

AUSTRALIAN CAPITAL TERRITORY

Registration of Births, Deaths and Marriages (Amendment) Ordinance 1989

No. 29 of 1989

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

Dated 27 April 1989.

BILL HAYDEN
Governor-General

By His Excellency's Command,

CLYDE HOLDING
Minister of State for the Arts
and Territories

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

(Ord. 14/89)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Short title

1. This Ordinance may be cited as the *Registration of Births, Deaths and Marriages (Amendment) Ordinance 1989*.¹

Principal Ordinance

2. In this Ordinance, “Principal Ordinance” means the *Registration of Births, Deaths and Marriages Ordinance 1963*.²

Interpretation

3. Section 5 of the Principal Ordinance is amended—

- (a) by omitting from subsection (1) the definition of “child”;
- (b) by omitting “-1936” from the definition of “medical practitioner” in subsection (1);
- (c) by inserting in subsection (1) the following definitions:

“ ‘child’ includes a child not born alive—

- (a) if the child weighs at least 400 grams; or
- (b) where the child weighs less than that—if the period of gestation was at least 20 weeks;

‘hospital’ means—

- (a) a hospital conducted by the Australian Capital Territory Community and Health Service; or
- (b) a private hospital registered under the Public Health (Private Hospitals) Regulations;

‘midwifery nurse’ means a person registered as a midwifery nurse under the *Nurses Ordinance 1988*;

‘principal witness’, in relation to the birth of a child, means—

- (a) if a medical practitioner was present at the birth—the practitioner;
- (b) if a midwifery nurse was present at the birth, but no medical practitioner was present—the nurse; or

- (c) in any other case—the principal person (other than a parent of the child) present at the birth for the purpose of assisting at the birth;”; and
- (d) by omitting subsection (3) and substituting the following subsections:

“(3) For the purposes of this Ordinance, a child shall be taken to have been born alive if the child breathes, or if the heartbeat or other visible signs of life are observable in the child, after the child is completely expelled or extracted from his or her mother.

“(3A) For the purposes of this Ordinance, a child shall not be taken to have been born alive only because transient signs of life are observable in the child while attempts are being made to resuscitate him or her.”.

Substitution

4. Sections 12 and 13 of the Principal Ordinance are repealed and the following sections substituted:

Notification of births

“12. (1) Where a child is born in a hospital, or is admitted to a hospital shortly after birth, the officer in charge of the hospital shall give the Registrar written notice of the child’s birth within 2 days after the date of birth.

“(2) Where a child is not born in a hospital, nor admitted to a hospital shortly after birth, the principal witness at the birth shall give the Registrar written notice of the child’s birth within 2 days after the date of birth.

“(3) A notice under subsection (1) or (2) shall contain such of the following particulars as are within the knowledge of, or ascertainable with accuracy by, the person required to give the notice:

- (a) the date and place of the birth;
- (b) the sex of the child;
- (c) the full name and usual place of residence of the child’s mother;
- (d) in the case of a notice under subsection (1)—the full name and usual place of residence of the medical practitioner or midwifery nurse who attended the mother during the birth or shortly afterwards;
- (e) in the case of a notice under subsection (2)—full name and usual place of residence of the principal witness.

Notification of registrable particulars

“13. (1) Where a child is born in a hospital, or is admitted to a hospital shortly after birth—

- (a) in the case of a child born alive—a parent of the child; and
- (b) in any case—the officer in charge of the hospital;

shall, within 28 days after the date of birth, give the Registrar, in writing, such of the particulars that are required to be entered in the Register of Births in relation to the child as are within the knowledge of, or ascertainable with accuracy by, the parent or officer, as the case requires.

“(3) Where a child is born alive, an officer in charge of a hospital, or a principal witness, is not guilty of an offence against subsection (1) or (2) if he or she adduces evidence that—

- (a) a parent of the child has complied with the relevant subsection; or
- (b) the child’s parents were not prevented from complying with the relevant subsection;

and that evidence is not rebutted.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 3 May 1989.
2. No. 17, 1963 as amended by No. 19, 1966; No. 47, 1974; No. 29, 1975; Nos. 18, 50 and 58, 1977; No. 17, 1979; Nos. 24 and 40, 1980; No. 32, 1981; Nos. 52 and 80, 1982; No. 41, 1983; Nos. 8 and 31, 1986; No. 51, 1987.