



Victorian
Law Reform
Commission

Birth registration and birth certificates



A community law reform project

CONSULTATION PAPER

Published by the Victorian Law Reform Commission

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Community law reform program

This review of birth registration and birth certificates is a community law reform project.

The Victorian Law Reform Commission community law reform program enables members of the community to contribute their ideas about how the law could be improved.

The *Victorian Law Reform Commission Act 2000* allows the Commission to make recommendations to the Attorney-General on legal issues of general community concern.

To identify issues, we ask the public and community groups for suggestions about legal problems that might fit our program.

Anyone can make a suggestion for a community law reform project, both individuals and groups. If the suggestion involves a minor change to Victorian state law (not federal law), the Commission may be able to turn your suggestion into a project.

The criteria used for assessing community law reform suggestions are available on our website www.lawreform.vic.gov.au under 'community law reform'.

If you have a suggestion you can email us, write to us or fill in the online suggestion form.

Once a project is under way, anyone in the community can contribute their ideas. (See the Call for Submissions section of this paper to find out how).

When we finish our projects, we produce a final report that includes recommendations to government about how the law might be changed.

We look forward to hearing from you!

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Call for submissions

The Victorian Law Reform Commission invites your comments on this consultation paper.

What is a submission?

Submissions are your ideas or opinions about the law under review and how to improve it. This consultation paper contains a number of questions on page 22 that seek to guide submissions.

Submissions can be anything from a personal story about how the law has affected you to a research paper complete with footnotes and bibliography. We want to hear from anyone who has experience with the law under review. It does not matter if you only have one or two points to make—we still want to hear from you. Please note, however, that the Commission does not provide legal advice.

What is my submission used for?

Submissions help us understand different views and experiences about the law we are researching. We use the information we receive in submissions, and from consultations, along with other research, to write our reports and develop recommendations.

How do I make a submission?

You can make a submission in writing, or in the case of those requiring assistance, verbally, to one of the Commission staff. There is no required format. However, we encourage you to consider the questions listed on page 22.

Submissions can be made by:

Online form: www.lawreform.vic.gov.au

Email: law.reform@lawreform.vic.gov.au

Mail: GPO Box 4637, Melbourne, Vic 3001

Fax: (03) 8608 7888

Phone: (03) 8608 7800, 1300 666 557 (TTY) or 1300 666 555 (cost of a local call)

Assistance

Please contact the Commission:

- if you require an interpreter
- if you need assistance to have your views heard
- if you would like a copy of this paper in an accessible format.

Publication of submissions

The Commission is committed to providing open access to information. We publish submissions on our website to encourage discussion and to keep the community informed about our projects.

We will not place on our website, or make available to the public, submissions that contain offensive or defamatory comments or which are outside the scope of the reference. Before publication, we may remove personally identifying information from submissions that discuss specific cases or the personal circumstances and experiences of people other than the author. Personal addresses and contact details are removed from all submissions before they are published.

The views expressed in the submissions are those of the individuals or organisations who submit them and their publication does not imply any acceptance of, or agreement with, these views by the Commission.

We keep submissions on the website for 12 months following the completion of a reference. A reference is complete on the date the final report is tabled in Parliament, or in the case of a community law reform project, when the report is presented to the Attorney-General. Hard copies of submissions will be archived and sent to the Public Records Office Victoria.

The Commission also accepts submissions made in confidence. These submissions will not be published on the website or elsewhere. Submissions may be confidential because they include personal experiences or other sensitive information. The Commission does not allow external access to confidential submissions. If, however, the Commission receives a request under the *Freedom of Information Act 1982 (Vic)* the request will be determined in accordance with the Act. The Act has provisions designed to protect personal information and information given in confidence. Further information can be found at www.foi.vic.gov.au.

Please note that submissions that do not have an author or organisation's name attached will not be published on the Commission's website or made publicly available and will be treated as confidential submissions.

Confidentiality

When you make a submission you must decide how you want your submission to be treated. Submissions are either public or confidential.

- **Public submissions** can be referred to in our reports, uploaded to our website and made available to the public to read in our offices. The names of submitters will be listed in the final report. Private addresses and contact details will be removed from submissions before they are made public.
- **Confidential submissions** are not made available to the public. Confidential submissions are considered by the Commission but they are not referred to in our final reports as a source of information or opinion other than in exceptional circumstances.

Please let us know your preference when you make your submission. If you do not tell us that you want your submission treated as confidential we will treat it as public.

Anonymous submissions

If you do not put your name or an organisation's name on your submission, it will be difficult for us to make use of the information you have provided. If you have concerns about your identity being made public, please consider making your submission confidential rather than submitting it anonymously.

More information about the submission process and this reference is available on our website: www.lawreform.vic.gov.au.

Submission deadline 1 November 2012

Terms of reference

The Victorian Law Reform Commission will consider and review aspects of the *Births, Deaths and Marriages Act 1996* (Vic). The purpose of this review is to:

- examine the processes for birth registration and obtaining a birth certificate to consider whether they are efficient, effective and accessible to all members of the community, particularly culturally and linguistically diverse (CALD) and Indigenous communities, and the disadvantaged and vulnerable.
- identify practical solutions to problems that may exist in Victorian law and practice with regard to birth registration and obtaining a birth certificate.

In undertaking this review, the Commission will have particular regard to:

- whether the need to apply separately for a birth certificate (in addition to registering a birth) creates a barrier to obtaining a birth certificate, and if so, what can be done to remove or minimise this barrier.
- whether specific criteria should apply to section 46(1) of the Act (which provides for the waiver of fees for obtaining a birth certificate), and if so, what these criteria should be and whether they should be contained in legislation, regulations or a publicly available policy document.

The Commission will consider legislative developments in Australian and international jurisdictions.

1. Background

Introduction

- 1.1 Birth registration is a significant life event which creates a relationship between the individual and the state. A child becomes a person before the law¹ when their birth is registered.
- 1.2 Obtaining a birth certificate is a further step in creating an individual's identity. This step can only occur once a birth is registered. A birth certificate is the 'instrument universally recognised as the fundamental evidentiary document establishing personal identification'.² Without a birth certificate a person is unable to invoke their full rights as a citizen.
- 1.3 These rights include: enrolling at school or to vote; obtaining a passport, Medicare card, driver licence or tax file number; and accessing various government benefits.
- 1.4 In short, birth registration establishes the legal identity of a child by placing them on the state's records, and a birth certificate is the formal record of this status provided to the individual by the state.
- 1.5 Both birth registration and birth certificates are fundamental to our existence as citizens in a developed society. It is often taken as given that these events occur routinely in a developed country. The Commission is concerned that this may not be the case for all sectors of our community.

Origins of this community law reform project

- 1.6 In 2009, the Castan Centre for Human Rights Law held a symposium on Indigenous birth registration and barriers to obtaining a birth certificate³ which brought together academics and community law centres. The Centre was concerned that there was a considerable number of unregistered births within Victoria, particularly in rural and remote areas where there are large Indigenous populations.
- 1.7 The Castan Centre stated that in 2008, 1841 births (some 2.5 per cent of all births in Victoria in that year, both Indigenous and non Indigenous)⁴ were not registered, quoting figures presented by Victorian registry officials to the Aboriginal Justice Advisory Committee in March 2009.⁵
- 1.8 The Castan Centre believes that Indigenous people may be overrepresented in these figures, due to factors such as Indigenous people lacking confidence in dealing with authorities, often being marginalised from mainstream services, having poor literacy levels, and affording low priority to birth registration.⁶

1 Human Rights Council, *Birth Registration and the Right of Everyone to Recognition Everywhere as a Person before the Law*, 19th sess, UN Doc A/HRC/RES/19/9 (3 April 2012). This resolution was adopted by the UN Human Rights Council without vote on 22 March 2012.

2 Melissa Castan, Paula Gerber and Andy Gargett, 'Indigenous Australians' access to birth registration systems: A breach of international human rights law?' (2011) 17(1) *Australian Journal of Human Rights* 55, 56.

3 Castan Centre for Human Rights Law, *Castan Centre Symposium on Birth Registration and Birth Certificates* (2 August 2011) <<http://www.law.monash.edu.au>>.

4 There is presently no requirement to report on the Indigenous status of a child when notifying RBDM of the birth. Many hospitals, however, do record this status. Indigenous status is recorded by the RBDM at the registration stage, but there is no way to identify non-registered Indigenous births by the RBDM.

5 Victorian Registry of Births, Deaths and Marriages, *Indigenous Access Project Update*, March 2009, cited in Castan, Gerber and Gargett, above n 2, 62.

6 Castan, Gerber and Gargett, above n 2, 63.

- 1.9 The Castan Centre is embarking on a three-year research project examining Indigenous birth registration across Victoria, Queensland, Western Australia and the Northern Territory. This work is funded by an Australian Research Council linkage grant and is being conducted in partnership with eight organisations.⁷
- 1.10 The Commission's reference will not duplicate this work. The Commission aims to examine the issue more broadly and will look at whether the current laws and practices are efficient, effective and accessible to all members of the community, with particular reference to CALD communities and the disadvantaged and vulnerable.
- 1.11 Furthermore, the Commission is aware of significant work done over the last few years by the Registry of Births, Deaths and Marriages (RBDM) and the Department of Justice to improve the level of registration of Indigenous births and to assist Indigenous people to obtain birth certificates (see page 16).

Registry of Births, Deaths and Marriages (RBDM) data

- 1.12 Figures provided to the Commission by the RBDM show a steady increase in birth notifications over the last nine years from 62,712 in 2003, to 75,417 in 2011.⁸
- 1.13 Figures are also provided for the number of birth registrations in each year for births notified in that year. Although the majority of births are registered shortly after birth, some birth registrations will be made in following years, and it is therefore not possible to do a simple calculation of notifications minus registrations to obtain a figure for the number of unregistered births. Late registrations over subsequent years gradually reduce the number of unregistered births.
- 1.14 The data provided by the RBDM was extracted from their database on 2 July 2012. Because the data is continually updated, these figures would be different if extracted today.
- 1.15 So for example, from births notified in 2011, for 2,683 notifications there had been no registration process commenced when the RBDM data was extracted for the Commission (2 July 2012). If we then look at births notified in 2003 however, we find that around nine years later in mid 2012, only 659 of the births notified in 2003 had still not had any registration process commenced.

Table 1: The number of birth notifications and registrations in the year of birth per year (2003–2011) made pursuant to sections 12 and 13 of the *Births, Deaths and Marriages Registration Act 1996 (Vic)*.⁹

	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total notifications	62,712	63,395	66,485	70,285	72,134	72,550	74,440	75,015	75,417
Registered interstate	161	158	221	188	207	172	119	117	72
<i>Sub total (completed Victorian registrations)</i>	62,551	63,237	66,264	70,097	71,927	72,378	74,321	74,898	75,345
Parent/s not commenced registration	659	552	748	1620	1141	794	1442	1920	2683
Percentage of registrations not commenced	1.05	.87	1.12	2.31	1.58	1.09	1.94	2.56	3.56

7 Partners include: Victorian Aboriginal Legal Service; Equal Opportunity Commission Western Australia; Department of the Attorney General Western Australia; Plan Australia; Clayton Utz; Hills Community Support Group; Tangentyere Council, Alice Springs, Northern Territory.

