



ANNO UNDECIMO

GEORGI VI REGIS.

A.D. 1947.

No. 44 of 1947.**An Act to amend the Births and Deaths Registration Act, 1936-1942.**

[Assented to 11th December, 1947.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Births and Deaths Registration Act Amendment Act, 1947".

(2) The Births and Deaths Registration Act, 1936-1942, as amended by this Act, may be cited as the "Births and Deaths Registration Act, 1936-1947".

(3) The Births and Deaths Registration Act, 1936-1942, is hereinafter referred to as "the principal Act".

Commencement of Act.

2. This Act shall come into force on a day to be fixed by proclamation.

Amendment of principal Act, s. 14—
Furnishing of particulars.

3. Section 14 of the principal Act is amended—

(a) by striking out subsection (1) thereof and by inserting in lieu thereof the following subsection :—

(1) Every person by whom any particulars are furnished for the registration of any birth, still-birth, or death shall furnish the particulars in manner provided by or pursuant to this Act. The person by whom the particulars are furnished shall either sign or attest his name and place of abode in the certificate of registration or shall in

the information statement in which the particulars are furnished authorize some other person to sign the certificate of registration on his behalf.

- (b) by striking out the words "such certificate" in subsection (2) thereof and by inserting in lieu thereof the words "certificate of registration";
- (c) by adding at the end thereof the following subsection :—

(6) Within one month after a certificate of registration of a birth has been filed in the office of the principal registrar, the principal registrar shall notify the person by whom the particulars were furnished for the registration of the birth, that the birth has been duly registered.

4. Section 15 of the principal Act is amended—

- (a) by inserting after the word "shall" in the second line thereof the words ", within forty-two days from the date of the birth,";
- (b) by striking out subsections (2) and (3) thereof and by inserting in lieu thereof the following subsections :—

(2) The particulars to be furnished for the registration of a birth shall be furnished in an information statement in the prescribed form. The person by whom the particulars are furnished shall record or cause to be recorded the particulars in the information statement in the presence of the district registrar or an assistant district registrar of the district in which the child was born and shall certify that the particulars so recorded are correct to the best of his knowledge and belief.

(3) The district registrar or assistant district registrar shall from the particulars furnished in the information statement register the birth in accordance with the form in the second schedule and shall within seven days forward the information statement to the principal registrar.

5. Section 16 of the principal Act is amended by striking out the words "required in accordance with the form in the second schedule" in the penultimate and last lines thereof.

Amendment of
principal Act,
s. 15—
Duty of
parent to
register birth.

Amendment of
principal Act,
s. 16—
Duty of
householder to
register birth.

Amendment of
principal Act,
s. 17—
Child born at
sea.

6. Section 17 of the principal Act is amended by striking out the words "accordance with the form in the second schedule" in the sixth line thereof and by inserting in lieu thereof the words "the manner provided by section 15".

Amendment of
principal Act,
s. 19—
Registration of
illegitimate
child.

7. Section 19 of the principal Act is amended—

(a) by adding at the end of subsection (3) thereof the words "No particulars relating to the father of the child shall be included in the information statement with respect to the birth of any such child unless at the joint request of the mother and of the person acknowledging himself to be the father and the person so acknowledging himself shall, in any such case, sign the information statement with the mother";

(b) by adding at the end of subsection (4) thereof the words "or shall in the information statement authorize some other person to sign the certificate on his behalf".

Amendment of
principal Act,
s. 20—
Late
registration.

8. Section 20 of the principal Act is amended—

(a) by striking out the words "the form in the second schedule" in the eighth and ninth lines thereof and by inserting in lieu thereof the words "this Part";

(b) by striking out the words "the form in the second schedule" in the sixteenth line thereof and by inserting in lieu thereof the words "this Part".

Amendment of
principal Act,
s. 22—
Additional
name.

9. Section 22 of the principal Act is amended by striking out the words "in the presence of the district registrar" in the third and fourth lines thereof and by inserting in lieu thereof the words "and a statutory declaration by a parent of the child stating that the name has been so given is lodged with the district registrar".

Amendment of
principal Act,
s. 28—
Notification
of deaths.

10. Section 28 of the principal Act is amended—

(a) by striking out the word "such" in the third line thereof;

(b) by striking out the words "as are required in accordance with the form in the eighth schedule" in the fourth and fifth lines thereof;

(c) by striking out subsection (2) thereof and by inserting in lieu thereof the following subsections:—

* (2) The particulars to be furnished for the registration of a death shall be furnished in an information statement in the prescribed form.

The person by whom the particulars are furnished shall record or cause to be recorded the particulars in the information statement in the presence of the district registrar or assistant district registrar of the district in which the death occurred and shall certify that the particulars so recorded are correct to the best of his knowledge and belief.

(3) The district registrar or assistant district registrar shall from the particulars furnished in the information statement register the death in accordance with the form in the eighth schedule, and shall, within seven days, forward the information statement to the principal registrar.

11. Section 31 of the principal Act is amended by striking out the words " the form in the eighth schedule to be registered " in the fourth line thereof and by inserting in lieu thereof the words " this Part to be furnished in an information statement ".

Amendment of principal Act, s. 31—
Result of inquest.

