

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

12° GEO. VI., No. XXI.

No. 21 of 1948.

AN ACT to amend the Registration of Births, Deaths and Marriages Act, 1894

[Assented to 18th November, 1948.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Registration of Births, Deaths and Marriages Act Amendment Act, 1948*, and shall be read as one with the Registration of Births, Deaths and Marriages Act, 1894 (Act 58 Victoriae No. 16, as amended by Acts 64 Victoriae No. 31, No. 19 of 1907, and No. 4 of 1914), hereinafter called the principal Act, and shall come into operation and take effect as and from a date to be proclaimed.

Short title and commencement.

2. The principal Act, as amended by this Act, may be cited as the *Registration of Births, Deaths and Marriages Act, 1894-1948*.

Citation of principal Act as amended.

3. Section three of the principal Act is amended by deleting the definition of "District Registrar" and substituting therefor the following definitions:—

Amendment of s. 3

"Assistant District Registrar" means any registrar appointed to a registry district to assist the district registrar in the carrying out of his duties therein.

"District Registrar" means any district registrar or deputy district registrar appointed to administer the provisions of this Act in a registry district.

Amendment
of s. 8.

4. Section eight of the principal Act is amended by deleting the word "dwell" in line two and substituting therefor the words "maintain an office".

Amendment
of s. 13.

5. Section thirteen of the principal Act is amended by inserting after the word "shall" in line three of subsection (2) the words "within ten days after such death".

Repeal of
s. 14 and
substitution
of new
section.
District
Registrars to
transmit
monthly to
Registrar
General
duplicates of
registrations
of births and
deaths and
of marriage
certificate.

6. Section fourteen of the principal Act is repealed and a new section is substituted therefor as follows:—

14. Every district registrar shall, on the first day of every month, transmit to the Registrar General—

- (a) duplicates of the registrations of births and deaths made and entered in his office during the next preceding month;
- (b) duplicates of marriage certificates in respect to marriages celebrated by him during the next preceding month; and
- (c) certificates of marriages celebrated by ministers and registered by him during the next preceding month.

All such duplicates and certificates shall be thereafter kept in the General Registry, in such order and manner as the Registrar General thinks fit so that the same may be most readily seen and examined.

Amendment
of s. 16.

7. Section sixteen of the principal Act is amended by adding at the end thereof the following proviso:—

Provided that if any registration of birth in such register book reveals the fact that the person whose birth such registration records has been legally adopted, or is an illegitimate child, no search of such registration shall be permitted unless and until the Registrar General shall consent to such search being made, and no certified copy of such registration shall be issued, except by the authority and at the discretion of the Registrar General.

Amendment
of s. 20.

8. Section twenty of the principal Act is hereby amended by adding a new subsection as follows:—

(4) If the Registrar General is satisfied that it is expedient for a marriage to be celebrated at any particular place and the office of the District Registrar of the district in which such place is situated is not located within reasonable distance of such place, and there is no minister available to celebrate such marriage, the Registrar General, upon receiving a request in writing under the hand of the head of a religious denomination for the registration of a person not ordinarily officiating as a minister of religion for the purpose of celebrating such marriage, may register the name of such person as authorised to celebrate such marriage, or the Registrar General, on receiving a request in writing under the hands of the intended parties to the marriage may at his discretion register the name of a person designated by him who shall be authorised to celebrate such marriage according to the form applicable in the case of a marriage celebrated by a District Registrar.

9. Section twenty-one of the principal Act is amended by inserting after the word "wilfully" in line six the words "or habitually".

Amendment
of s. 21.

10. Section twenty-eight of the principal Act is amended by deleting the words "the same" in the last line thereof and substituting therefor the words "the reasons for the omission previously to furnish the information required for the registration of such birth."

Amendment
of s. 28.

11. The principal Act is amended by inserting after section thirty-one a new section as follows:—

New section
31A.

31A. Where the Registrar General is satisfied that any person whose birth or marriage is registered in Western Australia, has lawfully changed his name since such registration, then the Registrar General may, upon receipt of an application in writing from such person for such change to be noted in the register, together with a copy of the document (if any) authorising such change, and upon payment of the prescribed fee, cause an entry referring to such change of name to be made in the margin of the registration of birth or marriage (as the case may be) of such person.

Registration
of Change of
Name.

Amendment
of s. 32.

12. Section thirty-two of the principal Act is amended by adding after the word "found" in line four the words "and shall forthwith as far as he is able, after due inquiry, furnish to the district registrar such particulars as the district registrar may require to effect registration of the birth."

Amendment
of s. 34.

13. Section thirty-four of the principal Act is amended by—

- (a) inserting after the word "occurs," in line two of subsection (1), the words "or the person disposing of the body"; and
- (b) adding after the word "mentioned" in the last line of the proviso to subsection (2) the words "upon payment of the fee which would have been payable had the registration been effected within fourteen days."

Repeal of
s. 37 and
substitution
of new
section 37.

14. Section thirty-seven of the principal Act is repealed and a new section is substituted therefor as follows:—

Where dead
body is found
notice to be
given to the
District
Registrar.