8 Data provided to the Commission by the Department of Justice (Victoria), 1 August 2012.

9 Data provided to the Commission by the Department of Justice (Victoria), 1 August 2012.

- 1.16 It can be seen from the table that the number of births in which parents have not commenced registration shows a significant reduction from 2006 to 2005. It is possible that this late registration activity coincides with the child starting school—a time when a birth certificate is often required—as children born in 2005 would mostly be commencing their schooling in 2011.
- 1.17 It is impossible to establish an accurate number of how many people’s births remain unregistered. However, if we assume that there are 600-700 births from each yearly age cohort who remain unregistered beyond the start of school, this has the potential to be quite a large group of unregistered older children and adults. Further research remains to be done in this area as part of this review.
- 1.18 Figures for the number of birth registrations which are not accompanied by an application for a birth certificate were not available from RBDM.

Australian Bureau of Statistics data

- 1.19 The Australian Bureau of Statistics (ABS) reports on time lags between birth occurrence and birth registration. For Victorian births registered in 2010, 88 per cent were registered in the year they occurred. 10.5 per cent were of births occurring in 2009 and the remaining 2 per cent in earlier years, including 0.5 per cent which occurred in 2004 or earlier.¹⁰
- 1.20 These Victorian figures appear to broadly reflect the delays between occurrence and registration nationally.¹¹ The ABS notes that on 1 July 2007 there were changes to the *A New Tax System (Family Assistance) Act 1999* (Cth). These changes required the registration of a child in order to claim the baby bonus.¹²

Our process

- 1.21 The Commission has conducted preliminary research to identify current issues within the law. We have also looked at current law and practice in other Australian states and territories and internationally.
- 1.22 This paper sets out our findings about the current law concerning birth registration and birth certificates in the state of Victoria. We seek your views generally in this area of law and more specifically on the consultation questions listed on pages 22-3.
- 1.23 **We invite written submissions by 1 November 2012.** In addition, we will meet with individuals and groups that we have identified as having particular knowledge or experience in the area of birth registration and birth certificates. Individuals or groups may also approach us if they wish to speak to us.
- 1.24 Following these consultations and the consideration of written submissions, the Commission will produce a final report, including recommendations, which will be presented to the Attorney-General.

Our scope

- 1.25 Current information available to the Commission focuses primarily on Indigenous experiences of non-registration and failure to obtain a certificate. However, the Commission is concerned that these issues may have equal application to other disadvantaged groups such as those from culturally and linguistically diverse (CALD) communities as well as those experiencing homelessness or mental illness. As noted by the United Nations Children’s Fund, ‘There is a strong correlation between low socio-economic status and the non-registration of births’.¹³

10 Australian Bureau of Statistics, *Births, Australia, 2010*, Cat No. 3301.0, 43 (*‘Births, Australia, 2010’*).
 11 Ibid.
 12 Ibid 22.
 13 United Nations Children’s Fund 2002, cited in Castan, Gerber and Gargett, above n 2, 61.

2. Current law

The law in Victoria

- 2.1 The *Births, Deaths and Marriages Registration Act 1996* (Vic)¹⁴ (the Act) accompanied by the *Births, Deaths and Marriages Registration Regulations 2008* (Vic) (the Regulations),¹⁵ provides the statutory basis for the registration of births in Victoria.

The role and functions of the Registrar

- 2.2 The Act requires the appointment of a Registrar of Births, Deaths and Marriages, who has responsibility for administering the registration system established by the Act.¹⁶
- 2.3 The registration of births in Victoria¹⁷ and the issue of certified and uncertified information from the registers¹⁸ are two of the identified objects in the Act.
- 2.4 One of the Registrar's general functions is to ensure that the Act is administered 'in the way best calculated to achieve the objects of this Act'.¹⁹
- 2.5 There is, however, no specific function of the Registrar to undertake public education or awareness raising about the Registry and its objects.²⁰

Birth notification

- 2.6 Part 3 of the Act concerns the registration of births.²¹
- 2.7 The Act requires that a responsible person must give notice of any live birth to the Registrar within 21 days of the birth.²² The responsible person is:
- the CEO of the hospital (where a child is born in a hospital or brought to hospital within 24 hours after birth)²³
 - a doctor or midwife responsible for the care of the mother
 - where no medical practitioner was present, any other person in attendance at the birth.²⁴

14 *Births, Deaths and Marriages Registration Act 1996* (Vic).

15 *Births, Deaths and Marriages Registration Regulations 2008* (Vic). These regulations came into effect on 28 September 2008 and replaced the previous 1997 regulations.

16 *Births, Deaths and Marriages Registration Act 1996* (Vic) pt 2 div 1, ss 5–6.

17 *Ibid* s 3(a).

18 *Ibid* s 3(e).

19 *Ibid* s 6(c).

20 *Ibid* s 6.

21 *Ibid* pt 3.

22 *Ibid* ss 12(1), (3)(a). In the case of a stillbirth s 12(3)(b) provides that this must be within 48 hours and that specific obligations are required of the responsible person under ss 4–5.

23 *Births, Deaths and Marriages Registration Act 1996* (Vic) s 12(6)(a).

24 *Ibid* ss 12(6)(b)(i–ii).

- 2.8 There is provision in the Act for the Registrar to outline what particulars are required by responsible persons when notifying a birth.²⁵ It is the Commission's understanding that information provided at the birth notification stage is basic, including such things as date of birth and the sex of the baby.²⁶
- 2.9 The penalty for failure to notify is 10 penalty units.²⁷

Other legislative requirements for notification of a birth

- 2.10 The *Child Wellbeing and Safety Act 2005* (Vic)²⁸ requires notification of births to local councils for the purposes of continuum of care with local maternal and child health services.²⁹ This requirement is in addition to the requirement to notify the Registrar under the Act.³⁰ The penalty for failure to notify under this latter act is not more than one penalty unit.³¹
- 2.11 The definition of a responsible person for the purpose of birth notification in the *Child Wellbeing and Safety Act 2005* (Vic) is the same as the definition in the principal Act.³²
- 2.12 The *Public Health and Wellbeing Act 2008* (Vic) requires notification to the Consultative Council on Obstetric and Paediatric Mortality and Morbidity (CCOPMM) in an approved form³³ within a prescribed period of 90 days.³⁴ The CCOPMM data repository is held by the Perinatal Data Collection Unit within the Department of Health, and contains a wide range of pre-partum and post-partum birth indicators for babies from 20 weeks gestation to 28 days post partum. The penalty for non-notification is 10 penalty units.
- 2.13 Each Act requires the notification of different information and the methods of notification vary.

Birth registration

- 2.14 It is a legal requirement to register the birth of a child born in Victoria.³⁵ There is no fee to register a birth.
- 2.15 The Act grants the Registrar power to dictate the form and manner of registration and any required particulars.³⁶ The particulars required for registration are set out in the Regulations.³⁷ This includes the requirement that the birth registration statement contain details of whether or not the parents are of Aboriginal or Torres Straight Islander origin.³⁸
- 2.16 The Act requires that the parents (or other persons as prescribed in the Act)³⁹ lodge a birth registration statement within 60 days of the birth of a child.⁴⁰ The Act also provides that the Registrar must accept statements provided after the end of the 60 day limit.⁴¹
- 2.17 The penalty for non-registration of a birth is 10 penalty units, which is currently \$1408.

25 Ibid s 12(1).

26 Interview with the Victorian Registrar of Births, Deaths and Marriages, Erin Keleher, 22 May 2012.

27 *Births, Deaths and Marriages Registration Act 1996* (Vic) s 12(1).

28 *Child Wellbeing and Safety Act 2005* (Vic) s 43(1).

29 Department of Human Services (Victoria), *Continuity of Care Protocol: A Communication Protocol for Victorian Public Maternity Services and the Maternal Child Health Service* (2004). Maternal and child health (MCH) was moved from the Department of Human Services (DHS) to the Department of Education and Early Childhood Development (DEECD) in 2007. From 27 August 2007 documents published by DHS with regards to MCH policy and services fall within the remit of DEECD.

30 *Child Wellbeing and Safety Act 2005* (Vic) s 42(2).

31 Penalty units are prescribed by the *Monetary Units Act 2004* (Vic) s 5(3). They are CPI-indexed and for the current FY (until 30 June 2013) are \$140.84 per unit: Office of the Chief Parliamentary Council, *Penalty and Fee Units* (15 June 2012) <<http://www.ocpc.vic.gov.au>>.

32 *Child Wellbeing and Safety Act 2005* (Vic) s 43(3).

33 *Public Health and Wellbeing Act 2008* (Vic) s 48. The Consultative Council on Obstetric and Paediatric Mortality and Morbidity (CCOPMM) is the advisory body to the Minister for Health on maternal, perinatal and paediatric morbidity and mortality.

34 *Public Health and Wellbeing Regulations 2009* (Vic) reg 11.

35 *Births, Deaths and Marriages Registration Act 1996* (Vic) s 13.

36 Ibid s 14.

37 *Births, Deaths and Marriages Registration Regulations 2008* (Vic) reg 7.

38 This is not the same requirement for particulars as required under s 12(1) at notification stage. At present there are no specified particulars for birth notifications: *Births, Deaths and Marriages Registration Regulations 2008* (Vic) reg 7(m).

39 *Births, Deaths and Marriages Registration Act 1996* (Vic) s 15.

