name and sex—

the Registrar must, as soon as practicable after altering the record or issuing the document, cause written notice of it to be given to the Chief Commissioner of Police.

(2) A notice under subsection (1) must state both the person's former sex and new sex and former name and new name, as the case requires.

## **Part 5—Registration of marriages**

### **31 Cases in which registration of marriage is required**

If a marriage is solemnised in the State, the marriage must be registered under this Act.

### **32 How to have marriage registered**

A person may have a marriage registered by lodging with the Registrar a certificate of the marriage under the Marriage Act 1961 of the Commonwealth or, if the marriage was solemnised before the commencement of that Act, the evidence of the marriage required by the Registrar.

### **33 Registration of marriage**

A marriage may be registered by—

- (a) including the marriage certificate as part of the Register; or
- (b) including particulars of the marriage in the Register.

## **Part 6—Registration of deaths**

### **Division 1—Cases where registration of death is required or authorised**

#### **34 Deaths to be registered under this Act**

- (1) If a person dies in the State, the death must be registered under this Act.
- (2) If a court directs the registration of a death, the death must be registered under this Act.
- (3) A death may be registered under this Act if a person dies—
  - (a) in an aircraft during a flight to a point of disembarkation in the State; or
  - (b) on a vessel during a voyage to a point of disembarkation in the State.
- (4) If a person who is domiciled or ordinarily resident in the State dies outside the Commonwealth, or a person dies outside the Commonwealth leaving property in the State, the death may be registered under this Act.
- (5) The Registrar may refuse to register a death under subsection (3) or (4) if the death is registered under a corresponding law.
- (6) If a child is still-born, the child's death is not to be registered under this Part.

#### **35 Power to direct registration of death**

- (1) The Court may, on application by an interested person or on its own initiative, order—
  - (a) the registration of a death; or
  - (b) the inclusion of registrable information about a death in the Register.



(2) If a court (including a court of another State or the Commonwealth) finds that—

- (a) the death of a person is not registered as required under this Act or a corresponding law; or
- (b) the registrable information contained in an entry about a death in the Register under this Act or a corresponding law is incomplete or incorrect—

the court may direct registration of the death or the inclusion or correction of registrable information in the Register under this Act or the corresponding law (as the case may require).

### **36 Circumstances in which a death must not be registered**

(1) The Registrar must not register a death unless the Registrar—

- (a) has been given notice by a doctor under section 37(1) in relation to the death of the person; or
- (b) has been given a copy of an order made by a coroner under section 47 of the **Coroners Act 2008** releasing the body of the deceased person to a specified person; or
- (c) has received a notice under section 49(2) of the **Coroners Act 2008** containing the particulars needed to effect or complete registration of the death; or
- (d) has been given notice in the form of a document issued, made or given in relation to the death under a corresponding law of another State or the Commonwealth or any other place, being a document which the Registrar is satisfied is equivalent to a notice

**S. 36(1)(b)**  
substituted by  
**No. 77/2008**  
**s. 129(Sch. 2**  
item 3.3(a)).

**S. 36(1)(c)**  
amended by  
**No. 77/2008**  
**s. 129(Sch. 2**  
item 3.3(b)).

or certificate referred to in paragraph (a), (b) or (c).

- (2) Despite subsection (1), the Registrar must register the death if—
- (a) registration of the death is ordered by a court; or
  - (b) the Registrar is of the opinion that, having regard to the circumstances of the case, it is proper that the death should be registered without any notice, certificate or order referred to in this section.

## **Division 2—Notification of deaths**

### **37 Notification of deaths by doctors**

- (1) A doctor who was responsible for a person's medical care immediately before death, or who examines the body of a deceased person after death, must, within 48 hours after the death, notify the Registrar of the death and of the cause of the death in a form and manner approved by the Registrar and specifying any prescribed particulars.

Penalty: 12 penalty units.

- (2) When a notice is given under subsection (1), the doctor must also give a notice in the form and manner approved by the Registrar and specifying any prescribed particulars that the death has occurred to the funeral director or other person who will be arranging for the disposal of the human remains.

