

# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XIX.

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No. 19 of 1907.

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

[Assented to 20th December, 1907.]

**B**E 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 Amendment Act, 1907*, and shall be read as one with the Births, Deaths, and Marriages Act, 1894, hereinafter referred to as the principal Act. Short title.

2. This Act shall come into operation on a date to be fixed by proclamation published in the *Government Gazette* within three months from the passing thereof. Commencement.

3. Section three of the principal Act is amended—

(a.) By striking out the definition of "District Registrar" and inserting in place thereof: "District Registrar" means any district registrar, deputy district registrar, or assistant district registrar appointed to administer the provisions of this Act.

Amendment of 58  
Vict., No. 16, s. 3.

(b.) By striking out the definition of "Minister" and inserting in place thereof: "Minister" means a minister of religion or other person duly registered to celebrate marriages within Western Australia.

(c.) By inserting, "Still-born child" means any child of seven months' gestation or over not born alive.

Deputy Registrar  
General.

4. The Governor may from time to time appoint a Deputy Registrar General, and everything appointed or authorised or required to be done or signed by the Registrar General may be done or signed by the Deputy Registrar General, and shall be as valid and effectual as if done or signed by the Registrar General himself.

Amendment of sec.  
6.

5. Section six of the principal Act is repealed, and the following is enacted in place thereof:—

Power to appoint  
district registrars  
and deputies.

6. (1.) The Governor may from time to time appoint district registrars and assistant district registrars, and may also at any time appoint a fit person to be the deputy of any district registrar, to act in the case of the death, illness, or unavoidable absence of the district registrar.

(2.) Every deputy district registrar shall, during the time he so acts, have all the powers and privileges, and perform all the duties, and be subject to all the responsibilities of the district registrar, for whom he is appointed deputy.

(3.) Whenever any district registrar dies, the deputy appointed as aforesaid shall act from the day of such death until a new appointment has been made to the vacant office; and in case of illness or absence shall act from such day as the district registrar (or in case of illness incapacitating him to do so, his medical attendant) certifies under his hand to the deputy appointed as aforesaid to act for him that he is ill and unable to perform his duties, or that he is about to be absent, and such deputy shall cease to act from the day on which he receives from the officer, whose deputy he is, a certificate under his hand to the effect that such officer has resumed his duties.

(4.) No district registrar shall have power to act during such term as his deputy is lawfully acting.

(5.) In any case where no deputy has been so appointed by the Governor, the Registrar General may, during the illness or unavoidable absence of any district registrar, temporarily appoint a fit person to act as deputy for such district registrar, and such deputy shall, while so

acting, have all the powers conferred by the principal Act, and be subject to all the provisions thereof affecting district registrars: Provided that every such appointment shall be subject to revocation by the Governor.

6. Subsection one of section thirteen is repealed, and the following is enacted in place thereof:—

Amendment of  
sec. 13.

13. (1.) The Registrar General may from time to time prescribe—

Certificates of  
causes of death.

(a.) The forms of certificate of the causes of death to be given by duly qualified medical practitioners; and

(b.) The system of classification of the causes of death to be adopted by such practitioners,

and shall from time to time cause to be furnished printed forms of such certificates and full particulars of such system *gratis* to any such practitioner.

7. Section nineteen of the principal Act is amended by adding to subsection one the following words:—

Amendment of sec.  
19.

“or the Marriage Act, 1894.”

8. Section twenty-one of the principal Act is amended by adding the following words:—

Amendment of sec.  
21.

“Provided that the Colonial Secretary may suspend such minister pending inquiry into such charges.”

9. Section twenty-two of the principal Act is repealed, and the following is enacted in place thereof:—

Amendment of sec.  
22.

22. Any minister registered as aforesaid who ceases to reside in the district registrar's district within which his registered or last registered residence was situated, or who has ceased ordinarily to officiate as a minister of the religious denomination in respect of which he is registered, shall forthwith cause his new residence, denomination, or designation (as the case may be) to be registered anew with the Registrar General.

When ministers  
to be registered  
anew.

10. Section twenty-five of the principal Act is repealed, and the following is enacted in place thereof:—

Amendment of sec.  
25.