40 Ibid ss 14, 18(1).

41 Ibid s 18(2).

Birth certificates

- 2.18 Part 7 of the Act establishes the Register and details its operation. Division 4 of this Part covers access to and certification of Register entries. The Act provides for the issue of a certificate outlining particulars contained in an entry, subject to the payment of a prescribed fee as set out in the regulations.⁴²
- 2.19 At present the fee for a birth certificate in Schedule 2 of the Regulations is \$28.60.⁴³
- 2.20 The Registrar has the power to remit the whole, or part, of the fee in appropriate cases.⁴⁴ There are no publicly available guidelines or criteria that describe what attributes an ‘appropriate’ case should have.
- 2.21 Section 47 of the Act requires the Registrar to maintain an access policy as to what information in the Register is to be given or denied, and must provide a copy of the policy statement on request, to any person.⁴⁵

Human rights instruments

- 2.22 The *Charter of Human Rights and Responsibilities Act 2006* (Vic) (the Charter) contains a number of provisions that may be relevant to a review of birth registration: for example the right to recognition before the law contained in section 8(1).
- 2.23 Although the Supreme Court of Victoria is empowered to make declarations of inconsistent interpretation (between a Charter right and a legislative provision), it cannot grant relief to individual persons or provide a remedy through compensation solely on Charter grounds.⁴⁶
- 2.24 While the Charter contains no express right to birth registration, the International Covenant on Civil and Political Rights (ICCPR) contains this right in Article 24(2) which states that ‘every child shall be registered immediately after birth and shall have a name’.⁴⁷
- 2.25 The UN Committee on the Rights of the Child (CRC) has raised concerns regarding birth registration practices in its recent report on Australia’s implementation of the Convention on the Rights of the Child. The CRC urges a government review of birth registration processes to ensure procedural barriers do not disadvantage any child. It also urges governments to issue a birth certificate at the time of registration without charge.⁴⁸
- 2.26 The UN Human Rights Council has recently adopted a resolution dedicated to birth registration and the right of everyone to recognition as a person before the law.⁴⁹

Rights of review of Registrar’s decision

- 2.27 Section 52 of the Act provides for a right of review by the Victorian Civil and Administrative Tribunal.⁵⁰ An application for review must be made within 28 days of the notification of the decision or the receipt of a statement of reasons.⁵¹
- 2.28 Section 45 of the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) permits parties to request a written statement of reasons for an administrative decision by the Registrar.⁵²

42 Ibid s 46.

43 *Births, Deaths and Marriages Registration Regulations 2008* (Vic) sch 2.

44 *Births, Deaths and Marriages Registration Act 1996* (Vic) s 49.

45 Ibid s 47.

46 Castan, Gerber and Gargett, above n 2, 78.

47 *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171, art 24(2) (entered into force 23 March 1976).

48 *Consideration of reports submitted by States parties under article 44 of the Convention*, CRC/C/AUS/CO/4, 60th session (19 June 2012) para 35–6.

49 Human Rights Council, *Birth Registration and the Right of Everyone to Recognition Everywhere as a Person before the Law*, 19th sess, UN Doc A/HRC/RES/19/9 (3 April 2012). This resolution was adopted by the UN Human Rights Council without vote on 22 March 2012.

50 *Births, Deaths and Marriages Registration Act 1996* (Vic) s 52(1).

51 Ibid s 52(2).

52 *Victorian Civil and Administrative Tribunal Act 1998* (Vic) s 45.

3. Current practice

Birth notification

- 3.1 When a child is born in a hospital or birth centre, or the birth is attended by a qualified medical practitioner or midwife, a birth report⁵³ must be completed. Information is also entered about the birth on the relevant hospital patient database.
- 3.2 The hospital or birthing centre where the birth occurs (or private practitioner in cases of home births) is responsible for sending birth data to different bodies under the mandatory reporting requirement discussed in Chapter 2. For the purposes of satisfying the requirement to notify the RBDM, information is extracted from the hospital patient database and sent directly to the Registrar.
- 3.3 The CCOPMM, which has statutory responsibility for the administration of the Victorian Perinatal Data Collection (VPDC), must also be notified.⁵⁴ The VPDC receives birth reports either electronically or manually from sites (generally hospitals) or independent midwives who attend home births. This notification is generally provided 30–90 days postpartum.⁵⁵
- 3.4 In addition to the Registrar and the CCOPMM, the local municipal authority must also be notified of a child's birth.⁵⁶ The local authority is responsible for running maternal and child health centres in their municipality and will notify (if one exists) the centre closest to the child's home of the birth.⁵⁷
- 3.5 It is also current practice that the mother's nominated general practitioner (if there is one) or shared maternity care affiliate (in shared care arrangements) will also be notified. The notification to the general practitioner will usually occur within 48 hours of discharge and be accompanied by a hospital discharge form.
- 3.6 From preliminary discussions and research the Commission understands that no universal approach for notification exists. Some sites submit information manually and some electronically, through a secure data exchange.⁵⁸

53 A birth report is a report designed to collect information in relation to the health of the mother and baby. It contains information on obstetric conditions, procedures and outcomes, neonatal morbidity and birth defects relating to every birth in Victoria of 20 weeks gestation or more, or 400 grams or more birth weight. The birth report is used for perinatal data collection and is completed by all hospitals, birth centres and midwives in private practice, manually or electronically, and submitted via the HealthCollect secure web-based interface at Department of Health (Victoria), *HealthCollect Portal* <<https://www.healthcollect.vic.gov.au>> or Consultative Council on Obstetric & Paediatric Mortality & Morbidity, *Forms* <<http://www.health.vic.gov.au/ccopmm/forms.htm>>.

54 The VPDC was established as a population-based surveillance system to collect and analyse information on and in relation to the health of mothers and babies, in order to contribute to improvements in their health.

55 *Public Health and Wellbeing Regulations 2009* (Vic) reg 11.

56 *Child Wellbeing and Safety Act 2005* (Vic) s 43.

57 *Ibid* s 45(a). See also Municipal Association of Victoria, *Maternal and Child Health* <<http://www.mav.asn.au>>.

58 Electronic transfer of birth data commenced in 2009 with 80 per cent of health services currently using this mechanism. Birth data is securely submitted to the VPDC either via a computerised hospital system using a secure data exchange (SDE) portal or via the manual birth report form.

- 3.7 Information is extracted from the birth report and/or hospital patient databases under different reporting requirements⁵⁹ and only to the extent authorised by the relevant legislation. For example, the VPDC requires detailed birth data on events of labour and birth, obstetric conditions, procedures and outcomes, neonatal morbidity and birth defects. The majority of data items, of which there are over 100, comply with the National Perinatal Minimum Data Set⁶⁰ and are sent to the National Perinatal Statistics Unit (at the Australian Institute of Health and Welfare) for the *Australia's mothers and babies* annual report.⁶¹
- 3.8 It is the Commission's understanding that the RBDM and MCH services (via the local municipal council) capture only basic information such as date of birth and gender.

Births that are not notified

- 3.9 In 2008 over 99 per cent of babies born in Victoria were born in a hospital or birth clinic. 0.4 per cent of births were registered as a home birth attended by a midwife in private practice.⁶² Another small cohort of babies was registered as unplanned out-of-hospital births, some 0.48 per cent. These births may not be notified to authorities in the first instance because they occurred at home without an attendant medical practitioner.
- 3.10 Whilst the legislation accounts for mothers and babies who present at hospital within 24 hours following birth, the process for notification is unclear in cases where babies are not admitted to hospital at all or not until after the 24-hour mandatory notification period.
- 3.11 Under the Act, this responsibility would fall to a person present at the birth. The Commission is unaware of any person being penalised in practice for failing to notify the appropriate authorities of a birth.
- 3.12 The number of births that are not notified is not known, but is likely to be very small.

Registering a birth

- 3.13 Where a child is born in a hospital or birth clinic it is common practice for the attending midwife or nurse to provide the mother with the appropriate registration forms to fill in following birth. The Commission understands that new mothers are provided with a child health and development record,⁶³ birth registration statement form, information on the baby bonus or paid parental leave and other Centrelink forms where appropriate.⁶⁴
- 3.14 If lost or misplaced, copies of the birth registration statement form can be obtained from RBDM by phone request or in person at the Registry's city office, or from one of the seven metropolitan or 13 regional justice centres.⁶⁵ These statements are not available for download online. See Appendix A.
- 3.15 The midwife or doctor will also provide to the mother the completed and stamped birth statement. This statement must be attached to the birth registration statement form when a parent applies to register a birth. Prior to discharge, the midwife or nurse practitioner will prepare a hospital discharge summary sheet. The new Victorian Maternity Record produced by the Department of Health contains reference to the documents to be provided to new mothers prior to discharge from hospital.⁶⁶

59 See Chapter 2 'Other legislative requirements for notification of a birth'.

60 The National Perinatal Minimum Data Set is a nationally-agreed framework for mandatory collection and reporting at a national level. These core data elements are agreed to by the *Statistical Information Management Committee (SIMC)* and endorsed by the National Health Information Management Principal Committee (NHIMPC). See further information published by the Australian Institute of Health and Welfare <<http://www.aihw.gov.au>>.

61 Australian Institute of Health and Welfare, *Australia's Mothers and Babies 2009* (2011).

62 Consultative Council on Obstetric and Paediatric Mortality and Morbidity, *Births in Victoria 2007 and 2008* (2011) 18.

63 This record (now green) replaced the old Child Health 'Blue Books' from November 2011.

64 The Department of Health (Victoria) website states that 'once registered, a birth certificate will be issued', without identifying the need to apply separately and pay a fee: Department of Health (Victoria), *Having a baby in Victoria* (2 September 2010) <<http://www.health.vic.gov.au/maternity/yourpregnancy/ongoingcare.htm>>.

65 For a list of locations and addresses see Department of Justice (Victoria), *Justice Service Centre* (27 June 2012)

<<http://www.justice.vic.gov.au/home/justice+service+centres>>.

66 Department of Health (Victoria), *Victorian Maternity Record*, <<http://www.health.vic.gov.au/maternitycare/progs.htm>>.

- 3.16 The RBDM birth registration statement is in two parts. Part 1 concerns the registration of the birth. Parents have 60 days to return the completed form and there is no fee payable.⁶⁷
- 3.17 Part 2 is an application for the issue of a birth certificate and is detailed below.
- 3.18 When the Registry receives the registration application they match this with the earlier birth notification. If the data in both records align, this is considered to be a complete record for the purposes of registering the birth.
- 3.19 The Child Health and Development Record now includes reminders for maternal and child health nurses at two, four and eight week visits to ask parents if they have registered their child's birth.⁶⁸ It also includes a suggested oral prompt to be given to parents regarding the benefits of registering and applying for a birth certificate.
- 3.20 It is current practice for the Registry to send a reminder letter to the parent(s) of the child (or other responsible parties) to follow up the birth registration in the case of births known to the Registry that have not been registered within the prescribed time period of 60 days.⁶⁹
- 3.21 The Commission understands that whilst a penalty exists in legislation for non-registration of births, in practice this is seldom if ever imposed.

Birth certificates

- 3.22 Birth certificates can be issued at any stage after the birth of a child is registered. The process for obtaining a certificate will differ depending on whether the application is made:
- at the same time as the birth registration statement is processed
 - after the birth has been registered, but before the child turns 18
 - as an adult (over 18 years of age).
- 3.23 RBDM identification requirements will vary depending on the stage at which the application is made.

Obtaining a birth certificate at the time of registration

- 3.24 Parents do not automatically receive a certificate by registering their child.
- 3.25 In practice the birth registration application and birth certificate application can be undertaken at the same time. As noted above, birth registration statement application forms which include the Part 2 application for a birth certificate process are given to new mothers prior to discharge from hospital.
- 3.26 Birth certificate applications made at the same time as the birth is registered do not require accompanying identification to be produced. However, a fee is payable with the application.
- 3.27 The Commission understands that the majority of parents apply for a birth certificate at the same time as they register their child's birth.

