



ANNO PRIMO

# EDWARDI VIII REGIS.

A.D. 1936.

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## No. 2335.

An Act to consolidate and amend the law relating to the registration of births and deaths, and to the legitimation of children.

[Assented to, 3rd December, 1936.]

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

### PART I.

PART I.

#### PRELIMINARY.

1. This Act may be cited as the "Births and Deaths Registration Act, 1936". Short title.
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. The Acts mentioned in the first schedule are hereby repealed to the extent therein mentioned. Repeal.
4. The provisions of this Act are arranged as follows :— Arrangement.
  - PART I.—Preliminary.
  - PART II.—Administration.
  - PART III.—Registration of births.

**PART I.***Births and Deaths Registration Act.—1936.*

PART IV.—Registration of still-births.

PART V.—Registration of deaths.

PART VI.—Legitimation of children.

PART VII.—Miscellaneous.

**Interpretation.**

5. In this Act, unless the context otherwise requires—

“assistant district registrar” means a person appointed to act as assistant district registrar in any district :

“deputy registrar” means the Deputy Registrar of Births, Deaths, and Marriages :

“district” means a district created under or continued by this Act :

“district registrar” means a district registrar of births and deaths appointed for a district :

“Minister” means the Minister of the Crown to whom, for the time being, the administration of this Act is committed by the Governor :

“occupier of the building or place” means the principal occupier for the time being of any building or place, and, in the case of a prison, gaol, hospital, mental hospital, or other public or charitable institution, the principal officer or the person in actual charge thereof :

“parent” means the father, mother, or guardian :

“principal registrar” means the Principal Registrar of Births, Deaths, and Marriages :

“registered midwife” means any person registered as a midwife pursuant to the Nurses Registration Act, 1920 :

“repealed Act” means any Act repealed by this Act, or any other repealed Act relating to the registration of births or deaths :

“still-born” and “still-birth” apply to any child which has issued forth from its mother after the twenty-eighth week of pregnancy and which did not at any time after being completely expelled from its mother, breathe or show any other signs of life :

“undertaker” includes any person having charge of the burial of any dead body.

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## PART II.

## PART II.

## ADMINISTRATION

6. (1) The Governor may appoint a Principal Registrar of Births, Deaths, and Marriages and may appoint a Deputy Registrar of Births, Deaths, and Marriages.

Principal  
registrar.  
10, 1874, s. 3  
(part).

(2) The deputy registrar may exercise such of the powers of the principal registrar as the Minister from time to time directs, and shall, in the exercise of those powers, be subject to the same liabilities, penalties, and forfeitures as the principal registrar.

(3) The persons holding the offices of Registrar-General of Births, Deaths, and Marriages and Deputy Registrar-General of Births, Deaths, and Marriages at the commencement of this Act shall, without any further appointment, be respectively the Principal Registrar of Births, Deaths, and Marriages, and the Deputy Registrar of Births, Deaths, and Marriages.

(4) Any reference in any Act to the Registrar-General of Births, Deaths, and Marriages shall be deemed to be a reference to the principal registrar.

7. (1) The office in the city of Adelaide at the commencement of this Act for keeping a general register of births and deaths in the State, shall continue to be the office in the city of Adelaide for keeping a general register of births, still-births, and deaths.

General registry  
office.  
10, 1874 s. 3  
(part).

(2) The Minister may, by notice in the *Government Gazette*, appoint any other building in the city of Adelaide to be the office for keeping the general register of births, still-births, and deaths.

8. (1) The Governor may by proclamation divide the State into districts for the purposes of this Act, and may by proclamation revoke or alter any such proclamation.

Districts.  
10, 1874, s. 4  
(part).

(2) The districts existing pursuant to any repealed Act at the commencement of this Act shall, until revoked or altered by proclamation, be districts for the purposes of this Act.

9. (1) The Governor may appoint any person to be the district registrar for any district.

District  
registrars.  
10, 1874, s. 5.

(2) The principal registrar may appoint any person to be an assistant district registrar for any district.

(3) Any person who at the commencement of this Act was under any repealed Act a district registrar for any district shall without any further appointment continue to be the district registrar for that district.

## PART II.

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(4) Any person who at the commencement of this Act was under any repealed Act an assistant registrar for any district shall without any further appointment be an assistant district registrar for that district.

Administration of Act.

**10.** Subject to the directions of the Minister, the principal registrar shall be charged with the general administration of this Act.

Registration by district registrars.

**11.** (1) A district registrar or assistant district registrar shall record in the manner prescribed by or pursuant to this Act such particulars in regard to every birth, still-birth, or death occurring in his district as are prescribed by or pursuant to this Act.

(2) All births, still-births, and deaths occurring in the State shall be registered in accordance with the appropriate forms in the second, fifth, and eighth schedules, and the registrations so made shall together with the registrations made pursuant to any repealed Act, constitute the "Register of Births," "Register of Still-births", and "Register of Deaths" respectively.

(3) Before making any entry in any register or entering any particular for registration, a district registrar or assistant district registrar shall make such inquiries as he thinks necessary to inform himself correctly of the particulars required to be entered.

Registration by principal registrar.  
10, 1874 s. 10.

**12.** The principal registrar and the deputy registrar—

(a) may register births, still-births, and deaths occurring in any district :

(b) may make any other registration or do anything which may be made or done by a district registrar or an assistant district registrar :

(c) shall be subject to the like penalties as a district registrar in respect to any such registration.

Register of births and deaths.  
Cf. 10, 1874, s. 21 (part).

**13.** (1) There shall be general and district registers of births, still-births, and deaths.

(2) The general register shall be kept in the office appointed pursuant to section 7.

(3) The district register for any district shall be kept in the office of the district registrar.

Requirements on furnishing particulars.  
Cf. 10, 1874, s. 21 (part).

**14.** (1) Every person by whom any particulars are given for the registration of any birth, still-birth, or death, shall sign or attest his name and place of abode in the certificate of registration.

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PART II.

(2) Every such certificate shall in all cases be made in duplicate.