Penalty: 12 penalty units.

(3) However, a doctor is not required to give a notice under subsection (1) or (2) if another doctor has given the required notices.

(4) A doctor must not give a notice under subsection (1) or (2) if a coroner or police officer is required to be notified of the death under the **Coroners Act 2008**.

S. 37(4)  
amended by  
No. 77/2008  
s. 129(Sch. 2  
item 3.4).

Penalty: 12 penalty units.

### 38 Notification of cause of death by coroner

(1) If a coroner is notified of a death under the **Coroners Act 2008**, the principal registrar of the Coroners Court must inform the Registrar as soon as practicable after receiving the notification.

S. 38(1)  
amended by  
No. 77/2008  
s. 129(Sch. 2  
item 3.5).

(2) If a coroner releases a body under the **Coroners Act 2008**, or ceases an investigation under section 17 of that Act or makes a finding about the cause of death, the principal registrar of the Coroners Court must give a copy of the release and any other information that the principal registrar is required to provide under the **Coroners Act 2008**, to the Registrar.

S. 38(2)  
substituted by  
No. 77/2008  
s. 129(Sch. 2  
item 3.6).

(3) The Registrar may register a death even though the death is subject to an inquest or other coronial inquiry and a finding has not been made about the cause of death.

(4) A death certificate issued before a coronial inquiry into the cause of death is completed must be endorsed with the words: "Incomplete registration—Cause of death subject to coronial inquiry".

### **39 Notification by funeral director, etc.**

- (1) A funeral director or other person who arranges for the disposal of human remains must within 7 days after disposal of the remains give the Registrar a notice in the form and manner required by the Registrar specifying any prescribed particulars and including any supporting documentation required by the Registrar.

Penalty: 5 penalty units.

- (2) If human remains have not been disposed of within 30 days after the date of death, the funeral director or other person who has custody of the remains must give the Registrar a notice, in the form and manner required by the Registrar, specifying any prescribed particulars and including any supporting documentation required by the Registrar.

Penalty: 5 penalty units.

## **Division 3—Registration of death**

### **40 Registration**

- (1) The Registrar registers a death by making an entry about the death in the Register.
- (2) However, if the particulars available to the Registrar are incomplete the Registrar may register a death on the basis of incomplete particulars.

## **Part 7—The Register**

### **Division 1—Keeping the Register**

#### **41 The Register**

- (1) The Registrar must maintain a register or registers of registrable events.
- (2) The Register—
  - (a) must contain the particulars of each registrable event required under this Act, or another law, to be included in the Register; and
  - (b) may contain further information if its inclusion is considered appropriate by the Registrar.
- (3) The Register may be wholly or partly in the form of a computer data base, in documentary form, or in another form the Registrar considers appropriate.
- (4) The Registrar must maintain the indexes to the Register that are necessary to make the information contained in the Register reasonably accessible.

### **Division 2—Registrar's powers of inquiry**

#### **42 Registrar's powers of inquiry**

- (1) The Registrar may conduct an inquiry to find out—
  - (a) whether a registrable event has happened; or
  - (b) particulars of a registrable event; or
  - (c) whether particulars of a particular registrable event have been correctly recorded in the Register; or

**S. 42(1)(c)  
amended by  
No. 36/2004  
s. 18(1).**

S. 42(1)(d)  
inserted by  
No. 36/2004  
s. 18(2).

- (d) in the case of a death of a child—
- (i) whether a reviewable death has occurred; and
  - (ii) if the Registrar determines that a reviewable death has occurred, whether there are any living or deceased siblings of the deceased child.
- (2) The Registrar may, by notice given to a person who may be able to provide information relevant to an inquiry under this section, require the person to answer specified questions or to provide other information within a time and in a way specified in the notice.
- (3) A person must not, without reasonable excuse, fail to comply with a notice under subsection (2).
- Penalty: 10 penalty units.