Obtaining a birth certificate for a child after the birth has been registered

- 3.28 If a child (or parent/legal guardian of a child) wishes to apply for a birth certificate after the birth has been registered, then an application form for a Victorian birth certificate must be completed and submitted with payment of the prescribed fee.
- 3.29 These forms are available for download online or available in hard copy from the RBDM or justice centres.

67 See Victorian Registry of Births, Deaths and Marriages, *Register a birth* <<http://www.bdm.vic.gov.au>>.

68 John Symeopoulos, Acting Registrar, 'Registering Victorian Births' (Paper presented at Maternal and Child Health Conference, 14 February 2012) <<http://www.education.vic.gov.au/ecsmangement/matchchildhealth/learndevelop/archive.htm>>.

69 *Births, Australia, 2010*, above n 10, 41.

- 3.30 Three forms of identification must be provided with the application. These are outlined in the birth certificate application form in Appendix B of this paper:
- list 1: evidence of link between photo and signature
 - list 2: evidence of operating in the community
 - list 3: evidence of residential address.
- 3.31 If the child (or person applying on behalf of the child) is unable to provide these forms, RBDM will also accept:
- a current school report
 - a Medicare card showing the child's name
 - a current mobile phone bill.
- 3.32 The Registry has additional requirements for a person applying for a birth certificate on behalf of a child for whom they are not the parent or legal guardian, including providing reasons why that person seeks access to the restricted records.⁷⁰

Obtaining a birth certificate as an adult

- 3.33 If a birth certificate is required when a person is an adult, the requirements for identification are more stringent.
- 3.34 An application form must be submitted with accompanying identification documentation. The form lists the identity documents required and the necessary certification process. The Registry's website provides further information about proof-of-identity documents.⁷¹
- 3.35 A difficulty which arises for some people is that the identity documents required for the application (for example a driver licence or passport), often cannot be acquired without first producing a birth certificate. In addition, the requirement of demonstrated current residential address on at least one form of identification may pose problems for people with no fixed abode (for example, homeless people).
- 3.36 The RBDM notes on the application form that a person unable to meet the requirements may contact the Registry directly.⁷²

The work of the Victorian Registry with the Indigenous community

- 3.37 The Registry has been working to address the apparently lower than average take up of birth registration and birth certificate application by Indigenous people. In May 2009 Registry staff visited rural and remote areas to encourage Indigenous birth registration.⁷³ This work was undertaken in conjunction with the Koori Justice Unit of the Department of Justice and the Mildura Local Indigenous Partnership Project.
- 3.38 The Registry has also implemented initiatives designed to encourage greater awareness of the importance of registration and birth certificates such as the employment of a Koori staff member (cadet) and the establishment of an Indigenous Access Fund (through the Koori Justice Unit in the Department of Justice). The fund assists Koori people on low incomes to meet the cost of life event certificates.⁷⁴

70 Victorian Registry of Births Deaths and Marriages, *Access Policy: 7.23.0: Primary Carers of a Person under Care* (2007) <<http://www.bdm.vic.gov.au>>.

71 Victorian Registry of Births, Deaths and Marriages, *Proof of Identity* <<http://www.bdm.vic.gov.au>>.

72 The application form is available online at Victorian Registry of Births, Marriages and Deaths <<http://www.bdm.vic.gov.au>>.

73 The Registry received 300 applications for birth certificates, and 53 Indigenous births were registered as a result of this outreach work: Department of Justice (Victoria), *Annual Report 2008–09* (2009) 175.

74 A further 390 birth certificates were issued and 22 new birth registrations were made due to support from the Indigenous Access Fund: Department of Justice (Victoria), *Annual Report 2010–11* (2011) 191

- 3.39 The Registry has developed links with community service providers and provided outreach sessions in multiple regional locations, including Barwon, Mildura and Lake Tyers, to assist with the registration of births and access to certificates for Koori people.⁷⁵
- 3.40 A further helpful development has been the establishment of Department of Justice regional justice centres that are able to provide witnesses for certifying copies of ID documents and accept applications. Certification was previously possible in regional areas only at police stations—an intimidating environment for many Indigenous people—and consequently a possible disincentive to seeking a birth certificate.
- 3.41 Although much work has been undertaken in this area, there is little public reference to it, and the Registry website does not currently include information about how to make an application to the Indigenous Access Fund for support with obtaining a life event certificate.

CALD communities and the vulnerable and disadvantaged

- 3.42 To the Commission’s knowledge, at present no programs exist which specifically target culturally and linguistically diverse (CALD) communities, or vulnerable or disadvantaged individuals.
- 3.43 Research by the Commission of publicly available information suggests that the Registry does not provide forms or guides in other languages. However the Commission understands that the Registry makes extensive use of telephone interpreter services and provides assistance with the completion of forms. The birth registration statement form (see Appendix A) includes a notice in seven community languages of the availability of translation and interpreter services.
- 3.44 Initiatives by the Registry in recent years have been focused on particular events, such as the special application process established following the 2009 Victorian bushfires.⁷⁶ In this case the Registry provided a full fee waiver for those affected.⁷⁷
- 3.45 More broadly, the maternal and child health (MCH) enhanced services funding prioritises access to health services and early intervention for vulnerable families (including Indigenous mothers).⁷⁸ In addition, MCH services provide support via new parents groups, which includes an optional unit for parents from diverse backgrounds. This unit provides information on support resources for parents from diverse backgrounds.⁷⁹
- 3.46 Because data is not collected on people’s ethnic background (apart from Indigenous status) or their socio-economic background, it is difficult to know whether these communities are over-represented in unregistered births, are less likely to obtain a birth certificate at the same time as registration, or have difficulty obtaining a certificate at a later date.
- 3.47 The Commission considers that, given the difficulties that have been brought to light for Indigenous people in recent years, these other communities may also need targeted programs or special provisions. Establishing whether there is a need for such measures will be one objective of the current project.

75 Ibid 48.

76 See reference to a special birth certificate application form for persons affected by the Victorian bushfires in 2009: Victorian Registry of Births, Deaths and Marriages, *2009 News archive* <<http://www.bdm.vic.gov.au>>. See also Department of Justice (Victoria), *Annual Report 2008–09* (2009) 175.

77 Department of Justice (Victoria), *Annual Report 2008–09* (2009) 175.

78 Department of Human Services (Victoria), *Enhanced Maternal and Child Health Services Guidelines 2003–2004 (Formerly the Maternal and Child Health Enhanced Home Visiting Service)* (2003). As of 27 August 2007 this document is managed by DEECD.

79 Department of Human Services (Victoria), *First Time Parent Group Resource and Facilitation Guide for Maternal and Child Health Nurses* (2001). As of 27 August 2007 this document is managed by DEECD. Birth registration and birth certificates are absent from suggested support resources in this manual.

4. Other jurisdictions

- 4.1 The Commission has undertaken research into the law and practice of other jurisdictions both within Australia and internationally. What follows are selected excerpts from research undertaken so far and examples of different jurisdictional practice.

Australian states and territories

- 4.2 All Australian states and territories have largely consistent birth registration and birth certificate legislation.⁸⁰ The National Parliamentary Counsel's Committee calls this type of uniform legislation mirror model provisions.⁸¹
- 4.3 Due to the uniformity of legislation in this area there does not appear to be any additional benefit in outlining each jurisdiction separately except to examine areas of difference in practice.
- 4.4 All states and territories have a two-step process for registration and application for a birth certificate. All jurisdictions charge a fee for a birth certificate (this ranges from \$26–\$50). Only Queensland charges for the registration of the birth itself.⁸²
- 4.5 No Australian jurisdiction issues an extract certificate for use in place of a birth certificate although some allow historical copies for genealogy and family research purposes.
- 4.6 All states and territories issue standard certified birth certificates and commemorative uncertified certificates. These are available as a package that includes both a standard and commemorative certificate for a prescribed fee.
- 4.7 No state or territory has a specific object or function within legislation that provides for the registrar to undertake educational or promotional work about the services or products of the registry.
- 4.8 However the NSW Registry advertises an interpreter service on its website⁸³ and has an Indigenous Access Program, promoting the value of registration and offering registry services by Indigenous staff members on request. Of particular note is the NSW Registry's information on dealing with identification issues for members of the Stolen Generations and the ability to apply for a fee waiver.⁸⁴
- 4.9 In this respect the NSW program is similar to Victoria's Indigenous Access Fund. However, the Victorian arrangements are not advertised widely.

80 *Births, Deaths and Marriages Registration Act 1995* (NSW); *Births, Deaths and Marriages Registration Act 1996* (SA); *Births, Deaths and Marriages Registration Act 1996* (Vic); *Births, Deaths and Marriages Registration Act 1997* (ACT); *Births, Deaths and Marriages Registration Act 1998* (WA); *Births, Deaths and Marriages Registration Act 1999* (Tas); *Births, Deaths and Marriages Registration Act 2003* (Qld); *Births, Deaths and Marriages Registration Act* (NT).

81 Parliamentary Counsel's Committee, *Protocol on Drafting National Uniform Legislation* (3rd ed, July 2008).

82 Queensland charges \$4.00 to register a birth if the registration is submitted after the 60-day limit. See the Schedule of Fees as at 13 July 2012, available online at Registry of Births, Deaths and Marriages (Queensland), *Births* <<http://www.justice.qld.gov.au>>.

83 Registry of Births, Deaths and Marriages (NSW), *About Us* <<http://www.bdm.nsw.gov.au/aboutUs.htm>>.

84 Registry of Births, Deaths and Marriages (NSW), *Aboriginal & Torres Strait Islander* <<http://www.bdm.nsw.gov.au/atsi.htm>>.

