

MARRIAGES REGISTRATION.

No. 23 of 1962.

AN ACT to repeal the *Marriage Act 1942* and to make provision for the registration of marriages solemnized in this State. [10 May 1962.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Marriages Registration Act 1962*. Short title and commencement.

(2) This Act commences on the date on which the provisions of the *Marriage Act 1961* of the Commonwealth (other than those that come into operation on the day on which that Act received the Royal Assent) come into operation.

2 The *Marriage Act 1942* is repealed. Repeal.

3 In this Act, unless the contrary intention appears— Interpretation.

“Commonwealth Marriage Act” means the *Marriage Act 1961* of the Commonwealth and any Commonwealth Act amending or passed in substitution for that Act;

“Register” means the Register of Marriages required to be kept under this Act;

“Registrar-General” means the Registrar-General appointed under the *Registration of Births and Deaths Act 1895*.

4 It is the duty of the Registrar-General, in accordance with this Act, to register marriages solemnized in this State and to keep the Register of Marriages. General duties of Registrar-General.

5 The Register of Marriages comprises— Register of marriages.

(a) the general register of marriages constituted under any Act repealed by this Act; and

(b) the certificates of marriages solemnized after the commencement of this Act that have been registered under this Act,

and includes any correction, alteration, note, or memorandum lawfully made in or on, or attached to, any document forming part of the Register.

6—(1) The Registrar-General shall cause each certificate of marriage received by him to be numbered in accordance with this section and shall sign his name on each certificate so numbered and add thereto the date on which the certificate was so numbered. Registration Marriages.

(2) For the purposes of this Act a certificate of marriage shall be deemed to have been received by the Registrar-General—

- (a) if the marriage to which it relates was solemnized by him, immediately it has been signed and otherwise completed in accordance with the requirements of the Commonwealth Marriage Act; and
- (b) in any other case, on the receipt by him of the certificate forwarded to him as required by the Commonwealth Marriage Act.

(3) On compliance with subsection (1) of this section in relation to any certificate of marriage the marriage to which the certificate relates shall be deemed to have been registered under this Act.

(4) For the purposes of complying with subsection (1) of this section each certificate of marriage in respect of the marriages solemnized in any year shall be numbered serially, commencing with the number one, according to the time at which it is received by the Registrar.

(5) The Registrar shall cause all certificates of marriages registered in this State to be bound in a volume or volumes in the order of the years in which they were solemnized and in the order in which they are numbered in accordance with this section.

(6) This section does not apply to marriages solemnized before the commencement of this Act.

Corrections
to Register.

7—(1) Where it is certified to the Registrar-General in accordance with the Commonwealth Marriage Act that a correction in a certificate of marriage is necessary he shall cause that correction to be made in the Register.

(2) If the Registrar-General is satisfied by declaration or such other evidence as he thinks sufficient, that any particular in the Register with respect to a marriage solemnized before the commencement of this Act is incorrect, or that any clerical error has occurred in the registration of that marriage, he may make the necessary correction in the Register.

(3) Where a correction is made in the Register under this section, the like correction may be made by the Registrar-General in any duplicate or copy of the certificate of that marriage that has been handed to either of the parties thereto.

Entry of
change of
name in
Register.

8 If the Registrar-General is satisfied that any person whose marriage is registered is lawfully using a name other than the name by which he is described in the Register, the Registrar-General may, upon payment of the prescribed fee, cause to be entered in the Register a note of the name so used by that person.

9—(1) Where the Registrar-General receives, from an officer of a competent court within any part of Her Majesty's Dominions (including a court having jurisdiction in this State) or from any officer in whose charge is placed the keeping of any principal register of marriages in any part of the British Dominions (other than this State), a notice that a marriage registered in this State has been finally dissolved or annulled by such a court, he shall cause to be entered in the Register a memorandum of the particulars disclosed in the notice.

Notices of dissolution, &c., of marriages.

(2) Nothing in subsection (1) of this section requires the Registrar-General to enter in the Register a memorandum of the particulars disclosed in any such notice as is referred to in that subsection that is not received from the registrar or other similar officer of a court of the Commonwealth or of any State or Territory of the Commonwealth unless he is satisfied that the marriage to which the notice relates has been dissolved or annulled.

10—(1) The Registrar-General shall cause indexes of the Register to be made and to be kept with the other records of his office.

Indexes of and copies of entries in Register.

(2) Subject to subsection (3) of this section any person, on payment of the prescribed fee, is entitled, at any reasonable hour, to require the indexes to be searched, and is entitled to have a certified copy of, or extract from, any entry in the Register under the hand of the Registrar-General.

(3) Any copy of, or extract from, any entry in the Register made for the purposes of this section shall include all the alterations, corrections, notes and memoranda made under this Act in or on that entry.

(4) The Registrar-General may, if he thinks fit, require any person seeking to have a search made of the indexes to disclose the reasons for the search and any other relevant matters, and if the Registrar-General is of the opinion that the search is required for improper reasons, or that the person requiring the search has no proper reason for requiring the search to be made, he may, unless he is otherwise directed by the Minister, refuse to make the search or to issue any certified copy or extract.

(5) No fee shall be payable in respect of any search, certificate, or extract required for the purposes of a government department, and the Registrar may make any search or issue any certificate or extract for any such purpose.

11—(1) If any certificate or other document forming part of the Register is lost or destroyed any substitute for that certificate or other document or a certified copy thereof furnished to the Registrar in accordance with the Commonwealth Marriage Act or under subsection (2) of this section shall be deemed to be a substitute for the certificate or other document lost or destroyed and shall be dealt with accordingly.

Lost or destroyed certificate of marriage.

(2) Where the certificate, or certified copy of the certificate, of a marriage solemnized before the commencement of this Act is lost or destroyed any person in whose possession is a register containing a duplicate of that certificate shall, on the demand of the Registrar-General, supply to him, without charge, a copy of that certificate certified by him under his hand to be a true copy thereof.

Manner of
altering
Register.

12—(1) Where the Registrar-General makes, under this Act, any alteration in the Register in respect of any marriage that alteration shall be made on the certificate of that marriage contained in the register and he shall not, in making that alteration, erase, or obliterate any matter written on that certificate, and he shall append his signature to the alteration, and clearly endorse the certificate with the date on which, and the authority under or the reason for which, it was made.

(2) References in this section to an alteration in the Register shall be deemed to include references to any correction, note, or memorandum which the Registrar-General is authorized or required by this Act to make in the Register.

Keeping of
registers of
marriages
solemnized
before the
commence-
ment of this
Act.

13—(1) A person who, immediately before the commencement of this Act was an authorized celebrant within the meaning of the *Marriage Act* 1942, shall, as a record of any marriage solemnized by or before him before the commencement of this Act, keep, in a register provided for the purpose, any certificate, marriage notice, licence, and consent that, if this Act had not been enacted, he would have been required to keep.

(2) It is sufficient compliance with the provisions of this section in relation to any documents required to be kept in any register by any person if that person delivers that register into the keeping of the head or governing body in the State of the religious denomination or body to which immediately before the commencement of this Act he belonged or to the governing body of the church or place of worship at which immediately before the commencement of this Act he was accustomed to officiate or of which he had charge.

Regulations.

14 The Governor may make regulations for the purposes of this Act.

PUBLIC HEALTH.

No. 24 of 1962.

AN ACT to amend the *Public Health Act* 1935.

[10 May 1962.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Public Health Act* 1962.