(3) An assistant district registrar to whom any such particulars are furnished shall within seven days forward the certificate in duplicate to the district registrar.

(4) The district registrar shall forward one of the certificates to the principal registrar.

(5) One of the certificates shall be filed in the office of the principal registrar and the other shall be filed in the office of the district registrar.

## PART III.

PART III.

## REGISTRATION OF BIRTHS.

**15.** (1) The parent of every child born alive in the State shall furnish or cause to be furnished particulars for the registration of the birth.

Duty of parent.  
Cf. 10, 1874,  
s. 13 (part).

(2) The particulars shall be those required in accordance with the form in the second schedule, and shall be furnished within forty-two days from the date of the birth.

Cf. U.K. 37  
and 38, Vict.,  
c. 88, s. 1.

(3) The particulars shall be furnished to the district registrar, or an assistant district registrar, of the district in which the child is born.

**16.** Where, owing to the death, absence, or inability of the parent of any child born in the State, registration of the birth has not been effected in accordance with the provisions of this Act, the occupier of the building or place where the child was born shall, within forty-two days after the birth, furnish to the district registrar, or an assistant district registrar, in manner provided by section 15 the particulars of the birth of the child required in accordance with the form in the second schedule.

Duty of occupier of house to notify birth in certain cases.  
Cf. 10, 1874,  
s. 13 (part).  
Cf. U.K. 37  
and 38, Vict.  
c. 88, s. 1.

**17.** (1) If a child is born at sea whose parents ordinarily reside in the State, the birth may be registered in the State by a parent of the child in manner provided by this Part for the registration of children born within the State.

Registration of children born at sea.  
Cf. 10, 1874,  
s. 16.

(2) Particulars for the registration of the birth shall be furnished in accordance with the form in the second schedule to a district registrar or assistant district registrar, and shall be furnished within forty-two days from the date of the birth.

**18.** Where any new born child is found exposed, the person who discovers the child shall report the discovery to the member of the police force in charge of the nearest police station, who shall furnish to the district registrar such particulars as have come to his knowledge in respect of the child.

Notification required where new-born child found exposed.  
Cf. 10, 1874,  
s. 13 (part).  
Cf. U.K. 37  
and 38, Vict.,  
c. 88, s. 3.

## PART III.

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Registration of illegitimate child.

Cf. N.Z. 16, 1908, s. 23.

Cf. U.K. 37 and 38, Vict., c. 88, s. 7.

**19.** (1) In the case of the birth of a child born out of lawful marriage, the mother of the child shall furnish or cause to be furnished the particulars required by section 15.

(2) On registering the birth of a child born out of lawful marriage the district registrar or assistant district registrar shall, except in the circumstances mentioned in subsection (4) or subsection (5), enter the words "not stated" in the column of the certificate for the name of the father.

(3) The father of a child born out of lawful marriage shall not be required to give information under this Act concerning the birth of that child.

(4) The district registrar or assistant district registrar shall not enter in the register the name of any person as father of any such child unless at the joint request of the mother and of the person acknowledging himself to be the father; and the father shall in any such case sign the certificate together with the mother.

(5) In any case where the father does not acknowledge himself to be the father of the child and make a request as provided by subsection (4), but the principal registrar is satisfied that, at any time before the registration of the birth, the paternity of the child has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction, the principal registrar shall direct the district registrar or assistant district registrar to enter the name of the father in the register.

(6) If in the entry of the registration of the birth of any child born out of lawful marriage the father of the child is not stated, but the principal registrar is satisfied that the paternity of the child has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction, the principal registrar shall cause to be entered in the register of births the name of the father of the child. The principal registrar shall give notice of the entry to the district registrar having possession of the register in which the birth is entered, who shall indorse on the relative entry a copy of the entry made by the principal registrar.

(7) A district registrar or assistant district registrar shall bring the provisions of this section and of Part VI. under the notice of every informant of the birth of any child born out of lawful marriage.

Registration in cases where birth not registered within prescribed period.

Cf. 10, 1874, s. 15 (part).

Cf. U.K. 37 and 38, Vict., c. 88, s. 5.

**20.** (1) Where the provisions of sections 15, 16, or 17 have not been complied with, the birth of any person shall not be registered except as follows:—

1. The birth may be registered within a period of six months from the date of the birth upon the direction of the principal registrar and after the parent or

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PART III.

some person present at the birth furnishes the particulars required in accordance with the form in the second schedule and makes a declaration in accordance with the form in the third schedule :

- II. The birth may be registered after six months after the date of the birth upon the direction of the Minister if the parent or some person present at the birth or some person with knowledge of the birth furnishes the particulars required in accordance with the form in the second schedule and makes a declaration in accordance with the form in the third schedule and the Minister is satisfied that the particulars so furnished are correct : for the purposes aforesaid the Minister may require any documents or evidence relating to the birth to be produced to him.

(2) Upon any registration pursuant to this section the fees prescribed in the fourteenth schedule shall be paid.

21. (1) Where a name (other than a surname), in addition to any name by which the child is registered, is given in baptism to a child after registration of its birth, the officiating clergyman shall, immediately after the baptism, sign and give the parent of the child a certificate in accordance with the form in the fourth schedule.

Certificate by clergyman at baptism.

Cf. U.K. 37 and 38, Vict., c. 88, s. 8.

(2) The parent shall forward the certificate to the principal registrar within twenty-one days after the date of the baptism.

(3) Upon receipt of the certificate referred to in subsection (1), the principal registrar shall—

- (a) cause to be entered in the register of births the additional name of the child ;
- (b) indorse the certificate “ entered in the register ” ;
- (c) return the certificate to the parent ; and
- (d) give notice of the entry to the district registrar having possession of the register in which the birth is registered, who shall indorse on the relative entry in the register, a copy of the entry made by the principal registrar.

22. (1) Where after the registration of the birth of a child a name (other than a surname) in addition to any name by which the child is registered is given to the child in the presence of the district registrar, the district registrar shall give to the parent of the child a certificate in accordance with the form in the fourth schedule.