Fees and fee waivers

- 4.10 Most registries in Australia are self-funding in that they derive their overhead and operating costs from the fees they charge for services and products of the registry (such as certificates).
- 4.11 All Acts (with the exception of Queensland) have provision for the registrar in appropriate circumstances to waive fees.⁸⁵ The Commission understands that in all jurisdictions fee waivers are seldom granted.
- 4.12 There are however examples of time-limited fee waivers applying, such as the Victorian bushfire waiver period (see page 17). Fee waivers for disaster-related events are also offered by other agencies such as the Australian Passport Office. These may be granted to individuals affected by flooding, bushfires and severe weather events.⁸⁶
- 4.13 In the Northern Territory from July to October 2011 the Registry waived fees for all birth certificates (including issue and name changes) prior to the introduction of the Northern Territory's *Enough is Enough* alcohol reforms. These reforms required people to show photo ID to purchase take-away alcohol in the Territory.⁸⁷ The fee waiver assisted people to obtain a birth certificate which is the primary document required to obtain photo identification such as a driver licence, passport, proof of age or red ochre card.
- 4.14 A limited fee waiver is available in Western Australia for people who are legally aided. This waiver also applies to authorised agencies that may require certificates on behalf of clients (for example law enforcement agencies for the purpose of criminal prosecution).⁸⁸
- 4.15 As previously noted, the Victorian Registry does not provide publicly available information on the criteria applied to fee waiver applications.
- 4.16 The NSW Registry advertises (to a limited extent) the ability to waive fees for members of the Stolen Generations. No further information is publicly available about waivers for other criteria.⁸⁹

England and Wales

- 4.17 The law concerning birth registration and application for a birth certificate is found in the *Births and Deaths Registration Act 1953* (UK). The requirement to notify a birth is contained within Section 124 of the *National Health Service Act 1977* (UK) and the *National Health Service (Notification of Births and Deaths) Regulations 1982* (UK).
- 4.18 A father or person present and attendant of the mother at the birth (or within six hours of the birth)⁹⁰ must notify the Primary Care Trust or local health authority within 36 hours of a birth on a prescribed form.⁹¹ Failure to notify can be prosecuted by summary conviction with a penalty of no more than one level of the standard scale, which is currently £200.⁹²
- 4.19 Current practice is that hospitals routinely notify all births to the local registrar closest to where the mother resides. This data is then added to the data recorded at birth registration.⁹³ Notification is also made to the NHS Numbers for Babies Central Issue Service.⁹⁴

85 *Births, Deaths and Marriages Registration Act 1995* (NSW) s 55; *Births, Deaths and Marriages Registration Act 1996* (SA) s 49; *Births, Deaths and Marriages Registration Act 1996* (Vic) s 49; *Births, Deaths and Marriages Registration Act 1997* (ACT) s 68; *Births, Deaths and Marriages Registration Act 1998* (WA) s 70; *Births, Deaths and Marriages Registration Act 1999* (Tas) s 49; *Births, Deaths and Marriages Registration Act* (NT) s 47.

86 The APO also lists discounted fees for issue of a senior's passport (persons aged 75 and over) as well as reduced fees for passports that have been lost or stolen. For details of fee waivers for weather-related events see the Australian Passport Office website <<https://www.passports.gov.au/Web/News.aspx>>.

87 Northern Territory Government, *The Territory Government's Alcohol Reforms* <<http://www.justice.nt.gov.au>>.

88 Registry of Births Deaths and Marriages (WA), 'Delegation of Authority' to deal with the issue of fees pursuant to section 70 of the *Births, Deaths and Marriages Registration Act 1998* (WA): Rohan Quinn, Manager Registration Services and Policy, Registry of Births Deaths and Marriages (WA), 25 July 2012.

89 The website reads 'People applying at the Registry who are affected by the Stolen Generations are given alternative methods to prove their identity and may be eligible for a fee waiver when lodging an application': Registry of Births, Deaths and Marriages (NSW), *Aboriginal & Torres Strait Islander* <<http://www.bdm.nsw.gov.au/atsi.htm>>.

90 *National Health Service Act 1977* (UK) c 49, ss 124(4)(a–b).

91 *Ibid* s 124(5).

92 *Criminal Justice Act 1982* (UK) c 58, s 37.

93 Preeti Datta-Nemdharry, Nirupa Dattani, Alison J Macfarlane, 'Birth outcomes for African and Caribbean babies in England and Wales: retrospective analysis of routinely collected data' (2012) 2(3): e001088 *British Medical Journal Open* <<http://bmjopen.bmj.com>>.

94 Since 2002, an electronic notification of each birth has been sent to this Central Issuing System so that the National Health Service number for the baby can be generated and a small set of data recorded about the birth. This includes the gestational age at birth and the baby's ethnicity.

- 4.20 A birth must be registered in England and Wales within 42 days of birth.⁹⁵ The registration of a birth is free.⁹⁶
- 4.21 A parent may register the birth prior to leaving hospital (if the facility is available) or at the registry office in the local district where the baby was born. If the parents do not reside within the district where the baby was born or have moved, they can register at any office within England or Wales.
- 4.22 If after 42 days the birth has not been registered, the registrar may require qualified persons with information regarding the birth to come forward and register these with the registrar.⁹⁷ There are separate provisions within the legislation for births that are registered between three and 12 months after birth, or after 12 months.
- 4.23 Particular provisions apply to the inclusion of the father on registration documents, if the child was born to parents who were not married at the time of the birth.⁹⁸
- 4.24 The Act provides for the Registrar to provide the informant (generally parents) with a certificate of the registration at the time of registration on request.⁹⁹ Parents can use this document for child benefit¹⁰⁰ or other services.
- 4.25 If a child is registered at the local registry office, a short birth certificate can be issued immediately after registration. This certificate will show the name, sex and date of birth of the baby.¹⁰¹ There is no charge for this certificate.
- 4.26 A full certified copy of a birth certificate is only issued on payment of a prescribed fee.¹⁰² This full birth certificate (similar to those provided in Victoria) includes further information such as the parent's details, in addition to the details contained on the short certificate. This form of certificate is required for example for a passport application.
- 4.27 Fees for a full certificate vary depending on whether the certificate is applied for at the same time as the birth is registered or at a later stage. For example, a certificate issued at the time of registration costs £4.00 (approximately AUD6).¹⁰³ The fee for a full birth certificate issued at a later stage will cost between £7 and £10 (approximately AUD10–15) depending on the local authority.
- 4.28 In addition to the short certificate and the full birth certificate as outlined above, the Act provides for a short version of a birth certificate to be issued by a registrar of a local district to any interested party on payment of a prescribed fee (nine pence or today's decimal equivalent).¹⁰⁴
- 4.29 A full birth certificate can also be applied for online from the Central Registry Office. This costs £9.25 (approximately AUD13).¹⁰⁵

95 *Births and Deaths Registration Act 1953*, 2 Eliz 2, c 20, ss 2–3, 3A.

96 *Ibid* s 5.

97 *Ibid* s 4.

98 If the parents are unmarried at the time of the birth there are three ways in which the details of the father can be included. These are: both parents attending in person at the time of registration; if the father is unable to attend then he must fill in a statutory declaration acknowledgement of parentage form which is submitted by the mother; or where a parental responsibility agreement is in force, or either parent has a court order, this can be attached with the registration. If the father's details are not included at the time of registration they may be added later by re-registering the birth. This involves filling in a birth re-registration form and attending in person. If the father is unable to attend then he must fill in a statutory declaration (as above) and attach it to the form which is submitted for re-registration: Directgov, *Government, citizens and rights* (22 August 2012) <<http://www.direct.gov.uk>>.

99 *Births and Deaths Registration Act 1953*, 2 Eliz 2, c 20, s 12.

100 Child benefit is a non-means tested, tax-free payment that parents or carers of a child may claim. The rate for each child depends on the birth order. It is £20.20 for the first child (or only child) and £13.20 for subsequent children. It is paid directly into a bank account every four weeks or sometimes more frequently if the person receives other social security benefits.

101 The Royal Borough of Kensington and Chelsea, *Registering a birth* (2012) <<http://www.rbkc.gov.uk/communityandlocalife/registeringabirth.aspx>>.

102 *Births and Deaths Registration Act 1953*, 2 Eliz 2, c 20, s 34.

103 Hammersmith and Fulham, *Registering a birth* (2012) <<http://www.lbhf.gov.uk>>; Wandsworth Council, *Registering a birth* (2012) <<http://www.wandsworth.gov.uk>>.

104 *Births and Deaths Registration Act 1953*, 2 Eliz 2, c 20, s 33.

105 General Register Office, *Certificate ordering service* (12 April 2012) <<http://www.gro.gov.uk>>.

New Zealand

- 4.30 The law concerning birth registration and application for a birth certificate is found in the *Births, Deaths, Marriages and Relationships Registration Act 1995* (NZ). This Act covers notification, registration and the application for a birth certificate.
- 4.31 All births in New Zealand must be notified and registered.¹⁰⁶ A preliminary birth notice must be submitted to a registrar within five working days of a birth.¹⁰⁷ The notification is required to be made by the occupier of a hospital if the birth occurs in a hospital or a doctor or midwife is present at the birth.¹⁰⁸
- 4.32 A notification of birth for registration form must be completed and signed by both parents as soon as is reasonably practicable after the birth.¹⁰⁹ However a registration form can be accepted if only signed by one parent in certain circumstances.¹¹⁰ These forms should be provided by the hospital or midwife shortly after the birth, and if not can be obtained through the Registry.
- 4.33 The form is to be submitted to the Registrar of Births, Deaths and Marriages (Whānautanga, matenga, mārenatang). Parents generally post forms to a central registration site. A small number are accepted at the four government offices in NZ which can process BDM related matters.¹¹¹ Of the 63,307 births that were registered in 2011, the Registry estimates that over 85 per cent were accompanied by an application for a birth certificate at the same time.¹¹²
- 4.34 If a birth has not been registered, the Registry automatically generates a reminder notice to be sent to parents to register their child's birth 28 and 42 days after the birth notice is received.¹¹³
- 4.35 The Act provides for the registration of births more than two years after the birth with approval of the Registrar-General.¹¹⁴ There is no fee to register a birth or for late registration.
- 4.36 An application for a birth certificate can be made by filling out a prescribed form. The Act does not allow for the issue of a birth certificate without the payment of the prescribed fee.¹¹⁵ The current fee is \$26.50 NZD (approximately \$20.50 AUD).¹¹⁶ No fee waiver is permitted under the Act.
- 4.37 There is no publicly available information relating to access by disadvantaged or vulnerable groups.

106 *Births, Deaths, Marriages and Relationships Registration Act 1995* (NZ) s 5.

107 *Ibid* s 5A(4).

108 *Ibid* ss 5(2)–(3).

109 *Ibid* s 9(1).

110 *Ibid* s 9(2).

111 Births, Deaths and Marriages (NZ), *How to contact us* (2011) <<http://www.dia.govt.nz>>.

112 Email from Births, Deaths and Marriages (NZ), 6 August 2012.

113 *Ibid*.

114 *Births, Deaths, Marriages and Relationships Registration Act 1995* (NZ) s 16.

115 *Ibid* s 72.

116 Births, Deaths and Marriages (NZ), *Forms, Fees and Information Brochures* (2011) <<http://www.dia.govt.nz>>.

5. Questions

Before you make your submission, we encourage you to consider these questions and respond to one or more of them.

Birth notification

- 1 What particulars should the Registrar require at birth notification stage from the responsible person?
- 2 Are you aware of any problems with, or do you have any suggestions for improvement of, the notification process?

Birth registration

- 3 Are you aware of any requirement of the registration process that may create barriers to people registering births, in particular people from culturally and linguistically diverse (CALD) or Indigenous communities, or vulnerable or disadvantaged people?
- 4 Can you suggest ways to make the process for birth registration more accessible, efficient and effective?

Birth certificates

- 5 Are you aware of any requirement of the process for obtaining a birth certificate that may create barriers to people registering births, in particular people from CALD or Indigenous communities, or vulnerable or disadvantaged people?
- 6 Can you suggest ways to make the process for obtaining a birth certificate more accessible, efficient and effective?
- 7 Should legislation provide for the automatic issue of a birth certificate once a birth has been registered?