### **Division 3—Correction and amendment of Register**

#### **43 Correction and amendment of Register**

- (1) The Registrar may correct the Register—
- (a) to reflect a finding made on inquiry under Division 2; or
  - (b) to bring an entry about a particular registrable event into conformity with the most reliable information available to the Registrar of the registrable event.
- (2) The Registrar must, if required by a court, correct the Register.
- (3) The Registrar corrects the Register by adding or cancelling an entry in the Register or by adding, altering or deleting particulars contained in an entry.

- (4) Subject to section 16, the Registrar may add additional registrable information to an entry in the Register.
- (5) A person may apply to the Registrar for the addition of registrable information to an entry in the Register.
- (6) An application under subsection (5) must be accompanied by the prescribed fee.
- (7) Despite anything to the contrary in the **Adoption Act 1984**, the Registrar—
  - (a) may correct an original birth entry in respect of an adopted person; and
  - (b) subject to section 16, may add additional registrable information to that entry.

#### **Division 4—Access to and certification of Register entries**

##### **44 Protection of privacy**

In providing information extracted from the Register, the Registrar must, as far as practicable, protect the persons to whom the entries in the Register relate from unjustified intrusion on their privacy.

##### **45 Search of Register**

- (1) The Registrar may, on application, search the Register for an entry about a particular registrable event.
- (2) The applicant must—
  - (a) state the reason for the applicant's interest in the subject-matter of the search; and
  - (b) pay the prescribed fee.

- (3) The Registrar may reject the application if the applicant does not show an adequate reason for wanting the information to which the application relates.
- (4) In deciding whether an applicant has an adequate reason for wanting information, the Registrar must have regard to—
  - (a) the relationship (if any) between the applicant and the person to whom the information relates; and
  - (b) the age of the entry; and
  - (c) the contents of the entry; and
  - (d) other relevant factors.

#### **46 Issue of certificate**

- (1) On completing a search of the Register and on payment by the applicant of the prescribed fee, the Registrar may issue a certificate—
  - (a) certifying particulars contained in an entry; or
  - (b) certifying that no entry was located in the Register about the relevant registrable event.
- (2) A certificate under subsection (1)(a) is admissible in legal proceedings as evidence of—
  - (a) the entry to which the certificate relates; and
  - (b) the facts recorded in the entry.

#### **47 Access policies**

- (1) The Registrar must maintain a written statement of the policies on which access to information contained in the Register is to be given or denied under this Division.
- (2) The Registrar must give a copy of the statement, on request, to any person.



#### **48 Access to Register**

- (1) The Registrar may, on conditions the Registrar considers appropriate—
  - (a) allow a person or organisation that has an adequate reason for wanting access to the Register, access to the Register; or
  - (b) provide a person or organisation that has an adequate reason for wanting information from the Register, with information extracted from the Register.
- (2) In deciding whether an applicant has an adequate reason for wanting access to the Register, or information extracted from the Register, the Registrar must have regard to—
  - (a) the nature of the applicant's interest; and
  - (b) the sensitivity of the information (in particular, whether it concerns a birth registration that has been altered under Part 4A); and
  - (c) the use to be made of the information; and
  - (d) other relevant factors.
- (3) In deciding the conditions on which access to the Register, or information extracted from the Register, is to be given under this section, the Registrar must, as far as practicable, protect the persons to whom the entries in the Register relate from unjustified intrusion on their privacy.

S. 48(2)(b)  
amended by  
No. 29/2004  
s. 6.

#### **48A Provision of information to VARTA**

The Registrar must, on request, provide VARTA with information extracted from the Register necessary for the exercise by VARTA of powers and functions under the **Assisted Reproductive Treatment Act 2008**.

S. 48A  
inserted by  
No. 6/2016  
s. 40.

#### 49 Power to remit fees

The Registrar may, in appropriate cases, remit the whole or part of a fee under this Act.

Pt 7 Div. 4A  
(Heading)  
amended by  
No. 46/2008  
s. 247(2).