25. Whenever the Registrar General has been duly notified that any minister is dead, or has left Western Australia, or resides in another district than the one in which he was last registered as residing, or has ceased ordinarily to officiate as a minister of the religious denomination in respect of which he

When registration  
of ministers may be  
cancelled.

is registered, the Registrar General shall, on receipt of such notification, if he think fit, cancel the registration of such minister, and forthwith publish notice of such cancellation in the *Gazette*.

Amendment of sec.  
34.

**11.** Section thirty-four of the principal Act is amended by adding the following words:—

“After the expiration of fourteen days and within twelve months next following the day of the death of any person in Western Australia, the district registrar may register such death upon payment of such fee as may be prescribed, and upon the informant making a statutory declaration as to the truth of the particulars required by the district registrar concerning the reasons for the omission to register such death.”

Amendment of  
Section 36.

**12.** Section thirty-six of the principal Act is hereby repealed, and the following section is substituted therefor:—

Registration of  
death after 12  
months.

**36.** (1.) After the expiration of twelve months following the death of any person in Western Australia, it shall not be lawful for any district registrar to register the death of such person except by the written authority of the Registrar General, and in accordance with the regulations, and on payment of the prescribed fee; and the fact of such authority having been given shall be entered on the register.

Registration of  
death after 7 years.

(2.) No registration of a death shall be made after the expiration of seven years from the date of such death except by the authority of a Judge of the Supreme Court, and the fact of such authority having been given and the date when it was given shall be entered in the register.

Register not to be  
evidence of death if  
made after 12  
months from death  
unless authorised  
by Registrar  
General, nor if  
made after 7 years  
from death unless  
authorised by  
Judge.

(3.) No register, or certified copy of any entry in the register, shall be evidence to prove the death of any person wherein it shall appear that twelve months have intervened between the day of the death and the day of the registration of the death of such person, unless such entry purports to have been made by the written authority and in accordance with the regulations aforesaid; and no register or certified copy as aforesaid shall be evidence to prove the death of any person wherein it shall appear that seven years have expired between the day of the death and the day of the registration of the death of such person, unless such entry purports to have been made by the authority of a Judge of the Supreme Court, the date whereof is entered as aforesaid.

Penalty.

(4.) Every District Registrar, who, save as hereinbefore provided, knowingly registers, or causes to be registered, the death of any person after the expiration of twelve months following the death of such person, shall, for every such offence, be liable on conviction to a fine not exceeding fifty pounds.

**13.** (1.) Notwithstanding anything contained in the principal Act, the birth of any still-born child shall, within fourteen days after the birth, be registered, without fee or reward, both in the Register of Births and the Register of Deaths at the office of the district registrar of the district in which such birth has occurred; and for all the purposes of the Registration of Births, Deaths, and Marriages Act, 1894, such child shall be deemed to have been born alive and to have subsequently died.

Registration of still births.

(2.) No interment of such child shall take place unless the interment is authorised by the certificate of a duly qualified medical practitioner, or a certificated midwife or nurse, or of a police or resident magistrate or officer of police not under the rank of sergeant, who has made personal inquiry into the circumstances.

(3.) Any person interring a still-born child without first obtaining such certificate shall be guilty of an offence, and liable, on conviction, to a fine not exceeding one hundred pounds, or to imprisonment with or without hard labour, for any term not exceeding six months.

(4.) Provided that if any still-born child is born at a place situated more than ten miles from the nearest duly qualified medical practitioner, magistrate, or officer of police, and the mother was not attended by a certificated midwife or nurse, such child may be interred without such certificate, but the birth of the child so buried shall be reported within fourteen days from the date of the burial, by the person who interred the body, to the nearest police officer, who shall forthwith make a full inquiry into the circumstances of the case, with the view of taking further action if necessary; any person who so buried the body of a still-born child and neglects to make the report required by this subsection shall be guilty of an offence, and liable, on conviction, to the penalty prescribed by subsection three of this section.

**14.** The Governor may from time to time amend the forms contained in the Schedules to the principal Act numbered three to eleven inclusive.

Power to amend forms.

**15.** The Governor may make regulations for carrying the principal Act and its amendments into effect, and by such regulations may prescribe the fees payable for registrations.

Regulations.