Fees for birth certificates

- 8 Do you think it is appropriate to charge a fee for a birth certificate? If so, does the current fee create a barrier to obtaining a birth certificate for some people?
- 9 The Act allows for a fee waiver but this is rarely granted. What criteria should be applied to the grant of a waiver of fees for a birth certificate?
- 10 Should a waiver be possible only on a case-by-case basis or should classes of people qualify (for example those in possession of a Health Care Card)?
- 11 Should the criteria for the waiver of fees be explicitly stated in legislation or regulations?
- 12 Alternatively, should a policy document outlining these criteria be required to be made public by the Victorian Registry of Births, Deaths and Marriages?

Vulnerable groups

- 13 Are vulnerable or disadvantaged people or those from CALD backgrounds or Indigenous communities more likely to encounter problems with registering a birth or applying for a birth certificate? If so why, and how?

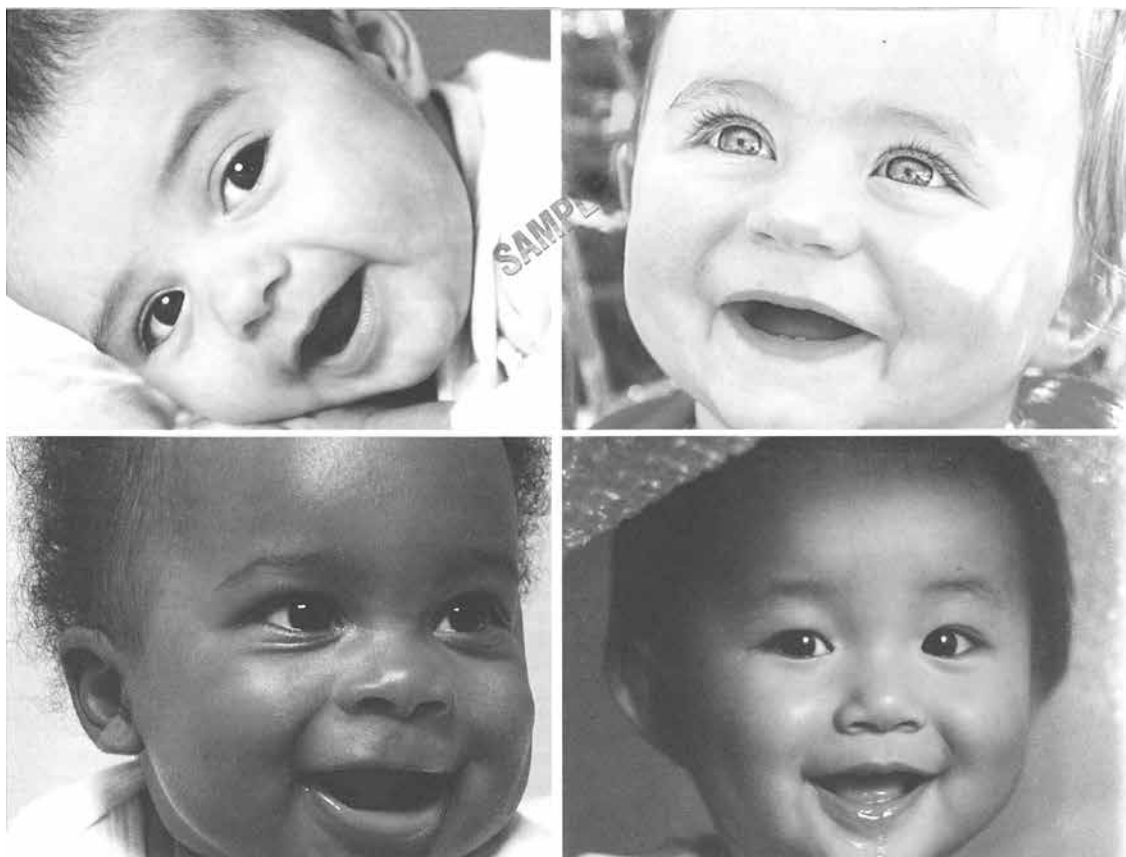
Awareness and access

- 14 Is it easy to find out what you need to know about registering a birth and obtaining a birth certificate?
- 15 Are members of the community in general sufficiently aware of their obligations and rights to register a birth and to be issued with a certificate?
- 16 If not, what can be done to improve community awareness and what role should the Victorian Registry of Births, Deaths and Marriages have in improving awareness?
- 17 Should legislation be amended to include promoting birth registration and the benefits of obtaining a birth certificate, as a specific function of the Registrar?

Other

- 18 Are you aware of legislative or policy developments in other jurisdictions that may be helpful to consider for Victoria?
- 19 Is there anything else you would like to share with us on any aspect of birth registration and obtaining a birth certificate?

Appendix A: Birth registration statement (sample)



Birth Registration Statement



Recognising the significance of life events



Department of
Justice

SAMPLE



Births
Deaths
Marriages
VICTORIA

SAMPLE

This statement is in three parts**PART ONE
Birth Registration****PART TWO
Birth Certificate Application****PART THREE
Lodgement**

Both parents are required by law to complete Part One of the Birth Registration Statement and submit it to the Registry of Births, Deaths and Marriages within 60 days of the birth.

Registering a birth is free.

A birth certificate is not issued automatically.

A birth certificate can be ordered by completing Part Two of this form and paying the fee.

Mail your completed Birth Registration Statement and certificate payment (if applicable) to the Registry using the self addressed envelope provided.

Naming your child

Choosing a name for your child is an important step when registering their birth. While it is a matter of choice for the parents, restrictions may apply.

Parents from multicultural backgrounds can follow traditional rules when naming their child. However, the name provided on this form must be written in English.

If the name of the child is in dispute, a letter explaining the dispute signed by both parents must be submitted with this application.

Please note, the Registrar can refuse to register a name that is offensive, too long, consists of or includes symbols without phonetic significance or is contrary to public interest.

Registration of parents' details

The parents of a child are jointly responsible for registering the child's birth and both must sign the Birth Registration Statement.

If you cannot obtain the details and/or signature of one of the parents, you must attach a statutory declaration addressed to the Registrar which explains:

- why that parent's details and/or signature are missing.
- what attempts have been made to obtain them.

If the parent who signs the Birth Registration Statement does not wish to contact the other parent, they must provide the contact details of the other parent to the Registry. The Registry will then contact the other parent to advise them of their responsibilities.

Privacy and disclosure of information

The Victorian Registry of Births, Deaths and Marriages is responsible for the administration of the *Births, Deaths and Marriages Registration Act 1996*.

The information required on this form is collected under the provisions of this Act which also provides the basis for the registration of a birth and the issuing of a birth certificate.

The information collected and kept in the Register of Births forms part of the State's civil records and becomes a permanent historical record. A birth record is restricted from public access for 100 years.

Information collected in this form may be used for statistical purposes, medical research, community planning, law enforcement and other uses provided by law. Access for approved purposes may be granted to certain government and authorised non-government agencies.

Further information about privacy, disclosure of birth data and how to access or correct a record is available at www.bdm.vic.gov.au

SAMPLE

All births must be registered

The birth of a child in Victoria must be registered within 60 days. Under the *Births, Deaths and Marriages Registration Act 1996* penalties apply for failing to register your child's birth or for giving false or misleading information.

Late registrations

If you are unable to register the birth of your child within 60 days, please contact the Registry on 1300 369 367.

Standard birth certificate



Standard birth certificate not shown in full.

A standard birth certificate is a proof of identity document. It is the first step in establishing an identity and is often required for official purposes such as claiming government benefits, enrolling a child in childcare and school, or obtaining a passport.

A standard birth certificate includes: the child's name, date and place of birth. It also contains the parents' details, including: name, occupation, age, place of birth, relationship status and previous children of the parents' relationship.

Only one standard birth certificate may be issued with this form.

Abridged birth certificate

This certificate is similar to a standard birth certificate, but it does not include the age, occupation or the relationship status of the parents.

You should check with the authority requesting the birth certificate to confirm whether an abridged birth certificate is acceptable. This certificate is not accepted as a proof of identity document when applying for an Australian passport.

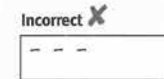
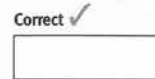
Further information is available at www.bdm.vic.gov.au

Instructions for completing this form

- Please use blue or black ink and BLOCK letters.
- Keep each number, letter or X within the boxes, for example:



- Leave answer boxes blank where you have no response or data to enter, for example:



- If you need to make an alteration, cross out the mistake and have both parents initial the change.
- Do not use correction fluid or tape.
- Items marked with an asterisk (*) are collected for statistical purposes, medical research or office use only and will not appear on the birth certificate.

SAMPLE

Special Offer

Order one or more commemorative birth certificates when registering your child's birth and receive one standard birth certificate at no extra cost.

Commemorative birth certificates

A commemorative birth certificate celebrates a child's birth and helps preserve your family's history in a unique and lasting way. Certificates have been designed by local artists. They are printed on archival quality paper and fit a standard frame of 280mm x 355mm (11" x 14").



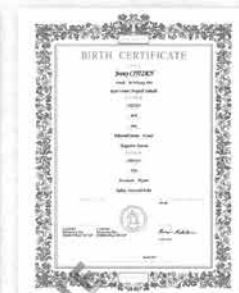
Victorian Aboriginal Heritage



Victorian Fauna



Victorian Birds



Classic



Victorian Flora



Victorian Footprints



Australian Blue



Australian Pink

Note. A commemorative birth certificate is not a recognised proof of identity document.

Office Use Only

Registration type

Registration number

Officer number

DR number

▲ Tear here. Return this section only. ▲

PART ONE – Birth Registration

Note

- Both parents are responsible for registering the birth of a child.
- Penalties may apply if a birth is not registered within 60 days of the birth.
- There is no fee payable when registering a birth.
- Please ensure you complete Part Two of this form if you wish to apply for a birth certificate.

Step 1 – Child's name

Note

- Take time to jointly decide the full name of your child as any alterations after registration may incur a fee.
- Write the child's name as it is to be registered without abbreviations, nicknames, slashes, symbols or brackets. Hyphens (-) are accepted.
- Both parents must initial all changes made on this form.

1. Surname (family name)

2. Given name(s)

Step 2 – Child's details

3. Date of birth

 / /

4. Sex of child

 Male Female

***5. Birth information**

a) Birth weight grams b) Birth length . cm

c) Head circumference . cm d) Eye colour

e) Birth time am/pm – Please circle

6. Was the child born in a hospital or another medical facility?

Yes – Please specify name of hospital or medical facility

 Suburb/Town

No – Please specify place of birth

a) Street no. and name

b) Suburb/Town

c) State d) Postcode

7. Was the child one of a multiple birth?

Note. You must complete a separate Birth Registration Statement for each child of a multiple birth.