Pt 7 Div. 4A  
(Heading and  
ss 49A, 49B)  
inserted by  
No. 36/2004  
s. 19.

#### Division 4A—Information relating to child deaths, still-births and maternal deaths

S. 49A  
inserted by  
No. 36/2004  
s. 19.

#### 49A Registrar's obligations in relation to the death of a child

- (1) If the Registrar receives information in relation to the death of a child, the Registrar—
  - (a) must search the Register to determine whether the death is a reviewable death; and
  - (b) must, if the Registrar determines that the death is a reviewable death, search the Register to determine whether there are living siblings of the deceased child; and
  - (c) may arrange for a search of a register of another State or Territory to determine the matters set out in paragraphs (a) and (b).
- (2) If the Registrar determines that the death is a reviewable death, the Registrar must advise—
  - (a) the State Coroner as to the result of the searches under subsection (1) for the purposes of enabling the Coroner to perform his or her functions under the **Coroners Act 2008**; and
  - (b) the Council for the purpose of enabling the Council to perform its functions under the **Health Act 1958**.

S. 49A(2)(a)  
amended by  
No. 77/2008  
s. 129(Sch. 2  
item 3.7).

- (3) Despite section 44, if information referred to in this section was obtained from a register of another State or Territory, the advice under subsection (2) must identify which register provided the information.

**49B Registrar's obligations in relation to a still-birth, the death of a child or a maternal death**

- (1) Despite anything to the contrary in any Act or law, if the Registrar has been given notice under this Act of a still-birth or of the death of a child or a maternal death, the Registrar must notify the Council of the death and forward to the Council—
- (a) in relation to a still-birth, any medical certificate in his or her possession or under his or her control relating to the still-birth;
  - (b) in relation to a neonatal death—
    - (i) any medical certificate in his or her possession or under his or her control relating to the death; and
    - (ii) a certificate of death;
  - (c) in relation to the death of a child who died between 28 days and 18 years of age—
    - (i) any medical certificate in his or her possession or under his or her control relating to the death of that child; and
    - (ii) a certificate of death;
  - (d) in relation to a maternal death—
    - (i) any medical certificate in his or her possession or under his or her control relating to the death; and

S. 49B  
(Heading)  
amended by  
No. 46/2008  
s. 247(3)(a).

S. 49B  
inserted by  
No. 36/2004  
s. 19,  
amended by  
No. 46/2008  
s. 247(3)(b)(4)  
(ILA s. 39B(1)).

S. 49B(c)(ii)  
amended by  
No. 46/2008  
s. 247(3)(c).

S. 49B(d)  
inserted by  
No. 46/2008  
s. 247(3)(d).

(ii) the information requested by the Council which is necessary to enable the Council to perform its functions and appears on the certificate of death.

S. 49B(2)  
inserted by  
No. 46/2008  
s. 247(4).

(2) In this section, *maternal death* has the same meaning as it has in section 46(3) of the **Public Health and Wellbeing Act 2008**.

## **Division 5—Additional information and services**

### **50 Registrar may collect other information**

- (1) Despite anything to the contrary in this Act, the Registrar may maintain records of information, other than registrable information relating to registrable events.
- (2) Records maintained under this section must be kept separately from the Register.
- (3) The Registrar may include information in the records maintained under this section at the request of a person interested in the registrable event to which it relates or on the Registrar's own motion.
- (4) Sections 44 and 48(3) apply to records maintained under this section as if they were part of the Register.

### **51 Additional services in relation to information in Register and other information**

- (1) The Registrar may enter into an arrangement for the provision of additional services in connection with the provision of services relating to a registrable event, including, but not limited to—
  - (a) the provision of information in the form of a decorative certificate or other document; and
  - (b) the provision of information from records maintained under section 50 relating to the registrable event.

- (2) The Registrar may enter into an arrangement for the provision of information from records maintained under section 50 or the Register including historical or genealogical information.
- (3) If the Registrar provides a service or an additional service under this section, the Registrar may make a charge for the service determined by the Registrar, in his or her absolute discretion, which does not necessarily bear a relation to the cost of providing the service.
- (4) In providing a service or an additional service, the Registrar must comply with sections 44 and 48(3).