Certificate to be given by registrar.

Cf. 10, 1874, s. 17.

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(2) The district registrar shall give notice of the additional name to the principal registrar who shall cause to be entered in the register of births the additional name of the child. The principal registrar shall give notice of the entry to the district registrar having possession of the register in which the birth is entered, who shall indorse on the relative entry in the register a copy of the entry made by the principal registrar.

Fee for registration.

**23.** If any name is given as mentioned in section 21 or section 22, the appropriate fee prescribed in the fourteenth schedule shall be payable on the registration of the name.

Registration of change of name.

**24.** (1) Where the principal registrar is satisfied that any person has lawfully changed his name, and that the birth of that person is registered in the register of births, the principal registrar may upon payment of the fee prescribed in the fourteenth schedule cause to be entered in the register of births a notice of the change of name.

(2) In any such case the principal registrar shall give notice of the entry to the district registrar having possession of the register in which the birth is registered who shall indorse in the relative entry in the register, a copy of the entry made by the principal registrar.

## PART IV.

## PART IV.

## REGISTRATION OF STILL-BIRTHS.

Registration of still-births.  
Cf. U.K. 16  
and 17, Geo. V,  
c. 48, s. 7.

**25.** (1) In the case of a still-birth in the State, the parent of the child shall furnish or cause to be furnished particulars for the registration of the still-birth.

(2) The particulars shall be those required in accordance with the form in the fifth schedule, and shall be furnished within forty-two days from the date of the still-birth.

(3) The particulars shall be furnished to the district registrar or an assistant district registrar of the district in which the still-birth occurs.

(4) Every such person upon furnishing the said particulars or causing the same to be furnished shall either—

(a) deliver to the district registrar or assistant district registrar a written certificate that the child was not born alive, signed by a legally qualified medical practitioner or registered midwife who was in attendance at the birth, or who has examined the body of the child ; or



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(b) make a declaration in the form in the sixth schedule to the effect that no legally qualified medical practitioner or registered midwife was present at the birth, or has examined the body, or that his certificate cannot be obtained, and that the child was not born alive.

(5) The registration of any still-birth may be made at any time after the expiration of the said period of forty-two days.

(6) The principal registrar may by notice in writing require any person required by this Part to register a still-birth to furnish particulars thereof in accordance with this Part. Any such notice may be given by post.

26. The principal registrar may with the consent of the Minister destroy or cause to be destroyed any part of any register of still-births after the lapse of ten years after the making of the last entry therein.

Power to  
destroy register  
of still-births.

27. (1) Any person who disposes of the body of a still-born child unless the disposal is authorised by the certificate, in accordance with the form in the seventh schedule, of—

Disposal of  
still-born child.  
Cf. U.K. 37  
and 38, Vict.,  
c. 88, s. 18.

- (a) a legally qualified medical practitioner :
- (b) a registered midwife :
- (c) a special magistrate ; or
- (d) a justice ; or
- (e) a member of the police force of or above the rank of a sergeant or member of the police force in charge of a police station,

who has made personal inquiry into the circumstances, shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

(2) Notwithstanding anything contained in the last preceding subsection, if any still-born child is born at a place situated more than ten miles from the nearest legally qualified medical practitioner, special magistrate, justice, or member of the police force aforesaid, and the mother was not attended by a legally qualified medical practitioner or registered midwife, it shall not be an offence against the last preceding subsection, if the child is buried without the certificate required by that subsection, if the person who buries the body, reports the fact of the birth to the member of the police force in charge of the nearest police station within seven days after the date of the birth.

## PART IV.

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(3) Upon receipt of a report in pursuance of the last preceding subsection, the member of the police force shall forthwith make a full inquiry into the circumstances of the case, and take such further action as may be necessary, and shall report the facts to the principal registrar.

(4) Any person who, having buried the body of a still-born child without the certificate required by subsection (1) of this section, neglects to make the report required by subsection (2) of this section, shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

## PART V.

## PART V.

## REGISTRATION OF DEATHS.

Notification of deaths.  
Cf. 10, 1874,  
s. 14 (part).  
Cf. U.K. 37  
and 38, Vict.,  
c. 88, ss. 10  
and 11.

**28.** (1) In the case of a death occurring in any building or place, the occupier of the building or place shall, within ten days thereafter, furnish or cause to be furnished such particulars for the registration of the death as are required in accordance with the form in the eighth schedule.

(2) The particulars shall be furnished to the district registrar or an assistant district registrar of the district in which the death occurs.

Late registration of deaths.  
Cf. 10, 1874,  
s. 15.  
Cf. U.K. 37  
and 38 Vict.,  
c. 88, s. 15.

**29.** (1) When the provisions of section 28 have not been complied with, the death of any person shall not be registered except as follows:—

- I. Where particulars are furnished by a coroner under section 31 the death shall be registered:
- II. The death may be registered at any time within six months of the date of the death upon the direction of the principal registrar after the person furnishing the particulars makes a declaration in the form in the ninth schedule:
- III. The death may be registered after six months after the date of the death upon the direction of the Minister if the person furnishing the particulars makes a declaration in the form in the ninth schedule and the Minister is satisfied that the particulars so furnished are correct; for the purposes aforesaid the Minister may require any other evidence relating to the death to be furnished to him.

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(2) Upon registration pursuant to subdivision II. or III. of subsection (1) the fees prescribed in the fourteenth schedule shall be paid.

**30.** In the event of any person finding any dead body he shall forthwith notify a member of the police force, who shall forthwith notify a coroner.

Notification of finding of dead body.  
Cf. 10, 1874, s. 14 (part).

**31.** (1) Where any inquest is held into the death of any person, the coroner shall notify the district registrar of the verdict, and shall furnish such other particulars as are required in accordance with the form in the eighth schedule to be registered concerning the death.

Notification of result of inquest inquiry.  
Cf. 10, 1874, s. 14 (part).  
Cf. U.K. 37 and 38, Vict., c. 88, s. 16.

