

# Birth Certificates

## Registering a child's

When a child is born in Tasmania, the birth must be registered with Births, Deaths and Marriages. This is done by completing and signing a [Birth Registration Statement](#).

The birth must be registered within 60 days of the child's birth. In cases where the child has a variation in sex characteristics (making the assignment of sex more complicated), the birth must be registered within 120 days.

The child's sex may be displayed on the birth certificate as male or female, or you may choose not to record the child's sex at all.

If the parents disagree about the name to be included on the child's birth certificate, then an application can be made to the Magistrates Court to resolve the dispute.

Where possible, both parents are required to sign the Birth Registration Statement, and each parent's signature needs to be witnessed by a person over 18 years of age.

If only one parent has signed, they need to attach a letter to the Registrar explaining why the other parent has not signed. The letter should contain details of the other parent's identity and last known address. However, a parent will not be added to the birth certificate unless they have signed the statement.

## Adding details to a child's birth certificate

A father's details can be added to a birth certificate at a later date. If both parents agree, then the following documents will need to be submitted to the Registry:

- A completed application form "[Add Father/Other Parent to a Birth Record](#)", signed by both parents in the presence of a Justice of the Peace or Commissioner for Declarations;
- The child's birth certificate, or a certified copy if the application is being submitted by mail; and
- Original identification documents for both parents (for example, birth certificate, passport, or driver's licence), or certified copies if the application is being submitted by mail.

An application can also be made to have marriage details added to a child's birth certificate by completing the application form "[Add Marriage Details to a Birth Record](#)". This application form needs to be witnessed by a person over the age of 18, and accompanied by a copy of the child's birth certificate and the parents' identification documents – or certified copies where the application is being submitted by mail.

You must pay a fee to apply to change any details on a child's birth certificate. For a list of the current fees, you can go to the Births Deaths and Marriages website at:

<https://www.justice.tas.gov.au/bdm/fees#AmendmentFee>

## Making an application to the court to change details

If a parent wishes to make an application to change a child's name, or details of the father on the child's birth certificate, but the other parent does not agree, an application can be made to the Magistrates Court.

If the father is not willing to do DNA test, an application may need to be made to the Federal Circuit Court for a 'Declaration of Parentage'. This may involve compelling the father to do a DNA test. The Federal Circuit Court will only require a person

to do a DNA test if it can be established that there is enough information to reasonably believe that the person may be the father.

### **If the father's name is not on the child's birth certificate**

If a father's name is not on the birth certificate, this will not necessarily prevent them from making an application for Parenting Orders under the Family Law Act (see our fact sheet Children and Family Law). However, if the other parent disputes the person applying for Parenting Orders is the father, then the court may be asked to make a 'Declaration of Parentage'.

If the father's name is not on the birth certificate, and they dispute that they are the father, it may make it difficult to claim child support payments from them. In that case, an application may need to be made for a 'Declaration of Parentage' from the Federal Circuit Court. As outlined above, this may involve compelling the father to do a DNA test.

If a parent is not listed on the birth certificate, but does not dispute that they are the child's parent, then the Child Support Agency may collect child support payments where it can be presumed they are the parent. It can be presumed a person is the parent if the following applies:

- The person was a party to a marriage, and the child was born to one of the parties to the marriage, during the marriage;
- The person is a man, and lived with the mother up to 20 weeks before the birth of the child;
- The person has legally adopted the child; and
- The person has signed a statutory declaration saying that they are a parent of the child.

### **Obtaining a copy of a birth certificate**

Births, Deaths and Marriages will provide a copy of a person's birth certificate where an application is made by either:

- The person;
- A child's parent, or legal guardian;
- A person's child;
- A person's current partner (evidence of the relationship must be provided);

- An executor of a person's estate; or
- A person's Power of Attorney (see our fact sheet 'Wills, Power of Attorney and Enduring Guardianship')

A 'Certificate Application' form will need to be completed, including copies of the applicant's identification documents, certified by a Justice of the Peace, or Commissioner for Declarations.

The current fee for making an application for a copy of a birth certificate can be found at the Births, Deaths and Marriages website at <https://www.justice.tas.gov.au/bdm/fees#CertificateFees>

The application, along with the fee (and return postage fee), needs to be sent to:

Births Deaths and Marriages Tasmania  
30 Gordons Hill Road  
Rosny Park TAS 7018

It may take up to two weeks or more for the certificate to become available.

### **More information**

- **Births, Deaths and Marriages:** (03) 6233 3084
- **Women's Legal Service Tasmania:** 1800 682 468

*"Birth Certificates" is intended to give general information about the laws relating to birth certificates in Tasmania. Whilst we have made every effort to ensure the contents of this document are accurate at the time of printing, the law and services do change. Legal and service exactness is not possible in a publication of this nature. This publication should not be used as a substitute for legal advice*

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