37. Whenever any dead body is found exposed, or whenever in the case of the death of any person there is reasonable cause to suspect that such person has died either a violent or unnatural death, or has died a sudden death of which the cause is unknown, then if the Coroner of the district where such body has been found or such death has occurred considers that it is unnecessary to hold an inquiry into the manner and cause of the death, the Coroner shall forthwith give to the district registrar such information as he possesses as to the identity of the deceased person and the date, place and cause of death.

Amendment
of s. 39.

15. Section thirty-nine of the principal Act is amended by—

- (a) inserting after the word "bury" in line nine, the words "or dispose of the body";
- (b) inserting after the word "burial" in line nine, the words "or disposal of the body";
- (c) inserting after the word "buried" in line ten, the words "or disposed of";

- (d) inserting after the word "buries" in line eleven, the words "or disposes of";
- (e) substituting for the words "or who in any other way disposes of the body, shall forthwith" in lines eleven and twelve, the words "or disposal of the body, shall, within fourteen days after such burial or disposal";
- (f) inserting after the word "buried" in line seventeen, the words "or otherwise disposed of";
- (g) inserting after the word "Act," in line twenty, the words "or the form prescribed by the Cremation Act, 1929-1935, and the regulations made thereunder,";
- (h) substituting for the word "forthwith" in line twenty-three, the words "within fourteen days after the burial or disposal of the body"; and
- (i) substituting for the words "such burial or by two respectable persons, and every such burial shall be registered with the death of such person." in lines twenty-five, twenty-six and twenty-seven, the words "the burial or disposal or depositing at a crematorium, of such body, or by two witnesses of the burial, disposal, or depositing at a crematorium of such body, and every such burial, disposal or cremation of such body shall be registered with the registration of the death of such person."

16. The principal Act is amended by inserting after section thirty-nine a new section as follows:—

**New section
39A.**

39A. The superintendent or person in charge of any cemetery or crematorium shall, before the fifteenth day of each and every month, forward to the Registrar General a statement setting out the names and the last previous addresses of all persons whose bodies were received for burial or cremation at such cemetery or crematorium during the next preceding month.

**Lists of
burials and
cremations
to be for-
warded to
Registrar
General
monthly.**

17. Section forty of the principal Act is amended by—

**Amendment
of s. 40.**

- (a) substituting for the first paragraph commencing with the words "Every minister" and concluding with the words "the same" a new paragraph as follows:—

Every district registrar shall, immediately after a marriage celebrated by him, register in duplicate the several particulars relating to such marriage, according to the form of the Eleventh Schedule to this Act, and shall also register the several particulars, according to the form of the Eleventh Schedule to this Act, relating to any marriage celebrated in his registry district by a minister, who shall have transmitted such particulars to the district registrar for such purpose as provided in paragraph (b) of this section; and all such registrations shall be numbered consecutively;

- (b) substituting for the words "forthwith transmit the second" in line two of paragraph (b) of the section, the words "within fourteen days after the celebration of such marriage, transmit another";
- (c) substituting for the word "third" in line ten of paragraph (b) of the section the word "remaining"; and
- (d) deleting subsection (c) and substituting the following:—

(c) Whenever the marriage is celebrated by a District Registrar, the second copy of such register form shall be retained by the District Registrar as a record of such marriage, and the third copy shall be transmitted by him to the Registrar General.

New section
44A.

18. The principal Act is amended by inserting after section forty-four a new section as follows:—

Registrar
General may
require any
person to
furnish
information.

44A. (1) When by reason of the default of the persons required to give information, any birth, death or marriage has not been registered or has been registered without all the required particulars having been recorded, the Registrar General may

require any person whom he believes to be acquainted with any of the facts concerning such birth, death or marriage, to attend personally at the Registrar General's office or at the office of the district registrar in whose district such person resides within such time, being not less than seven days after the receipt of the notice, as may be specified in the notice requiring such attendance, and to give to the Registrar General or to the district registrar, as the case may be, such information as he possesses concerning such birth, death or marriage as the Registrar General or the district registrar may require to enable the said birth, death or marriage to be registered, or to enable the required particulars to be recorded.

(2) It shall be the duty of any person to whom any such notice is given to comply with the requirements of such notice within the time therein specified.

19. Section forty-six of the principal Act is amended by deleting subsection (2) and inserting in substitution therefor the subsection following:—

Amendment
of s. 46.

(2) Every person who shall give the information required for the registration of births or deaths under this Act shall forward or produce to the district registrar a statement in the prescribed form of the particulars required by this Act to be registered, and such prescribed form shall include a declaration in the form given in the Twelfth Schedule to this Act, or to such like effect, verifying such particulars and attested by a subscribing witness, and a person producing such statement to the district registrar may also be required to subscribe his name in the register of births or deaths in the column provided for recording particulars of the informant.

The district registrar shall mark each statement so forwarded or produced to him with a number corresponding with the number of the entry in the register, and with the respective dates on which it was received and registered, and shall sign the same, and in cases where the informant does not sign the register, shall insert the name of such informant in the appropriate column in the register,

preceded by the words "certified in writing by". Each such statement shall, upon completion of the registration, be forwarded by the district registrar to the Registrar General, who shall cause the same to be filed in his office.