(2) The district registrar upon receipt of the notification and particulars shall forthwith register the death.

**32.** (1) The district registrar or assistant district registrar upon registering any death shall, without fee, deliver to the undertaker a certificate in accordance with the form in the tenth schedule that the death has been duly registered.

Certificate of registration to be furnished to undertaker, &c.  
Cf. U.K. 16 and 17, Geo. V. c. 48, s. 2.

(2) The certificate shall be delivered by the undertaker to the clergyman or other officiating person required to bury or perform any religious service for the burial.

(3) If any dead body is buried for which a certificate is not so delivered, the person who buries the body or performs any funeral or religious service for the burial, or who in any way disposes of the body, shall forthwith give notice of the facts to the district registrar, who shall thereupon notify the principal registrar.

(4) The coroner holding an inquest or inquiry upon any dead body for which a certificate has not been delivered by the district registrar, may order the body to be buried before registration.

**33.** (1) A person shall not, in the absence of the certificate referred to in subsection (1) of the last preceding section, bury any dead body or cause any dead body to be buried unless there is produced to him—

Burials.  
Cf. U.K. 16 and 17, Geo. V., c. 48, s. 1.

(a) a notice in writing of the signing of a medical certificate in accordance with section 35 ; or

(b) an order by a coroner for the burial.

(2) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding two pounds.

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Non-applica-  
tion to crema-  
tions.

**34.** Nothing in the two preceding sections shall apply to any cremation, in which case the requirements of the Cremation Act, 1891, shall be complied with.

Duty of  
medical  
practitioner.  
Cf. 929 1907,  
s. 5.  
Cf. U.K. 16  
and 17, Geo. V.,  
c. 48, s. 6.

**35.** (1) Every legally qualified medical practitioner who has attended the last illness of any deceased person or who has examined the body shall deliver to the person required to give particulars of the death as provided by this Part, a certificate under his hand in the form in the eleventh schedule setting forth to the best of his knowledge and belief the cause of death.

(2) The said person shall when notifying the death deliver the certificate to the district registrar or assistant district registrar.

(3) Any legally qualified medical practitioner who refuses or neglects to give any such certificate or gives any such certificate which is lacking in any material particular shall be guilty of an offence and liable to a penalty not exceeding five pounds.

Notice by  
curator of  
cemetries.

**36.** (1) The person in charge of any cemetery shall in each of the months of January, April, July, and October in every year forward to the principal registrar a statement showing the number of persons buried in the cemetery during the preceding three months, the date of each such burial, and (where known) the names of every person so buried.

(2) Any person who commits any contravention of this section shall be guilty of an offence and liable to a penalty not exceeding two pounds.

**PART VI.****PART VI.****LEGITIMATION OF CHILDREN.**

Interpretation.  
U.K. 16 and 17.  
Geo. V., c. 60,  
s. 11.

**37.** In this Part, unless the context otherwise requires—

“disposition” means an assurance of any interest in property by any instrument whether *inter vivos* or by will:

“legitimated person” means any person legitimated by this Part or any repealed Act.

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## PART VI.

**38.** Where the parents of an illegitimate person marry one another after the commencement of this Act, the marriage shall, if the father of the said person is at the date of the marriage domiciled in this State, render the said person legitimate as from the date of the marriage.

Legitimation by subsequent marriage of parents.  
Cf. 703, 1898, s. 2 (part).  
Cf. U.K. 16 and 17, Geo. V. c. 60, s. 1.

**39.** (1) Subject to the provisions of this Part, a legitimated person, legitimated after the commencement of this Act, and his spouse, children, or more remote issue shall be entitled to take any interest—

Rights of legitimated persons.  
U.K. 16 and 17, Geo. V. c. 60, s. 3.

- (a) in the estate of an intestate person dying after the day when the legitimated person became legitimated by virtue of this Act ;
- (b) under any disposition coming into operation after the said day ;
- (c) by descent under an entailed interest created after the said day,

in like manner as if the legitimated person had been born legitimate.

(2) Any legitimated person legitimated before the commencement of this Act shall be entitled to all the rights of a child born in wedlock, including the right to such real and personal property as might have been claimed by the said person if born in wedlock, and also to any real or personal property in the succession of any other person which might have been claimed through the parent by a child born in wedlock.

703, 1898, s. 2 (part)

(3) Where the right to any property, real or personal, depends on the relative seniority of the children of any person, and those children include one or more legitimated persons, the legitimated person or persons shall rank as if he or they had been born on the day when he or they became legitimated by virtue of this Act, or any repealed Act, and if more than one such legitimated person became legitimated at the same time, they shall rank as between themselves in order of seniority.

(4) This section applies only if and so far as a contrary intention is not expressed in any disposition, and shall have effect subject to the terms of the disposition, and to the provisions therein contained.

**40.** Where a legitimated person or a child, or more remote issue of a legitimated person, dies intestate in respect of all or any of his real or personal property, the same persons shall be entitled to take the same interests therein, as they would have been entitled to take if the legitimated person had been born legitimate.

Succession on intestacy of legitimated persons and their issue.  
U.K. 16 and 17, Geo. V. c. 60, s. 4.

## PART VI.

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Application to illegitimate person dying before marriage of parents.  
U.K. 16 and 17, Geo. V. c. 60, s. 5.

**41.** (1) Where an illegitimate person dies after the commencement of this Act, and before the marriage of his parents, leaving any spouse, children, or more remote issue living at the date of the marriage, then, if that person would, if living at the time of the marriage of his parents, have become a legitimated person, the provisions of this Part with respect to the taking of interests in property by, or in succession to, the spouse, children, and more remote issue of a legitimated person, shall apply as if such person as aforesaid had been a legitimated person, and the date of the marriage of his parents had been the date of legitimation.

703, 1898, s. 3.

(2) The issue of any person legitimated pursuant to any repealed Act, who has died before the commencement of this Act and before the marriage of his parents, shall take by operation of law the same real and personal property which would have accrued to the said person if he had been born in wedlock.

