



ANNO QUARTO

GEORGI VI REGIS.

A.D. 1940.

No. 21 of 1940.

An Act to amend the Births and Deaths Registration Act, 1936, so as to provide for the registration of the deaths of persons dying outside the State whilst on war service.

[Assented to 7th November, 1940.]

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, 1940".

(2) The Births and Deaths Registration Act, 1936, as amended by this Act, may be cited as the "Births and Deaths Registration Act, 1936-1940".

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

Amendment of
principal Act,
s. 4.
Arrangement.

2. Section 4 of the principal Act is amended by inserting therein after the line "PART V.—Registration of deaths" the following line :—

PART VA.—Registration of deaths of persons dying outside the State whilst on war service.

Amendment of
principal Act.

3. The principal Act is amended by inserting therein after section 36 the following heading and sections :—

PART VA.—REGISTRATION OF DEATHS OF PERSONS DYING
OUTSIDE THE STATE WHILST ON WAR SERVICE.

36a. (1) For the purposes of this Part a person shall be deemed to be engaged on war service—

Definition of
"war service."

- (a) if he is engaged outside the State as a member of any naval, military, or air force of the Commonwealth or of any other part of His Majesty's Dominions during any war in which the Commonwealth is engaged ; or
- (b) if, during any such war, he is engaged on service in any work outside the State in connection with any red cross society or ambulance association, or any other body with similar objects ; or
- (c) if, in connection with any such war, he is a prisoner of war in an enemy country or is interned in the country of a neutral power.

(2) For the purposes of this Part, a war shall be deemed to continue from the commencement thereof until the day on which a proclamation is issued by the Commonwealth declaring that the war has ceased.

36b. (1) If the principal registrar is satisfied—

- (a) that any person has died (whether before or after the passing of the Births and Deaths Registration Act Amendment Act, 1940), at any place outside the State whilst engaged on war service ; and
- (b) that prior to engaging in such war service the said person's usual place of residence was within the State,

Registration of
deaths of
persons dying
on war
service.

the principal registrar may, subject to compliance with this Part, register the death of that person.

(2) The principal registrar shall not register the death of any person as aforesaid unless the principal registrar is supplied with a certificate given by some officer who the principal registrar is satisfied is the officer in charge of the proper records of any naval, military or air force of the Commonwealth or any other part of His Majesty's Dominions, that the said person has died at a place outside the State whilst engaged on war service.

(3) Upon registering any death as aforesaid, the principal registrar shall make a memorandum in the certificate of registration to the effect that the death is registered pursuant to this Part.

Births and Deaths Registration Act Amendment Act, 1940.

Sufficiency of
certificate.

36c. A statement in such a certificate as mentioned in section 36b to the effect that the person named therein has died may, in the absence of any evidence to the contrary, be accepted for the purpose of registration pursuant to this Part, as sufficient evidence of the death of that person.

Particulars
and filing of
certificate of
registration.

36d. (1) The person applying for the registration of the death of any person pursuant to this Part shall state, to the best of his knowledge and belief, the several particulars required by the eighth schedule concerning the person whose death is sought to be registered.

(2) For the purpose of filling in the columns in the certificate of registration in the eighth schedule respectively headed "When Died", "Cause of Death", and "Place where Death Occurred" the particulars (if any) relating thereto respectively which are contained in the certificate referred to in section 36b shall be sufficient, and if any of the said columns cannot, owing to lack of such particulars, be filled in, that column may be left blank.

(3) The certificate of registration shall be made out in duplicate.

(4) One of the copies shall be filed in the office of the principal registrar and the other shall be filed in the office of the district registrar of the district in which was situated the usual place of residence prior to engaging on war service of the person to the death of whom the certificate of registration relates.

Application of
other
provisions of
this Act.

36e. The provisions of section 29 shall not apply to the registration of a death pursuant to this Part, but except as aforesaid, the provisions of this Act shall *mutatis mutandis* apply to and with respect of every such registration.

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

C. M. BARCLAY-HARVEY, Governor.