Yes – What was the birth order of this child (e.g. first of twins or second of triplets)?

of

No

8. Was the child born alive?

Yes No – Please state the gestation period (number of weeks)

***9. Details of the doctor or midwife present at the birth**

a) Name

b) Street no. and name

c) Suburb/Town

d) State e) Postcode

***10. Daytime telephone number**

Step 3 – Mother's details (at the time of child's birth)

*11. Title Mrs Ms Miss - Other

12. Surname (family name)

13. Surname at birth (maiden name)

14. Given name(s)

15. Usual occupation

Note

- Position title of current or last occupation held at the time of child's birth (e.g. accountant, project manager, teacher or home duties).
- This information appears on a standard birth certificate.

16. Mother's date of birth / /

17. Place of birth
a) Suburb/Town

b) State (or country if born outside Australia)

*18. If born outside Australia, what year did the mother first arrive in Australia?

*19. Is the mother of Australian Aboriginal or Torres Strait Islander origin?

Yes – Please specify origin

Aboriginal Torres Strait Islander Both No

20. Residential address

a) Street no. and name

b) Suburb/Town

c) State d) Postcode

*21. Daytime telephone number

*22. Email address

Step 4 – Father or parent's details

Note

- These details must be provided regardless of whether the father or parent is available to sign this form or not.
- A daytime phone number should be provided even if no other information is available.
- If you cannot provide any details, see instructions at bottom of Step 8.

*23. Title Mr Ms Miss - Other

24. Surname (family name)

25. Surname at birth

26. Given name(s)

27. Usual occupation

Note

- Position title of current or last occupation held at the time of child's birth (e.g. accountant, project manager, teacher or home duties).
- This information appears on a standard birth certificate.

28. Father or parent's date of birth /

29. Place of birth
a) Suburb/Town

b) State (or country if born outside Australia)

*30. If born outside Australia, what year did the father or parent first arrive in Australia?

*31. Is the father or parent of Australian Aboriginal or Torres Strait Islander origin?

Yes – Please specify origin

Aboriginal Torres Strait Islander Both No

32. Residential address

Note. If father or parent's residential address is the same as the mother's write 'SAME AS MOTHER' in the space provided.

a) Street no. and name

b) Suburb/Town

c) State d) Postcode

*33. Daytime telephone number

*34. Email address

Step 5 – Relationship details

35. What is the relationship status of the parents?

Married – Please specify

Date married

Suburb/ Town of marriage

State (or country if married outside Australia)

OR

Registered domestic relationship – Please specify

Note. This is not a marriage. A registered domestic relationship is one registered with the Victorian Registry of Births, Deaths and Marriages under the *Relationships Act 2008*.

Date registered

OR

None of the above

Complete Step 6 only if the birth resulted from a donor treatment procedure where the donor is not the mother or the father named on this form.

Step 6 – Donor treatment details

Note. If a self-insemination procedure was used visit the Registry's website for further information.

*36. If the child was donor conceived, please specify:

a) Name of clinic/doctor who performed the donor treatment procedure

b) Street no. and name

c) Suburb/Town

d) State e) Postcode

f) Country

Continued overleaf >

Step 7 - Previous children of the mother

Note. Please provide birth details of each child in order of birth (from oldest to youngest). Include legally adopted children. If a child is deceased, enter 'D' in the age box. If the child was not born alive, enter 'SB' in the age box. If there are more children than the space allows please attach a separate sheet with the required details.

37. Are there other children born to or legally adopted by both parents of this child?

Yes - How many children? No

1. Given name(s) and surname

Date of birth Age

Place of birth - State (or country if born outside Australia)

2. Given name(s) and surname

Date of birth Age

Place of birth - State (or country if born outside Australia)

3. Given name(s) and surname

Date of birth Age

Place of birth - State (or country if born outside Australia)

4. Given name(s) and surname

Date of birth Age

Place of birth - State (or country if born outside Australia)

5. Given name(s) and surname

Date of birth Age

Place of birth - State (or country if born outside Australia)

*38. Are there any other children previously born to or legally adopted by this child's mother?

Yes - How many children? No

1. Given name and surname

Date of birth Age

Place of birth - State (or country if born outside Australia)

2. Given name and surname

Date of birth Age

Place of birth - State (or country if born outside Australia)

3. Given name and surname

Date of birth Age

Place of birth - State (or country if born outside Australia)

Attach payment, proof of identity and supporting documents here.

Step 8 – Proof of identity and declaration

***39. Each parent may provide a photocopy of one of the following identity documents:**

Note

- Use an X to specify which documents have been supplied.
- All documents must be current.

Identity documents		Mother	Father/parent
Australian passport	AP		
Birth certificate issued in Australia	AB		
Australian driver licence (or learner permit)	AD		
Department of Veterans' Affairs card	DV		
Australian firearm licence	AF		
Australian security guard or crowd control licence	AS		
Overseas passport	OP		
Australian citizenship certificate	AC		
Working with Children Check card	CC		
Victorian boat licence	BL		

***40. Declaration**

Note. Both parents must complete and sign this form regardless of their marital or relationship status. Signing this form acknowledges parenthood of the child.

I declare that the information provided in this form is true and correct. I understand that this form remains the property of the State of Victoria and that some or all of the information provided may be disclosed to persons or bodies with adequate entitlement to the information under the *Births, Deaths and Marriages Registration Act 1996* or the Registry's Access Policy.

I understand that it is an offence under section 53 of the *Births, Deaths and Marriages Registration Act 1996* to knowingly make a false or misleading representation and that penalties may apply.

I certify that I have read and understood the declaration above:

Note

- Parents must sign the declaration in the presence of a witness.
- A witness must be 18 years of age or over and not a parent of the child.
- One person may be the witness for both parents.

a) Mother's signature

b) Witness signature

c) Date

d) Father or parent's signature

e) Witness signature

f) Date

Witness details

*41. Surname (family name)

*42. Given name

*43. Date of birth

*44. Daytime phone number

Witness details

*45. Surname (family name)

*46. Given name

*47. Date of birth

*48. Daytime phone number

Can't get the details and/or signature of one of the parents?
 You must attach a statutory declaration addressed to the Registrar which explains:
 • why that parent's details and/or signature are missing
 • what attempts have been made to obtain them.

Are you in dispute about the child's name?
 Both parents are still required to:
 • sign this form
 • attach a letter addressed to the Registrar which explains the dispute.

If you do not require a birth certificate, go to PART THREE

PART TWO – Birth Certificate Application

- Please ensure you have completed Part One (Birth Registration) of this form as a birth must be registered before a birth certificate can be issued.
- Only the person(s) registering the birth of the child may apply for a birth certificate.
- Birth certificate(s) can only be posted to the person(s) registering the birth of the child.

Step 9 – Applying for a birth certificate

Note

- A standard birth certificate is used as a proof of identity document. Keep this certificate safe and secure at all times.
- If you are not satisfied with your commemorative certificate(s), return it to the Registry and the purchase price will be refunded within 14 days of receipt. If you wish to keep the standard birth certificate, a refund will be granted minus the cost of the standard birth certificate.

49. I wish to order the following birth certificate(s):

	Price*	Quantity	Subtotal
Commemorative birth certificates			
One standard birth certificate is issued at no extra cost with one or more commemorative certificates ordered when registering your child's birth. Standard postage is included.			
Victorian Aboriginal Heritage	\$46.00		\$.
Victorian Birds	\$46.00		\$.
Victorian Fauna	\$46.00		\$.
Victorian Flora	\$46.00		\$.
Victorian Footprints	\$46.00		\$.
Australian Blue	\$46.00		\$.
Australian Pink	\$46.00		\$.
Classic	\$46.00		\$.

Only one standard birth certificate may be issued at time of registration. If you order one or more commemorative birth certificates you will receive one standard birth certificate at no extra cost.

Other birth certificates			
Standard birth certificate	\$28.60		\$.
Abridged birth certificate	\$28.60		\$.
Registered Post (Standard and Abridged certificates only) within Australia	\$4.50		\$.

*All prices listed on this form are subject to change. Current fees may be confirmed at www.bdm.vic.gov.au

Total \$.

50. Please mail my birth certificate order to:

a) Name

b) Street no. and name

c) Suburb/Town d) State e) Postcode

Step 10 – Payment

51. How do you wish to pay?

Note: Make cheques and money orders payable to Registry of Births, Deaths and Marriages.

Cheque Money order Visa MasterCard Amex Total \$.

Name on card Signature of cardholder

Card number Expiry date /

PART THREE – Lodgement

Step 11 – Lodging your Birth Registration Statement

Mail your completed Birth Registration Statement, certificate payment (if applicable) and photocopies of your identity documents to the Victorian Registry of Births, Deaths and Marriages using the self-addressed envelope provided.

BDS/201301

Checklist

Note: Any amendments made to a birth registration after this form has been submitted may incur a fee.

- I have correctly completed all sections in Part One (Birth Registration).
- Both parents have initialled all changes made on the form.
- Both parents have signed the declaration at Step 8.
- If only one parent has signed this form, this parent has attached a statutory declaration addressed to the Registrar stating why only one parent has signed this form.
- The declaration has been witnessed.
- If ordering a certificate, I have correctly completed the relevant sections in Part Two (Birth Certificate Application).
- I have included payment for all birth certificates ordered.

Translation and interpreter service

If you require access to a translation or interpreter service to complete this form, please call the Translating and Interpreting Service (TIS) on 13 14 50 and ask them to contact the Registry on 1300 369 367.

Arabic

إذا كنتم بحاجة إلى استعمال خدمة ترجمة خطية أو شفوية لتعبئة هذه الاستمارة، الرجاء الاتصال بخدمة الترجمة الخطية والشفوية (TIS) على الرقم 13 14 50 والطلب منهم الاتصال بمكتب سجل الولادات والوفيات والزيجات في فيكتوريا على الرقم 1300 369 367.

Chinese (Traditional)

如果你在填寫此表格時需要翻譯服務，請撥翻譯服務處 (TIS) 電話 13 14 50 並要求轉接維州出生、死亡和婚姻登記處電話 1300 369 367。

Polish

Jeśli potrzebujesz skorzystać z usług tłumacza pisemnego lub ustnego w celu wypełnienia tego formularza, prosimy zadzwonić do Telefonicznej Służby Tłumaczy (TIS) na numer 13 14 50 i poprosić o połączenie z Registry pod numerem 1300 369 367.

Russian

Если вам при заполнении этого бланка требуется помощь письменного или устного переводчика, то позвоните в Службу письменного и устного перевода (Translating and Interpreting Service - TIS) по номеру 13 14 50 и попросите работника этой службы позвонить в Отдел регистрации рождений, смертей и браков по номеру 1300 369 367.

Spanish

Si necesita servicios de traducción o de intérprete para completar este formulario, sírvase llamar al 13 14 50, Translating and Interpreting Service (TIS) y pida que lo comuniquen con el 1300 369 367, Registro de Nacimientos, Muertes y Matrimonios de Victoria.