Exemptions.  
203, 1898, s. 4 (part).  
Cf. U.K. 16 and 17 Geo. V. c. 60, s. 1 (2).

**42.** Nothing in this Part or in any repealed Act shall operate to legitimate a person, if at the time of his birth, there existed any legal impediment to the inter-marriage of the parents of that person.

Provisions as to persons legitimated by extraneous law.  
U.K. 16 and 17, Geo. V. c. 60, s. 8.

**43.** (1) Where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Act, and the father of the illegitimate person was or is, at the time of the marriage, domiciled in a country, other than this State, by the law of which the illegitimate person became legitimated by virtue of such subsequent marriage, that person, if living, shall in this State be recognised as having been so legitimated from the commencement of this Act or from the date of the marriage, whichever last happens, notwithstanding that his father was not at the time of the birth of such person domiciled in a country in which legitimation by subsequent marriage was permitted by law.

(2) All the provisions of this Act relating to legitimated persons and to the taking of interests in property by or in succession to a legitimated person and the spouse, children, and more remote issue of a legitimated person shall apply in the case of a person recognised as having been legitimated under this section, or who would, had he survived the marriage of his parents, have been so recognised; and, accordingly, this Part shall have effect as if references therein to a legitimated person legitimated after the commencement of this Act included a person so recognised as having been legitimated.

(3) For the purposes of this section, the expression "country" includes any part of His Majesty's dominions, as well as a foreign country.

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## PART VI.

**44.** Nothing in this Part shall affect the succession to any dignity or title of honour or render any person capable of succeeding to or transmitting a right to succeed to any such dignity or title.

Savings.  
U.K. 16 and 17  
Geo. V. c. 60,  
s. 10 (1).

**45.** (1) The principal registrar may, on production to him of a declaration in one of the forms in the twelfth schedule, or a form to the like effect, with respect to the legitimation of a person whose birth is already registered under this Act or any repealed Act, indorse or cause to be indorsed on the register a note of the fact of legitimation and shall re-register or cause to be re-registered the birth according to the form in the second schedule with such modifications as the principal registrar thinks necessary.

Indorsement of  
legitimation.  
Cf. 703, 1898,  
ss. 5 and 6.  
Cf. U.K. 16,  
and 17 Geo. V.  
c. 60, schedule.

(2) Subject to subsection (3), the principal registrar may make or cause to be made any such indorsement and re-registration in any case where—

- (a) the information with a view to obtaining the indorsement and re-registration is furnished to him by both parents;
- (b) the information is furnished by the mother of the legitimated person, and the name of a person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of particulars furnished by that person in pursuance of this Act, or any repealed Act;
- (c) the information is furnished by the mother of the legitimated person, and the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction; or
- (d) the information is furnished by one of the said parents and a declaration of the legitimacy of the legitimated person has been made by a court of competent jurisdiction.

(3) In any case where the application for indorsement and re-registration as aforesaid is made pursuant to subsection (2), but the principal registrar is of opinion that the matter is one for inquiry by a special magistrate, or in any case where the application for indorsement and re-registration as aforesaid is made after three months after the date of the marriage, or in any case other than a case mentioned in subsection (2), the principal registrar shall not make or cause to be made any such indorsement or re-registration except upon the order of a special magistrate.

## PART VI.

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(4) Every such application to a special magistrate shall be made in the form in the thirteenth schedule. Where the special magistrate is satisfied by proof upon oath or otherwise that an order should be made, he may make an order in the form in the thirteenth schedule.

Duty of  
parents.  
Cf. U.K. 16  
and 17, Geo. V.  
c. 60, schedule.

**46.** (1) It shall be the duty of the parents of a legitimated person, or, in cases where indorsement and re-registration can be effected on information furnished by one parent and one of the parents is dead, of the surviving parent, within the time hereinafter specified, to furnish to the principal registrar information with a view to obtaining an indorsement on the entry registering the birth of that person and the re-registration of the birth within three months after the date of the marriage.

(2) The failure of the parents or either of them to furnish information as required by this section in respect of any legitimated person shall not affect the legitimation of that person.

(3) No fee for indorsement and re-registration under section 45 shall be charged if the necessary information for the purpose is furnished within the time specified in this section; but in any other case there shall be charged in respect of the indorsement and re-registration the fee prescribed in the fourteenth schedule.

Saving pro-  
vision.

**47.** (1) Every person legitimated pursuant to The Legitimation Act, 1898, or The Legitimation Amendment Act, 1902, shall, except for the purposes of subsection (1) of section 39 and subsection (1) of section 41, be deemed to be a legitimated person for the purposes of this Part.

(2) If the parents of any illegitimate person have before the commencement of this Act, intermarried under such circumstances that upon registration as provided by either of the said Acts, the said person would be legitimated upon the said registration, the said person shall be deemed to be legitimated upon the indorsement upon the entry of the birth and the re-registration of the birth in manner provided by section 45, and the said section shall, *mutatis mutandis*, apply to any application for indorsement and re-registration as aforesaid.

Certified  
copies of birth  
certificates.

**48.** (1) Every certified copy of the entry relating to the birth of any person which is re-registered pursuant to this Part shall contain the particulars of the birth as so re-registered.



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(2) Every certified copy of the entry relating to the birth of any person in respect of which any note or indorsement has been made pursuant to The Legitimation Act, 1898, or The Legitimation Amendment Act, 1902, shall contain the particulars of the note or indorsement.

**49.** (1) Nothing in this Part shall in anywise affect the operation of sections 11 and 12 of the Adoption of Children Act, 1925. Application to adopted children.

(2) If pursuant to section 14 of the Adoption of Children Act, 1925, an order of adoption in respect of any person is discharged, the order shall, for the purposes of the application of this Part to the said person, be deemed never to have been made.

PART VII.

PART VII.

MISCELLANEOUS.

**50.** (1) The principal registrar and every district registrar shall cause indexes of the registry books in his office to be made and kept with the other records of his office. Index to be kept. Cf. 10, 1874, s. 23.