## **Part 8—General power of review**

S. 52  
substituted by  
No. 52/1998  
s. 311(Sch. 1  
item 9.2).

### **52 Review by Victorian Civil and Administrative Tribunal**

- (1) A person whose interests are affected by a decision of the Registrar under this Act may apply to the Victorian Civil and Administrative Tribunal for review of the decision.
- (2) An application for review must be made within 28 days after the later of—
  - (a) the day on which the decision is made;
  - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.

## **Part 9—Miscellaneous**

### **53 False representation**

A person must not make a false or misleading representation in an application or document under this Act, knowing it to be false or misleading.

Penalty: 20 penalty units.

### **54 Unauthorised access to or interference with Register**

A person must not, without the authority of the Registrar or other lawful authority—

- (a) obtain access to the Register or information contained in the Register; or
- (b) make, alter or delete an entry in the Register; or
- (c) interfere with the Register in any other way.

Penalty: 100 penalty units or 2 years imprisonment or both.

### **55 Falsification of certificate, etc.**

- (1) A person must not forge the Registrar's signature or seal.

Penalty: 100 penalty units or 2 years imprisonment or both.

- (2) A person must not forge or falsify a certificate or other document under this Act.

Penalty: 100 penalty units or 2 years imprisonment or both.

- (3) The Registrar may impound—

- (a) a document which the Registrar has reason to believe bears a forged impression of the Registrar's signature or seal; or

- (b) a certificate or other document purporting to be a certificate or other document under this Act which the Registrar has reason to believe has been forged or falsified; or
- (c) a certificate under this Act about a registrable event if the entry in the Register about the event has been cancelled or corrected since the issue of the certificate.

S. 56  
amended by  
No. 29/2004  
s. 7.

#### **56 Registrar to provide certain information to Minister**

The Registrar must provide to the Minister for inclusion in the report of operations of the Department of Justice for a financial year under Part 7 of the **Financial Management Act 1994** a report of—

S. 56(a)  
inserted by  
No. 29/2004  
s. 7.

- (a) the number of registrable events registered during that financial year; and

S. 56(b)  
inserted by  
No. 29/2004  
s. 7.

- (b) the number of occasions on which the Registrar altered the Register under section 30C, or issued a document under section 30F, during that financial year.

#### **57 Records relating to period before 18 January 1853**

- (1) Every register, book of entries or register book of baptisms, marriages or burials solemnised in the district of Port Phillip of the Colony of Victoria before 18 January 1853 forwarded to the Registrar under section 31 of the **Marriage Act 1898** is to be kept by the Registrar as a permanent record.
- (2) Any copy verified and forwarded to the Registrar under section 31 of the **Marriage Act 1898** is prima facie evidence of all entries contained in the register, book of entries or register book.



- (3) A person who has possession of any register, book of entries or register book which has not been forwarded under section 31 of the **Marriage Act 1898** must, during normal business hours, on payment of the prescribed fee, permit any person to inspect any entry and on request supply a certified copy of the entry to that person.

### **58 Power to require and take statutory declarations**

The Registrar—

- (a) may require that information be given by statutory declaration; and
- (b) is authorised to take any statutory declarations required for the purposes of this Act.

### **59 Regulations**

- (1) The Governor in Council may make regulations for or with respect to—
- (a) prescribing fees or a basis for calculating fees for—
    - (i) access to the Register; or
    - (ii) a search of the Register; or
    - (iii) the issue of a certificate following a search of the Register; or
    - (iv) other services provided by the Registrar;
  - (b) generally prescribing any other matter or thing required or permitted to be prescribed or necessary to be prescribed for the purposes of this Act.
- (2) A regulation may impose a penalty not exceeding 20 penalty units for contravention of the regulations.

- (3) Regulations made under this Act—
- (a) may be of general or limited application;
  - (b) may differ according to differences in time, place or circumstance;
  - (c) may require the making of a statutory declaration.

