Registration of Deaths Abroad Act 1984

Act No. 169 of 1984 as amended

This compilation was prepared on 14 February 2012
taking into account amendments up to Act No. 46 of 2011

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be affected by application provisions that are set out in the Notes section

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An Act to provide for the registration of the deaths of Australian citizens who have died abroad and of certain other persons

Part I—Preliminary

1 Short title [*see* Note 1]

This Act may be cited as the *Registration of Deaths Abroad Act 1984*.

2 Commencement [*see* Note 1]

This Act shall come into operation on a date to be fixed by Proclamation.

3 Interpretation

(1) In this Act, unless the contrary intention appears:

aircraft includes any machine that can derive support in the atmosphere from the reactions of the air.

appoint includes re-appoint.

Australian aircraft means:

(a) an aircraft registered in Australia in accordance with the Civil Aviation Regulations; or

(b) an aircraft belonging to an arm of the Defence Force of Australia.

Australian flight, in relation to a flying craft, means a flight by the flying craft:

(a) that commenced at a place in Australia or in an external Territory;

(b) that ended, or was intended to end, at a place in Australia or in an external Territory; or

(c) that otherwise involved, or was intended to involve, the flying craft landing at a place in Australia or in an external Territory.

Australian ship means:

(a) a ship registered under the *Shipping Registration Act 1981*; or

(b) a ship belonging to an arm of the Defence Force of Australia.

Australian voyage, in relation to a ship, means a voyage by the ship:

(a) that commenced at a place in Australia or in an external Territory;

(b) that ended, or was intended to end, at a place in Australia or in an external Territory; or

(c) that otherwise involved, or was intended to involve, the ship calling at a place in Australia or in an external Territory.

Certificate of Death Abroad means a Certificate of Death Abroad completed under section 15.

flying craft means:

(a) an aircraft; or

(b) a spacecraft.

index means the index kept in accordance with section 18.

prescribed person means a person who:

(a) is an Australian citizen; or

(b) ordinarily resides in Australia or in an external Territory; or

(c) is in receipt of a pension, allowance or benefit under the *Social Security Act 1991*; or

(d) is in receipt of a pension, allowance or benefit under the *Veterans' Entitlements Act 1986*; or

(e) is receiving weekly amounts of compensation under the *Military Rehabilitation and Compensation Act 2004*.

Register means the Register of Deaths Abroad kept in pursuance of section 7.

registering officer means:

(a) the Registrar;

(b) a person holding, or performing the duties of, any of the following offices (being an office of Australia) in a country or place outside Australia:

(i) Ambassador;

(ii) High Commissioner;
(iii) Minister;
(iv) Head of a Mission;
(v) Charge d'Affairs;
(vi) Counsellor, Secretary or Attache of an Embassy, High Commission, Legation or other post;
(vii) Consul-General;
(viii) Consul;
(ix) Vice-Consul;
(x) Honorary Consul-General;
(xi) Honorary Consul; or
(xii) Honorary Vice-Consul; or

(c) a person (including a person holding an office of a foreign country) authorized by, or on behalf of, the Government of Australia to be a consular representative of Australia in a country or place outside Australia.

Registrar means the Registrar of Deaths Abroad appointed under section 5.

ship means any kind of vessel capable of navigating the high seas and includes:

(a) a barge, lighter or other floating vessel;
(b) a structure that is able to float or be floated and is able to move or be moved as an entity from one place to another; and
(c) an air-cushion vehicle, or other similar craft, used wholly or primarily in navigation by water.

(2) If a flight of a flying craft between 2 places forms part of a longer flight of the flying craft, that longer flight shall be deemed to be the flight of the flying craft for the purposes of this Act.

(3) If a voyage of a ship between 2 places forms part of a longer voyage of the ship, that longer voyage shall be deemed to be the voyage of the ship for the purposes of this Act.

(4) For the purposes of this Act, where a flying craft or ship has disappeared, persons on that flying craft or ship who, or whose bodies, have not been found shall be deemed to have disappeared

from that flying craft while it was in flight or from that ship while it was at sea, as the case may be.

(5) A reference in this Act to a person does not include a reference to a child who was not born alive.

(6) A child shall be taken to have been born alive for the purposes of this Act if the child has breathed after having been completely expelled or extracted from the body of the mother of the child.

4 Application of Act

This Act applies both within and outside Australia and extends to every external Territory.

4A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

5 Registrar of Deaths Abroad

(1) For the purposes of this Act, there shall be a Registrar of Deaths Abroad, who shall be appointed by the Minister.

(2) The Minister shall not appoint a person to be the Registrar unless the person is engaged under the *Public Service Act 1999*.