(2) Subject to subsection (3), every person shall be entitled at all reasonable hours to require the said indexes to be searched, and to have a certified copy of, or extract from, any entry or entries in the said register books under the hand of the principal registrar or district registrar on payment of the fees mentioned in the fourteenth schedule.

(3) The principal registrar or the district registrar may in any case he thinks fit, require the person seeking to have any such search made to disclose the reasons for the search and any other relevant matters and if the principal registrar or district registrar is of opinion that the search is required for improper reasons or that the person requiring the search has not proper reasons for making the search, he may refuse to allow the search or to issue any such certified copy or extract.

**51.** (1) All certified copies of entries purporting to be under the hand and seal of the principal registrar, the deputy registrar or of any district registrar as aforesaid shall be received as *prima facie* evidence in any court of the birth or death to which the same relates without any further or other proof of the entry. Certified copies to be evidence. Cf. 10, 1874, s. 21.

## PART VII.

*Births and Deaths Registration Act.—1936.*

(2) Upon a certificate being made by the principal registrar that the register of births, register of still-births, or register of deaths for any specified period, and for any particular district is lost or destroyed, then and in all such cases the certificate of the principal registrar, under his hand and seal, shall be received as evidence in any court of the matter to which the same relates without further proof being required.

Correction of errors.  
Cf. 10, 1874, s. 27.  
Cf. U.K. 37 and 38, Vict. c. 88, s. 36.

**52.** (1) If the principal registrar is satisfied by declaration, or in any other manner he thinks fit, that any particular in any register of births or register of still-births or register of deaths is incorrect, he may correct the register, which correction shall be signed by him and marked with the date upon which the correction is made.

(2) Notice of any such correction shall be given by the principal registrar to the district registrar having possession of the register in which the birth, still-birth, or death is registered, and the district registrar shall indorse on the relative entry in the register a copy of the correction made as aforesaid by the principal registrar.

(3) If any certified copy or extract from any entry so corrected or otherwise altered or added to pursuant to this Act, is issued by the principal registrar or a district registrar, the copy shall be of the entry as so corrected, altered, or added to: Provided that in any case in which the principal registrar thinks fit the certified copy shall be a copy of the original entry showing all alterations and additions made thereon pursuant to this Act or any repealed Act.

Forms.

**53.** (1) Strict compliance with the prescribed forms shall not be required, but substantial compliance shall be sufficient for the purposes of this Act.

(2) Nothing in this Act shall prevent the acceptance by a district registrar or assistant district registrar of information, certificates, notices, or applications in accordance with any form legally in use immediately before the commencement of this Act, or prevent the registration of any birth or death by virtue of any such information, certificate, notice, or application.

Penalties for failure to register.

**54.** Any person who—

- (a) being a person obliged to register any birth, still-birth, or death, fails so to do within the time prescribed in this Act;
- (b) obtains the registration of the birth or still-birth of any child, or the death of any person, contrary to this Act; or

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- (c) fails to furnish the particulars of any still-birth when required by the principal registrar pursuant to section 25,

shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

**55.** Any person who buries or otherwise disposes of any body in contravention of this Act, shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

Penalties for burying body contrary to Act.

**56.** Any person who makes or causes to be made any false statement with respect to any particulars to be included in any register under this Act shall be guilty of an offence and liable to a penalty not exceeding twenty pounds unless he proves that the false statement was not made wilfully.

Penalty for giving false information.  
Cf. 10, 1874, s. 25.

**57.** Any district registrar or assistant district registrar who—

Offences of registrar.

- (a) omits or refuses without reasonable cause to register any birth or death, or other registration in accordance with the provisions of this Act ; or
- (b) negligently registers false particulars in relation to any birth or death or other registration under this Act,

shall be guilty of an offence and liable to a penalty not exceeding twenty pounds.

**58.** Any person who—

- (a) wilfully destroys or injures or causes to be destroyed or injured, any register book, or any part or certified copy of any part thereof ; or
- (b) falsely makes or counterfeits or causes to be falsely made or counterfeited, any part of any such register book or certified copy thereof ; or
- (c) wilfully inserts or causes to be inserted, in any register book or certified copy thereof, any false entry of any birth or death ; or
- (d) wilfully gives any false certificate ; or
- (e) certifies any writing to be a copy or extract of any register book, knowing the same to be false in any part thereof ; or
- (f) forges or counterfeits the seal or signature of the principal registrar, the deputy registrar, or any district registrar,

Destruction or alteration or forgery of register to be felony.  
Cf. 16, 1864, s. 26.

shall be guilty of felony and liable to imprisonment for any term not exceeding five years.

## PART VII.

*Births and Deaths Registration Act.—1936.*

## Regulations.

**59.** The Governor may make regulations for and in relation to—

- (a) the forms to be used in connection with this Act and the modification or variation of the forms in the schedules or the substitution of other forms for those forms :
- (b) the fees to be charged for the performance of the several acts, matters, and things provided for in this Act in lieu of or in addition to the fees prescribed in the schedule :
- (c) the duties of district registrars and assistant district registrars :
- (d) such matters as are necessary or convenient to be prescribed for giving effect to this Act.

## Power to take declaration.

**60.** Any declaration required to be made under or pursuant to this Act may be taken before the principal registrar, the deputy registrar, or a district registrar or assistant district registrar, and the principal registrar, deputy registrar, and every district registrar and assistant district registrar is hereby authorised to take any such declaration.

## Power to remit fees.

**61.** The Minister may remit the whole or any part of any fee required to be paid pursuant to this Act.

## Power to direct retention of fees.

**62.** The Minister may from time to time by general or special direction, direct that the whole or any part of any fees paid pursuant to this Act to any district registrar or assistant district registrar may be retained by the district registrar or assistant district registrar. Any such direction may be revoked or varied by the Minister.

