

**House of Assembly—No 11**

As laid on the table and read a first time, 25 September 2008

South Australia

**Statutes Amendment (Death Certificates) Bill 2008**

A BILL FOR

An Act to amend the *Births, Deaths and Marriages Registration Act 1996* and the *Cremation Act 2000*.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

### Part 2—Amendment of *Births, Deaths and Marriages Registration Act 1996*

- 3 Amendment of section 4—Definitions
- 4 Amendment of section 36—Notification of deaths by doctors

### Part 3—Amendment of *Cremation Act 2000*

- 5 Amendment of section 4—Interpretation
  - 6 Amendment of section 6—Issue of cremation permit
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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Statutes Amendment (Death Certificates) Act 2008*.

### **2—Amendment provisions**

- 5 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Births, Deaths and Marriages Registration Act 1996***

### **3—Amendment of section 4—Definitions**

- 10 Section 4, definition of *doctor*—delete the definition and substitute:

*doctor* means a person who is registered as a medical practitioner under the law of this State;

### **4—Amendment of section 36—Notification of deaths by doctors**

- (1) Section 36(3)—delete "the doctor must also give" and substitute:  
15 a doctor who was responsible for the person's medical care immediately before death, or who examines the body of the deceased person after death, must give

(2) Section 36—after subsection (4) insert:

(5) A doctor must not give a certificate under this section relating to the death of a person if—

(a) the person died in a hospital, nursing home or aged care facility in which the doctor has a proprietary or pecuniary interest; or

(b) the doctor knows that—

(i) he or she has a pecuniary interest in the death of the person under a policy of life insurance; or

(ii) he or she is entitled in expectancy of the death of the person to any real or personal property.

Maximum penalty: Imprisonment for 4 years.

### **Part 3—Amendment of *Cremation Act 2000***

#### **5—Amendment of section 4—Interpretation**

Section 4, definition of *doctor*—delete the definition and substitute:

*doctor* means a person who is registered as a medical practitioner under the law of this State;

#### **6—Amendment of section 6—Issue of cremation permit**

Section 6(5)—delete subsection (5) and substitute:

(5) A doctor must not give a certificate under this section relating to the death of a person if—

(a) the person died in a hospital, nursing home or aged care facility in which the doctor has a proprietary or pecuniary interest; or

(b) the doctor knows that—

(i) he or she has a pecuniary interest in the death of the person under a policy of life insurance; or

(ii) he or she is entitled in expectancy of the death of the person to any real or personal property.

Maximum penalty: Imprisonment for 4 years.