



ANNO SEXTO

GEORGII VI REGIS.

A.D. 1942.

No. 11 of 1942.

An Act to amend the Births and Deaths Registration Act, 1936-1940.

[Assented to 29th October, 1942.]

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

1. (1) This Act may be cited as the "Births and Deaths short titles. Registration Act Amendment Act, 1942".

(2) The Births and Deaths Registration Act, 1936-1940, as amended by this Act, may be cited as the "Births and Deaths Registration Act, 1936-1942".

(3) The Births and Deaths Registration Act, 1936-1940, is hereinafter referred to as "the principal Act".

2. Section 35 of the principal Act is amended by adding at the end thereof the following subsection :—

Amendment of
s. 35 of prin-
cipal Act—

(4) Any person who by virtue of any regulation made pursuant to the National Security Act, 1939-1940, of the Commonwealth, is authorized or licensed to practise as a medical practitioner or to practise medicine in South Australia or any part thereof, shall during such time he is so authorized or licensed to practise, be deemed to be a legally qualified medical practitioner for the purposes of this section and, notwithstanding section 33 of the Medical Practitioners Act, 1919-1935, any such person shall, during the time aforesaid, be qualified to give a certificate of cause of death.

Duty of
medical
practitioner.

Amendment of
s. 36a of
principal Act—
Definition of
“war service”.

3. Section 36a of the principal Act (as enacted by section 3 of the Births and Deaths Registration Act Amendment Act, 1940) is amended by striking out paragraph (b) of subsection (1) thereof and by inserting in lieu thereof the following paragraphs :—

- (b) if, during any such war, he is engaged on service outside the State in connection with any nursing service, voluntary aid detachment, red cross society, ambulance association or any similar body or organization attached to or accompanying any such force as is described in paragraph (a) hereof; or
- (b1) if, during any such war, he is engaged on service outside the State as a representative attached to or accompanying any such force as is described in paragraph (a) hereof, of any organization which is providing philanthropic, welfare or medical services for members of that force; or

Amendment of
s. 36b of
principal Act—
Registration
of deaths of
persons
dying on war
service outside
the State.

4. Section 36b of the principal Act (as enacted by section 3 of the Births and Deaths Registration Act Amendment Act, 1940) is amended by inserting therein after subsection (2) thereof the following subsection :—

(2a) If the principal registrar is supplied with a certificate of a competent authority within the meaning of the National Security (Supplementary) Regulations made under the National Security Act, 1939-1940, of the Commonwealth, that any person whilst engaged on war service outside the State became missing on a particular date and is for official purposes presumed to be dead, the principal registrar may (whether the certificate aforesaid was given before or after the passing of the Births and Deaths Registration Act Amendment Act, 1942) register the death of the said person.

Amendment of
s. 36c of
principal Act—
Sufficiency of
certificate.

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

- (a) by inserting after the word “in” second occurring in the first line thereof the words “subsection (2) of”; and
- (b) by adding at the end thereof the words “and a statement in such a certificate as mentioned in subsection (2a) of section 36b to the effect that the person named therein became missing on a particular date and is for official purposes presumed to be dead

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 on the date he became missing".

6. The principal Act is amended by inserting therein after Part V.A. thereof the following heading and sections :—

Amendment of
principal
Act—

PART VB.

REGISTRATION OF DEATHS OF PERSONS DYING WITHIN THE STATE WHILST ON WAR SERVICE OR DYING AT SEA.

36f. 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.

Continuance
of war.

36g. (1) If—

Registration
of deaths of
members of
armed forces.

- (a) any member of any naval, military or air force of the Commonwealth or of any other part of His Majesty's Dominions ; or
- (b) any person serving with any nursing service, voluntary aid detachment, red cross society, ambulance association or any similar body or organization attached to or accompanying any such force as is described in paragraph (a) hereof ; or
- (c) any person being a representative attached to or accompanying any such force as is described in paragraph (a) hereof, of any organization which is providing philanthropic, welfare or medical services for members of that force ; or
- (d) any member of any naval, military or air force of any country allied or associated with His Majesty for the purposes of the prosecution of any war in which the Commonwealth is engaged,

dies or has died (whether before or after the passing of the Births and Deaths Registration Act Amendment Act, 1942) within the State during the continuance of any war in which the Commonwealth is engaged or within a period of twelve months after any such war has ceased, the principal registrar may register the death of that person as provided by this Part.

(2) Any such death may be registered if the principal registrar is supplied with—

(a) a certificate in the form in the eleventh schedule or in a form substantially to the same effect of a person who the principal registrar is satisfied is a medical officer of any such naval, military or air force ; or

(b) a certificate of some officer of any such naval, military or air force who the principal registrar is satisfied is the officer in charge of the proper records of such naval, military or air force, that the said person has died within the State whilst a member of such force.

(3) Notwithstanding the provisions of section 35 of this Act and of section 33 of the Medical Practitioners Act, 1919-1935, any certificate such as is described in paragraph (a) of subsection (2) hereof may be given by any such medical officer although he is not registered as a medical practitioner under the Medical Practitioners Act, 1919-1935, or is not otherwise qualified in accordance with section 33 of that Act to give a certificate of cause of death.

(4) If the principal registrar is supplied with a certificate of a competent authority within the meaning of the National Security (Supplementary) Regulations made under the National Security Act, 1939-1940, of the Commonwealth, that any person such as is described in paragraphs (a), (b), or (c) of subsection (1) hereof became missing within the State on a particular date and is for official purposes presumed to be dead, the principal registrar may (whether the certificate aforesaid was given before or after the passing of the Births and Deaths Registration Act Amendment Act, 1942) register the death of the said person.

**Registration of
deaths of
persons
dying at sea.**

36h. (1) If the principal registrar is satisfied that any person has died (whether before or after the passing of the Births and Deaths Registration Act Amendment Act, 1942) whilst at sea on any British ship during the continuance of any war in which the Commonwealth is engaged, the principal registrar may register the death of that person as provided by this Part.

(2) Any such death may be registered if the principal registrar is supplied with a certificate of some person who the principal registrar is satisfied is the master of the ship or a duly qualified medical practitioner carried as part of the complement of the ship, that the deceased

died whilst at sea on a British ship during the continuance of any such war.

36i. Upon registering any death as provided by this Part, the principal registrar shall make a memorandum in the certificate of registration to the effect that the death is registered pursuant to this Part. Indorsement of certificate.

36j. A statement in any certificate such as mentioned in subsection (2) of section 36g or in section 36h 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, and a statement in a certificate such as mentioned in subsection (4) of section 36g to the effect that the person named therein became missing on a particular date and is for official purposes presumed to be dead may, in the absence of evidence to the contrary, be accepted for the purpose of registration pursuant to this Part as sufficient evidence of the death of that person on the date he became missing. Sufficiency of certificate.

36k. (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. Particulars and filing of certificate of registration.

(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 36g or in section 36h shall be sufficient, and if any of the columns in the said certificate cannot, owing to lack of 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 such place as the principal registrar shall direct.

36l. 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. Application of other provisions of this Act.

Amendment of
s. 4 of prin-
cipal Act—
Arrangement.

7. Section 4 of the principal Act is amended by inserting therein after the line "Part VA.—Registration of deaths of persons dying outside the State whilst on war service" the following line:—

Part VB.—Registration of deaths of persons dying within the State whilst on war service or dying at sea.

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

C. M. BARCLAY-HARVEY, Governor.