Turkish

Bu formu doldurabilmek için yazılı veya sözlü tercüme ihtiyacı duyuyorsanız, lütfen 13 14 50 numaralı telefondan Yazılı ve Sözlü Tercümanlık Servisini (TIS) arayınız ve sizi 1300 369 367 numaralı telefondan Nüfus Müdürlüğüne (Registry) bağlamalarını isteyiniz.

Vietnamese

Nếu cần sử dụng dịch vụ phiên dịch hay thông dịch để điền đơn này, xin quý vị gọi cho Dịch Vụ Thông Phiên Dịch (TIS) theo số 13 14 50 và nhờ họ gọi cho Sở Hộ Tịch Victoria (Registry) theo số 1300 369 367.

Victorian Registry of Births, Deaths and Marriages

Postal address GPO Box 2182, Melbourne VIC 3001

General enquiries 1300 369 367 (8.30am – 4.30pm, Monday to Friday, except public holidays)

Website www.bdm.vic.gov.au

THIS FORM HAS BEEN PRINTED ON AUSTRALIAN MADE PAPER.



Births
Deaths
Marriages

VICTORIA

Appendix B: Application for a Victorian birth certificate (sample)

Victorian Registry of Births, Deaths and Marriages
Births, Deaths and Marriages Registration Act 1996

Application for a Victorian Birth Certificate

Instructions. Please use **blue** or **black** ink and **BLOCK** letters.

Office use only

\$

CC	MO	CQ	NF	EX	RM
C	NC	IP	NP	DP	FH

PART ONE – Your details

1. Which certificate do you require?

Standard Birth Certificate Replacement Change of Name Certificate

Historical Certificate Abridged Birth Certificate

Uncertified (historical) image Deed Poll Certificate

2. Surname (family name)

3. Given name(s)

4. Residential address

a) Street no. and name

b) Suburb/Town

c) State d) Postcode

5. Postal address (if different to above)

a) Street no. and name

b) Suburb/Town

c) State d) Postcode

6. Daytime telephone number

7. Email address

8. Whose certificate are you applying for?

My own Someone else's – please specify (e.g. husband, daughter, son)

9. Reason certificate is required
(e.g. passport, driver licence, school enrolment)

PART TWO – Details of person on certificate

10. Surname (family name at birth)

11. Given name(s)

Birth details

12. Date of birth

Or if unsure, please estimate date of birth

From To

13. Place of birth

a) Suburb/Town

b) State

14) Registration number (if known)

Parent's details

15. Mother's maiden name (surname at birth)

16. Mother's given name(s)

17. Father's/Parent's surname (family name)

18. Father's/Parent's given name(s)

July 2012

PART THREE – Proof of identity

PAGE 2

Note

- You must provide proof of your identity if the birth or change of name occurred within the last 100 years or the person is still living.
- If applying for a historical certificate or uncertified historical image (i.e. the birth occurred over 100 years ago), you do not have to prove proof of identity.
- For further information about access to records refer to the Registry's Access Policy at www.bdm.vic.gov.au

19. Whose certificate are you applying for?

19.1 My own certificate or the birth certificate of my child who is under 18 years of age

You must submit three identity documents of your own, one from each list on page 3.

19.2 The certificate of someone else who is 18 years of age or over

You must submit:

- three identity documents of your own, one from each list on page 3; and
- a letter from the person named on the certificate (or their next of kin if the person is deceased) which authorises you to access their record. The letter must include the person's address, daytime telephone number and signature; or a letter which establishes your power of attorney; and
- three identity documents of the person named on the certificate (unless you have power of attorney), one from each list on page 3.

If you are applying for the certificate of someone who is under 18 and not your child, please contact the Registry for proof of identity requirements.

PART FOUR – Certificate payment

20. I wish to order the following:

	Price*	Subtotal
Standard Birth Certificate	\$28.60	\$.
Historical Certificate	\$28.60	\$.
Uncertified (historical) image – <i>You must provide a registration number at Q.14 or the fee for a standard birth certificate applies.#</i>	\$20.00	\$.
Replaced Change of Name Certificate	\$28.60	\$.
Abridged Birth Certificate	\$28.60	\$.
Deed Poll Certificate	\$28.60	\$.
Registered Post (within Australia)	\$4.50	\$.
OR		
Express Post (within Australia)	\$5.50	\$.
Total		\$.

* All prices on this form are subject to change. Current fees may be confirmed at www.bdm.vic.gov.au
 Standard postage is included.
 # You can search the historical indexes for a registration number at www.bdm.vic.gov.au

21. How do you wish to pay?

By mail

Credit card – If paying by credit card, please complete the Credit Card Payment Slip on page 3. Cheque Money order

- Make cheques and money orders payable to Registry of Births, Deaths and Marriages.
- Cash payments will only be accepted if you apply in person.

In Person

The Registry accepts cash, credit cards, EFTPOS cards, money orders and personal cheques.

PART FIVE – Declaration

22. I certify that I have read and understood the declaration below:

I declare that all statements made in this application are true and correct. I understand that this application remains the property of the State of Victoria and that some or all of the information provided, including documents submitted as proof of identity, may be disclosed to and/or verified with other persons or bodies with adequate entitlement to the information under the *Births, Deaths and Marriages Registration Act 1996* or the Registry's Access Policy. I understand that it is an offence to knowingly make a false or misleading representation in this application or its supporting documents and that penalties may apply.

Signature

Date

Go to Page 4 for lodgement instructions.

B/C020201

You must supply three identity documents, one from each list below

LIST 1 Evidence of link between photo and signature

- Australian passport
- Australian driver licence (or learner permit)
- Australian firearm licence
- Overseas passport

LIST 2 Evidence of operating in the community

- Australian citizenship certificate
- Birth certificate issued in Australia
- Credit card or ATM card
- Department of Veterans' Affairs card
- Australian security guard or crowd control licence
- Student or tertiary identity card
- Medicare card
- Working with Children Check card

LIST 3 Evidence of current residential address

- Utility account (including gas, water, electricity, mobile or home phone)
- Bank statement (including passbook, credit, savings or cheque accounts)
- Rates notice
- Current lease or tenancy agreement

All applicants please note:

- If you cannot provide an identification document from List 1, you must provide two from List 2 and one from List 3
- All documents must be current
- Bank statements, utility accounts or rates notices must have been issued within the last six months
- If you supply printed online bank or utility statements they must be stamped and approved by the bank or utility company
- Your List 3 document must show your current residential address.



Applying by mail?

You must mail us photocopies of each identity document certified by a sworn member of police or a Justice of the Peace (JP) located in a police station.

Applying in person?

You must bring in your original identity documents or photocopies of each identity document certified by a sworn member of police or a JP located in a police station.

How to certify your identity documents

1. Take a photocopy of each identity document. Make sure the document from List 3 shows the current residential address.
2. Take your photocopies and the original documents to a police station and have them certified by a sworn member of police or a JP located in a police station.

Note

- Do not send original identity documents by mail. These can be used only if you apply in person.
- Failure to correctly submit your proof of identity documents will delay your application.

Can't make it into Melbourne?

You may lodge your application and certify photocopies of your identity documents at selected Justice Service Centres (JSCs). To find your nearest JSC go to www.bdm.vic.gov.au/jsc

Applying from Queensland, Western Australia, the Northern Territory or overseas?

If you are applying from Queensland, Western Australia, the Northern Territory or overseas, any Justice of the Peace, Notary Public, Commissioner for Oaths or Australian Consulate Official can certify photocopies of your identity documents.

Under 18 years?

If you are unable to supply all three identity documents you can submit a:

- current school report card
- Medicare card showing child's name
- current mobile phone bill.

If you are unable to meet these requirements please contact the Registry via www.bdm.vic.gov.au or on 1300 369 367.

Credit Card Payment Slip

Card type Visa MasterCard Amex Total \$.

Name on card

Card number Expiry date /

Signature of cardholder



If applying by mail, attach proof of identity, supporting documents and payment here.

PART SIX – Lodgement

PAGE 4

Submit your form, payment, proof of identity (if required) and any supporting documents:

By mail

Victorian Registry of Births, Deaths and Marriages
GPO Box 5220, Melbourne VIC 3001

In person

Victorian Registry of Births, Deaths and Marriages Customer Service Centre or Selected Justice Service Centres (JSCs).
Ground floor, 595 Collins St, Melbourne To find your nearest JSC go to www.bdm.vic.gov.au/jsc
(8.30am – 4.30pm, Monday to Friday, except public holidays)

Checklist

- I have stated the reason I require the certificate at Q.9.
- I have supplied all three identity documents at Part 3 (unless applying for a historical certificate or uncertified image).
- I have signed the declaration at Part 5.

If applying by mail:

- I have had photocopies of my proof of identity documents certified at a Justice Service Centre or by a sworn member of police.
- I have included payment or completed the Credit Card Payment Slip.

If applying for a certificate of someone else (other than your child who is under 18 years of age):

- I have supplied the required three proof of identity documents both for myself and the person whose certificate I am applying for as specified in Q.19.2 or Q.19.3.
- I have supplied the required authority and documents as specified in Q.19.2 or Q.19.3.

FAQs

Can I use this form to change my name?

No. You must complete an Application to Register a Change of Name form, available at the Registry or at www.bdm.vic.gov.au

Can I use this form to register the birth of my child?

No. You must complete a Birth Registration Statement which is available from the Registry.

Which certificate will I need when applying for a driver licence or passport?

You will generally be required to produce a standard birth certificate. A standard marriage certificate issued by the Registry may also be required.

I was married in Victoria and now use my spouse's surname. Do I need a Change of Name certificate to prove this?

No. You need a standard marriage certificate issued by the Registry. Please note, the certificate issued on your wedding day is not a commonly accepted identification document.

What is a Deed Poll certificate?

A Deed Poll certificate was used up to October 1986 as proof of a name change. If you have changed your name by Deed Poll and need proof, you may need to register a name change.

Note. It is best to check with the authority requesting your identification documents before you order a certificate.

Privacy

In line with the *Information Privacy Act 2000*, the Registry is collecting information in this form to determine your eligibility to obtain the requested certificate and to prevent fraud. A copy of the Registry's Privacy Policy is available at www.bdm.vic.gov.au

If you do not provide all of the information requested, particularly that relating to the reason the document is required and your relationship to the registered person, then you may not be provided with a certified copy of the certificate.



If you require access to a translation or interpreter service, please contact the Translating and Interpreting Service (TIS) on 13 14 50 and ask them to contact the Victorian Registry of Births, Deaths and Marriages.

Victorian Registry of Births, Deaths and Marriages

General enquiries 1300 369 367

(8.30am – 4.30pm, Monday-Friday, except public holidays)

Website www.bdm.vic.gov.au



Department of
Justice



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Victorian
Law Reform
Commission

Birth registration and birth certificates

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