## **Part 10—Repeals, transitional provisions and amendments to other Acts**

### **60 Repeal of Registration of Births Deaths and Marriages Act 1959**

The **Registration of Births Deaths and  
Marriages Act 1959** is repealed.

### **61 Regulations revoked**

The Births Deaths and Marriages (Prescribed  
Forms and Procedures) Regulations 1986 are  
revoked.

### **62 The Register**

The registers maintained under section 41 of the  
**Registration of Births Deaths and Marriages  
Act 1959** form part of the Register under this Act.

### **63 Superseded references**

On and after the commencement of this  
section, unless inconsistent with the context or  
subject-matter, in any Act (other than this Act),  
subordinate instrument within the meaning of the  
**Interpretation of Legislation Act 1984** or any  
other document whatever, a reference to—

- (a) the **Registration of Births Deaths and  
Marriages Act 1959** is deemed to be a  
reference to the **Births, Deaths and  
Marriages Registration Act 1996**; and
- (b) the Registrar of Births, Deaths, Marriages  
and Names is deemed to be a reference to the  
Registrar of Births, Deaths and Marriages;  
and

- (c) any register kept and maintained under section 41 of the **Registration of Births Deaths and Marriages Act 1959** is deemed to be a reference to the corresponding register in the Register established under Part 7 of this Act.

#### **64 Transitional—Courts and Other Justice Legislation Amendment Act 2013**

- (1) Despite the amendment of section 25 by the **Courts and Other Justice Legislation Amendment Act 2013**, section 25, as in force before the commencement of section 12 of that Act, continues to apply in respect of any application for a change of name made before that commencement.
- (2) Despite the amendment of section 26 by the **Courts and Other Justice Legislation Amendment Act 2013**, section 26, as in force before the commencement of section 13 of that Act, continues to apply in respect of any application for a change of a child's name made before that commencement.

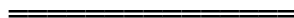
S. 64  
repealed by  
No. 46/1998  
s. 7(Sch. 1),  
new s. 64  
inserted by  
No. 68/2013  
s. 14.

S. 65  
repealed by  
No. 29/2011  
s. 3(Sch. 1  
item 6).

Sch.  
repealed by  
No. 29/2011  
s. 3(Sch. 1  
item 6).

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

*Minister's second reading speech—*

*Legislative Assembly: 17 October 1996*

*Legislative Council: 13 November 1996*

The long title for the Bill for this Act was "to re-enact with amendments the law relating to births, deaths and marriages in Victoria, to repeal the **Registration of Births Deaths and Marriages Act 1959** and for other purposes."

The **Births, Deaths and Marriages Registration Act 1996** was assented to on 26 November 1996 and came into operation as follows:

Part 1 (sections 1–4) on 26 November 1996: section 2(1); rest of Act on 2 October 1997: Government Gazette 2 October 1997 page 2731.

### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

#### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

#### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

#### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

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- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

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## 2 Table of Amendments

This publication incorporates amendments made to the **Births, Deaths and Marriages Registration Act 1996** by Acts and subordinate instruments.

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### **Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998**

*Assent Date:* 26.5.98  
*Commencement Date:* S. 7(Sch. 1) on 1.7.98: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

### **Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998**

*Assent Date:* 2.6.98  
*Commencement Date:* S. 311(Sch. 1 item 9) on 1.7.98: Government Gazette 18.6.98 p. 1512  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

### **Statute Law Revision Act 2000, No. 74/2000**

*Assent Date:* 21.11.00  
*Commencement Date:* S. 3(Sch. 1 item 12) on 22.11.00: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

### **Births, Deaths and Marriages Registration (Amendment) Act 2004, No. 29/2004**

*Assent Date:* 1.6.04  
*Commencement Date:* 1.1.05: s. 2(2)  
*Current State:* All of Act in operation