## Summary proceedings.

**63.** All proceedings for an offence against this Act (not being a felony) shall be disposed of summarily.

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

W. DUGAN, Governor.

*Births and Deaths Registration Act.—1936.*

## SCHEDULES.

## THE FIRST SCHEDULE.

## SCHEDULE OF ACTS REPEALED.

Number and Year of Act.	Short Title.	Extent of Repeal.
No. 10 of 1874 .....	The Registration of Births and Deaths Act, 1874	The whole
No. 703 of 1898 .....	The Legitimation Act, 1898 .....	The whole
No. 744 of 1900 .....	The Registration of Births and Deaths Amendment Act, 1900	The whole
No. 793 of 1902 .....	The Legitimation Amendment Act, 1902	The whole
No. 929 of 1907 .....	Births, Marriages, and Deaths Registration Amendment Act, 1907	The whole, except section 2
No. 1192 of 1915 .....	Registration of Deaths in War Act, 1915	The whole

**THE SECOND SCHEDULE.**  
**CERTIFICATE OF BIRTH.**

19				District of								
When Born, and Where.	Name (if any).	Sex.	Name, Surname, Age, and Birthplace of Father.	Name, Surname, Maiden Surname, Age, and Birthplace of Mother.	Year of Marriage of Parents.	Number of Previous Issue.		Rank or Profession of Father.	Signature, Description, and Residence of Informant.	When Registered.	Signature of Registrar.	Name, if added after Registration of Birth.
						Living.	Deceased.					

Entered at the                      Registry Office, this                      day of                      , 19  
*(Signature of)*                      Registrar.

**NOTE.**—When the birth takes place in or at any public or private building used as a hospital, mental hospital, nursing or lying-in home, prison, reformatory or other institution, the name by which such building is known must also be entered in the first column.

*Births and Deaths Registration Act.—1936.*

THE THIRD SCHEDULE.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Declaration to be made on Late Registration of Birth.*

I,.....of.....do solemnly and sincerely declare that a (a).....child was born at.....on the.....day of.....and that the particulars now furnished for the registration of the said birth are the true particulars of the birth.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act, 1936.

Declared at ..... }  
this.....day of..... }  
before me ..... }

(a) Male or female.

THE FOURTH SCHEDULE.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Certificate of Additional Name.*

I,.....Clergyman of [or District Registrar of]..... hereby certify that I have this day baptised by the name of..... [or that the name of.....has this day been given to] a (a)..... child produced to me by.....as the (b)..... of.....and.....and declared by the said..... to have been born at.....on the.....day of.....19...., and to have been registered under the name of.....

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

.....  
Clergyman (or District Registrar).

(a) Male or female ; (b) Son or daughter.

**THE FIFTH SCHEDULE.  
CERTIFICATE OF STILL-BIRTH.**

19 .

District of .

When and Where Born.	Sex.	Names and Surname of Father.	Names and Maiden Surname of Mother.	Age of Mother.	Signature, Description and Residence of Informant.	When Registered.	Nature of Evidence upon which Registered as Still-Born.	Cause of Still-Birth (if known).	Signature of Registrar.

Entered at Registry Office, this day of , 19 .  
(Signature of) Registrar.



*Births and Deaths Registration Act.—1936.*

THE SIXTH SCHEDULE.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Declaration on Registration of Still-born Child when Certificate of Medical Practitioner or Registered Midwife is not Produced.*

I,.....of .....do solemnly and sincerely declare as follows:—

1. No legally qualified medical practitioner or registered midwife was present at the birth of the still-born child born on the.....day of.....at.....to.....or has examined the body [or The certificate of.....the legally qualified medical practitioner and .....the registered midwife who was (*were*) present at the birth of the still-born child born on the.....day of.....at.....to.....cannot be obtained by reason of (*here state reasons why certificate cannot be obtained*)].

2. The said still-born child was not born alive.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act, 1936.

Declared at ..... }  
 this.....day of..... }  
 before me ..... }

THE SEVENTH SCHEDULE.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Authority for Disposal of Body of Still-born Child.*

I,.....of .....having made personal inquiry into the circumstances of the birth, hereby authorise the burial of the body of the still-born.....child of .....born at.....on the.....day of .....19....

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

Signature.....  
 (Description of person giving authority.)

NOTE.—This authority may be given by a legally qualified medical practitioner, registered midwife, special magistrate, justice, member of the police force of or above the rank of a sergeant, or member of the police force in charge of a police station.

**THE EIGHTH SCHEDULE.  
CERTIFICATE OF DEATH.**

19 .													District of .			
When Died.	Name and Surname.	Sex and Con-jugal Status	Age.	Rank or Pro-fession.	Usual Residence.	Birthplace and Length of Residence in Com-ponwealth.	Age at Marriage or Re-marriage.	Number of Issue Living.		Number of Issue Deceased.		Cause of Death.	Place where Death Occurred.	Signature, Description, and Residence of Informant.	If female, state whether or not death occurred within three months after birth of a child.	Signature of Registrar and Date of Registration.
								Male.	Female.	Male.	Female.					

Entered at the Registry Office, this day of , 19 .  
(Signature of) Registrar.

NOTE.—When the deceased is a young person of no occupation, or a child, or a married woman, or a widow, the rank can be entered, as the case may require, thus :—“ Son of (or wife of) John James Brown, tailor,” or “ Widow of the late Thomas Jones, carpenter.” When the death takes place in or at any public or private building used as a hospital, mental hospital, nursing or lying-in home, prison or reformatory, or other institution, the name by which such building is known must also be stated in the twelfth column.

*Births and Deaths Registration Act.—1936.*

THE NINTH SCHEDULE.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Declaration of Late Registration of Death.*

I,.....of .....  
do solemnly and sincerely declare that the following particulars are correct, and that the  
death was not previously registered in consequence of.....

.....  
.....

When died .....

Name and Surname .....

Sex.....Age .....

Trade or calling .....

Usual residence .....

Cause of death .....

Place where death occurred .....

And I make this solemn declaration conscientiously believing the same to be true and  
by virtue of the Oaths Act, 1936.