12. Section 36 of the principal Act is repealed and the following section is enacted and inserted in the principal Act in lieu thereof:—

Re-enactment of s. 36 of principal Act—

36. (1) Every undertaker or other person who carries out the burial, cremation, or other disposal of any dead body shall, within seven days after the burial, cremation or disposal, cause to be transmitted to the principal registrar a certificate in the form in the fifteenth schedule which shall be signed by the undertaker or person and countersigned either by the clergyman or other officiating person at the burial, cremation or disposal or by two reputable witnesses of the burial, cremation or disposal.

Duty of undertaker on burial.

(2) Every undertaker or other person who fails to comply with this section shall be guilty of an offence and liable to a penalty not exceeding five pounds.

(3) Upon receipt of any certificate as aforesaid, the principal registrar shall cause to be included in the certificate of registration of the death of the deceased person to which the first-mentioned certificate applies, particulars of the place and date of the burial, cremation, or other disposal of the body of the deceased.

13. Section 36d of the principal Act (as enacted by section 3 of the Births and Deaths Registration Act Amendment Act, 1940) is amended—

Amendment of principal Act, s. 36d—
Furnishing of particulars.

(a) by striking out the words " required by the eighth schedule " in the fourth line thereof ;

- (b) by adding at the end of subsection (1) thereof the words "as are required to be furnished pursuant to section 28".

Amendment of
principal Act,
s. 36k—
Furnishing of
particulars.

14. Section 36k of the principal Act (as enacted by section 6 of the Births and Deaths Registration Act Amendment Act, 1942) is amended—

- (a) by striking out the words "required by the eighth schedule" in the fourth line thereof;
- (b) by adding at the end thereof the words "as are required to be furnished pursuant to section 28".

Amendment of
principal Act,
s. 52—
Correction of
register.

15. Section 52 of the principal Act is amended—

- (a) by adding at the end of subsection (1) thereof the words "If it is practicable so to do, the principal registrar may require the person by whom the information for the registration was furnished to countersign the correction or to sign a document in writing certifying that the correction is necessary to be made";
- (b) by inserting after subsection (1) thereof the following subsection :—

(1a) If the principal registrar is satisfied that by any judgment of any court of competent jurisdiction it has been adjudged by the court that any particular in any register of births or register of still-births or register of deaths is not in accord with the judgment of the court relating to any such particular, he may alter the register to accord with that judgment, which alteration shall be signed by him and marked with the date upon which the alteration was made.

- (c) by inserting after the word "correction" in the first and fifth lines of subsection (2) thereof in each case the words "or alteration".

Enactment of
s. 53a of
principal Act—

Duty to
supply
information.

16. (1) The following section is enacted and inserted in the principal Act after section 53 thereof :—

53a. It shall be the duty of every person furnishing particulars for the purpose of this Act to furnish particulars which are correct to the best of his knowledge and belief and, except as provided by this Act, the principal registrar, district registrar, or assistant district registrar, as the case may be, shall not be bound to inquire as to the accuracy of any information so furnished.

(2) Subsection (3) of section 11 of the principal Act is repealed.

17. Section 56 of the principal Act is amended by inserting after the word " Act " in the third line thereof the words " or in any information statement under this Act ".

Amendment of principal Act, s. 56—
False information.

18. The fourth schedule to the principal Act is amended—

Amendment of principal Act—
Fourth schedule.

- (a) by striking out the passage "[or District Registrar of]";
- (b) by striking out the passage "[or that the name of.....
.....has this day been given to]";
- (c) by striking out the passage "(or District Registrar)";
- (d) by adding at the end thereof the following paragraph :—

Certificate of Additional Name.

I, District Registrar
of..... hereby certify
that on the..... day of....., 19....,
a statutory declaration of
was lodged with me stating that the said.....
..... and
..... are the parents of a
(a) child born at
..... on the
..... day of..... 19....,
and the birth of whom has been registered under
the name of
and stating that after the said registration the
name of has
been given to the said child in addition to the
name so registered.

.....
District Registrar.

(a) Male or female.

19. The ninth schedule to the principal Act is amended—

Amendment of principal Act—
Ninth schedule.

- (a) by striking out the words " following particulars " and by inserting in lieu thereof the words " particulars furnished by me in the information statement with respect to the death of " ;

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(b) by striking out all the words therein from and including the words "When died" to and including the words "Place where death occurred".

Amendment of principal Act—
Fourteenth schedule.

20. The fourteenth schedule to the principal Act is amended by striking out the line "Correction of birth or death registration..... 0 5 0" and by inserting in lieu thereof the following :—

"Correction of birth or death registration within three months after the registration .. 0 5 0
Correction of birth or death registration after three months after the registration..... 0 10 0"

Enactment of fifteenth schedule of principal Act.

21. The following schedule is enacted and inserted in the principal Act after the fourteenth schedule thereto :—

THE FIFTEENTH SCHEDULE.

BIRTHS AND DEATHS REGISTRATION ACT, 1936-1947.

Certificate of Undertaker.

I,
of
hereby certify that on the day of
19..... the body of
late of
deceased was (1)
at

Dated this.....day of.....19.....

.....
Signature of undertaker or other person carrying out the burial, cremation, or disposal.

Countersigned—

.....
Clergyman or other person officiating at the burial, cremation, or other disposal.

or—

..... } *Witnesses present at the burial, cremation, or other disposal.*

(1) Here insert whether the body was buried or cremated, or if otherwise disposed of, state manner of disposal.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.