### **Death Notification Legislation (Amendment) Act 2004, No. 36/2004**

*Assent Date:* 8.6.04  
*Commencement Date:* Ss 16–19 on 26.11.04: Special Gazette (No. 246) 26.11.04 p. 1  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

### **Public Administration Act 2004, No. 108/2004**

*Assent Date:* 21.12.04  
*Commencement Date:* S. 117(1)(Sch. 3 item 19) on 5.4.05: Government Gazette 31.3.05 p. 602  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

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**Sex Offenders Registration (Amendment) Act 2005, No. 34/2005**

*Assent Date:* 21.6.05  
*Commencement Date:* Ss 28, 29 on 1.8.05: Government Gazette 28.7.05  
p. 1642  
*Current State:* This information relates only to provision/s amending  
the **Births, Deaths and Marriages Registration Act 1996**

**Health Professions Registration Act 2005, No. 97/2005**

*Assent Date:* 7.12.05  
*Commencement Date:* S. 182(Sch. 4 item 5) on 1.7.07: s. 2(3)  
*Current State:* This information relates only to the provision/s  
amending the **Births, Deaths and Marriages  
Registration Act 1996**

**Relationships Act 2008, No. 12/2008**

*Assent Date:* 15.4.08  
*Commencement Date:* S. 73(1)(Sch. 1 item 4) on 1.12.08: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Births, Deaths and Marriages  
Registration Act 1996**

**Public Health and Wellbeing Act 2008, No. 46/2008**

*Assent Date:* 2.9.08  
*Commencement Date:* S. 247 on 1.1.10: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Births, Deaths and Marriages  
Registration Act 1996**

**Assisted Reproductive Treatment Act 2008, No. 76/2008**

*Assent Date:* 11.12.08  
*Commencement Date:* Ss 149–154 on 1.1.10: s. 2(3)  
*Current State:* This information relates only to the provision/s  
amending the **Births, Deaths and Marriages  
Registration Act 1996**

**Coroners Act 2008, No. 77/2008**

*Assent Date:* 11.12.08  
*Commencement Date:* S. 129(Sch. 2 item 3) on 1.11.09: s. 2  
*Current State:* This information relates only to the provision/s  
amending the **Births, Deaths and Marriages  
Registration Act 1996**

**Statute Law Amendment (National Health Practitioner Regulation) Act 2010,  
No. 13/2010**

*Assent Date:* 30.3.10  
*Commencement Date:* S. 34 on 1.7.10: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Births, Deaths and Marriages  
Registration Act 1996**



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**Health and Human Services Legislation Amendment Act 2010, No. 29/2010**

*Assent Date:* 8.6.10  
*Commencement Date:* S. 47 on 1.7.10: Special Gazette (No. 235) 23.6.10 p. 1  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

**Statute Law Revision Act 2011, No. 29/2011**

*Assent Date:* 21.6.11  
*Commencement Date:* S. 3(Sch. 1 item 6) on 22.6.11: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

**Courts and Other Justice Legislation Amendment Act 2013, No. 68/2013**

*Assent Date:* 19.11.13  
*Commencement Date:* Ss 12–14 on 1.7.14: Special Gazette (No. 17) 28.1.14 p. 1  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

**Treasury Legislation and Other Acts Amendment Act 2014, No. 44/2014**

*Assent Date:* 27.6.14  
*Commencement Date:* S. 33(Sch. item 5) on 30.6.14: s. 2(5)  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

**Justice Legislation Amendment (Succession and Surrogacy) Act 2014, No. 80/2014**

*Assent Date:* 21.10.14  
*Commencement Date:* Ss 42, 43 on 30.10.14: Special Gazette (No. 400) 29.10.14 p. 2  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

**Assisted Reproductive Treatment Amendment Act 2016, No. 6/2016**

*Assent Date:* 1.3.16  
*Commencement Date:* Ss 38–40 on 1.3.17: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Births, Deaths and Marriages Registration Act 1996**

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### **3 Amendments Not in Operation**

There are no amendments which were Not in Operation at the date of this publication.

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**4 Explanatory details**

No entries at date of publication.