Declared at ..... }  
this.....day of..... }  
before me ..... }

THE TENTH SCHEDULE.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Certificate of Registration of Death.*

I,.....District Registrar of Births, Deaths and  
Marriages (or Assistant Registrar of Births and Deaths) at.....  
hereby certify that the death of .....was duly registered by  
me on the.....day of.....19.....

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

.....  
Registrar.

*Births and Deaths Registration Act.—1936.*

THE ELEVENTH SCHEDULE.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Medical Certificate of the Cause of Death.*

Name .....

Aged .....last birthday ; was attended by me.

Length of residence in Australia.....

Died on the.....day of.....19....

	Cause of Death.	Duration of Disease.
Primary disease .....(a)		
Secondary diseases (if any) ..(b)		
(c)		
(d)		

Have the goodness to state the primary and only the important secondary diseases.

If deceased female, state (if known) whether or not deceased died within three months after giving birth to a child.

Signed.....

Professional Titles (if any)—

THE TWELFTH SCHEDULE.

FORM No. 1.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Declaration by Both Parents for Indorsement of Legitimation of Children.*

We, ....., of ..... and.....  
of....., do solemnly and sincerely declare as follows :—

1. We are the parents of a child named....., born on the..... day of....., at.....
2. We were married on the.....day of....., at.....
3. At the date of the said marriage, the said (*father of child*).....was domiciled in South Australia.
4. No legal impediment to our marriage existed at the time of the birth of the said child.
5. The said (*mother of the child*) had not before her said marriage to the said (*father of the child*) been married to any other person or The said (*mother of the child*) was before her said marriage to the said (*father of the child*) married on the .....day of..... to (*state name of previous husband*) which marriage was determined on the.....day of ..... by (*state reason, whether death or divorce*).....
6. The documents hereunto annexed are a certificate of our marriage and a certificate of the birth of the said child.
7. We are desirous of having indorsed on the registration of the birth of the said child a note of the fact of the legitimation of the said child, and of having the birth of the said child re-registered.

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act, 1936.

Declared at.....by the above-named }  
.....and ..... }  
this.....day of..... }  
before me..... }

*Births and Deaths Registration Act.—1936.*

FORM No. 2.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Declaration by One Parent for Indorsement of Legitimation of Child.*

I, ....., of ....., do solemnly and sincerely declare as follows :—

1. I and ..... of ....., are the parents of the child named ....., born on the ..... day of ..... at .....
2. I and the said ..... were married on the ..... day of ....., at .....
3. At the date of the said marriage (*state the father of the said child*) ..... was domiciled in South Australia.
4. No legal impediment to the said marriage existed at the time of the birth of the said child.
5. I or The said (*mother of the child*) had not before my (*or her*) said marriage to the said (*father of the child*) been married to any other person or I or The said (*mother of the child*) was before my (*or her*) said marriage to the said (*father of the child*) married on the ..... day of ..... to (*state name of previous husband*) which marriage was determined on the ..... day of ..... by (*state reason, whether death or divorce*).
6. Hereunto annexed are a certificate of the said marriage and a certificate of the birth of the said child.
7. The name of the said ..... (*father of child*) has been entered in the registration of the birth of the said child in pursuance of particulars furnished by him, or The said ..... was by an order of ..... (*name the court*) made on the ..... day of ..... adjudged to be the father of the said child, or By an order of ..... (*name the court*) made on the ..... day of ..... the said child was declared to be the legitimate child of me and the said .....
8. A certified copy of the order referred to in paragraph 7 hereof is hereunto annexed.
9. I am desirous of having indorsed on the registration of the birth of the said child a note of the fact of the legitimation of the said child, and of having the birth of the said child re-registered.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act, 1936.

Declared at ..... by the above-named }  
 ..... this ..... day of }  
 ..... before me..... }

THE THIRTEENTH SCHEDULE.

FORM No. 1.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Application for Order of Special Magistrate for Indorsement of Legitimation.*

To ..... Esquire,  
Special Magistrate.

We ..... of .....  
 and ..... of .....  
 do apply to you for an order for the indorsement of the legitimation and the re-registra-  
 tion of the birth of ....., born on the .....  
 day of ....., at .....

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

.....  
 .....  
 Signatures of Applicants.

*Births and Deaths Registration Act.—1936.*

FORM NO. 2.

BIRTHS AND DEATHS REGISTRATION ACT, 1936.

*Order of Special Magistrate.*

Application of ..... for an order for the  
indorsement of the legitimation of .....

I, ..... Esquire, special magistrate, being satisfied on  
proof—

- (a) that ..... of ..... and  
..... of .....  
are the parents of a child .....  
who was born on the ..... day of  
..... at .....
- (b) that the said ..... and the said .....  
..... were married on the .....  
day of ..... at .....
- (c) that at the date of the said marriage the said (*father of the child*) ..... was  
domiciled in South Australia :
- (d) that at the date of the birth of the said .....  
no legal impediment existed to the marriage of the said .....  
and the said .....
- (e) that the person referred to in the certificate of birth produced to me is the said  
..... and that the persons referred to in the said certificate  
of marriage are the said ..... and the said  
.....

I therefore order that there be indorsed on the registration of the birth of the said  
..... a note of the fact of the legitimation of the said .....  
..... and that the birth of the said .....  
be re-registered in manner provided by Part VI. of the Births and Deaths Registration  
Act, 1936.

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

.....  
Special Magistrate.

## THE FOURTEENTH SCHEDULE.

## SCHEDULE OF FEES.

	£	s.	d.
Certified copy under seal of registration of any birth or death .....	0	5	0
Search of birth or death (including extract) .....	0	3	0
For registration of death after expiration of 10 days and within six months ..	0	2	6
For registration of birth after expiration of 42 days and within six months ...	0	2	6
For registration of birth or death after six months .....	1	0	0
Correction of birth or death registration .....	0	5	0
Registration of additional name within six months after birth of child .....	0	2	6
Registration of additional name after six months after birth of child .....	0	10	0
For entering name when changed as provided by section 24 .....	0	10	0
Indorsing legitimation on registration of birth and re-registration of birth after three months .....	0	5	0