(3) Where:

(a) there is a vacancy in the office of Registrar; and

(b) a person who is eligible for appointment as Registrar holds an office by virtue of which he or she is responsible for keeping a register of deaths under the law of the Australian Capital Territory;

the Minister shall appoint that person to be the Registrar.

(4) The Minister may at any time terminate the appointment of a person as Registrar.

(5) Subject to subsection (6), the Registrar may at any time, by writing under his or her hand delivered to the Minister, resign his or her office.

(6) Subsection (5) does not apply to a person who, in addition to holding office as Registrar, holds an office referred to in paragraph (3)(b).

6 Acting Registrar

The Minister may appoint a person who is engaged under the *Public Service Act 1999* to act as Registrar:

(a) during a vacancy in the office of Registrar; or

(b) during any period, or during all periods, when the Registrar is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his or her office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

7 Register of Deaths Abroad

(1) The Registrar shall keep at a place in the Australian Capital Territory approved by the Minister a register to be known as the Register of Deaths Abroad.

(2) The Register shall be kept in such form as the Minister directs.

Part II—Registration of deaths

8 Deaths registrable under Act

(1) Subject to subsection (2), the following deaths may be registered under this Act:

(a) the deaths of prescribed persons who have died otherwise than in a State or Territory;

(b) the deaths of persons who have died on board Australian aircraft;

(c) the deaths of persons who have died on board Australian ships;

(d) the deaths of persons who have died on board flying craft (other than Australian aircraft) on Australian flights;

(e) the deaths of persons who have died on board ships (other than Australian ships) on Australian voyages;

whether the deaths took place before or after the commencement of this Act.

(2) Subsection (1) does not authorize the registration under this Act of:

(a) the death of a person whose identity is unknown;

(b) a death that may be registered under the law of a State or of a Territory; or

(c) the death of a person, other than a prescribed person, who died on board a flying craft, other than an Australian aircraft, or a ship, other than an Australian ship, and whose death may be registered under the law of a foreign country or of a part of a foreign country.

(3) Subject to paragraph (2)(c), a death may be registered under this Act notwithstanding that the death has been, or may be, registered under the law of a foreign country or of a part of a foreign country.

9 Certain disappearances to be taken to be deaths

(1) Where:

(a) a person has (whether before or after the commencement of this Act) disappeared from:

(i) an Australian aircraft while it was in flight;

(ii) an Australian ship while it was at sea;

(iii) a flying craft (other than an Australian aircraft) while it was in flight on an Australian flight; or

(iv) a ship (other than an Australian ship) while it was at sea on an Australian voyage; and

(b) a registering officer is satisfied beyond reasonable doubt that the person has died;

the person shall, for the purposes of this Act, be deemed to have died on board that flying craft or ship.

(2) The regulations:

(a) may provide that, for the purposes of this Act, a registering officer shall not be taken to be satisfied beyond reasonable doubt that a person who has disappeared as mentioned in paragraph (1)(a) has died unless he or she is satisfied as to specified matters in relation to the disappearance of the person; or

(b) may prescribe matters that are to be taken into account by a registering officer when deciding, for the purposes of this Act, whether he or she is satisfied beyond reasonable doubt that a person who has so disappeared has died.

10 Applications for registration

(1) Where:

(a) a person has, whether before or after the commencement of this Act, died otherwise than in circumstances mentioned in paragraph 9(1)(a); and

(b) another person has reason to believe that the death may be registered under this Act;

that other person may make an application to a registering officer for the registration under this Act of the death.

(2) Where:

(a) a person has, whether before or after the commencement of this Act, disappeared as mentioned in paragraph 9(1)(a); and

(b) another person has reason to believe that:

(i) a registering officer would be satisfied beyond reasonable doubt that the person who disappeared has died; and

(ii) the death of the person who disappeared may be registered under this Act;

that other person may make an application to a registering officer for the registration under this Act of the death.

11 Form of application for registration

(1) An application under subsection 10(1) or (2) for the registration of the death of a person:

(a) shall be in accordance with a prescribed form;

(b) shall be made in a prescribed manner;

(c) shall specify the name of, and set out any particulars necessary to identify, the person;

(d) shall set out the grounds on which the applicant knows the identity of the person;

(e) in the case of an application under subsection 10(1), shall set out such particulars of the time, date and cause of the death as are known to the applicant;

(f) in the case of an application under subsection 10(1) for the registration of a death that the applicant has reason to believe was the death of a prescribed person, shall:

(i) set out the grounds on which the applicant has reason to believe that the person was a prescribed person; and

(ii) specify the place at which the person died;

(g) in the case of an application under subsection 10(1) for the registration of a death that the applicant has reason to believe took place on board a flying craft or a ship (whether or not it was the death of a prescribed person), shall:

(i) set out particulars of the flying craft or ship on board which the person died;

(ii) specify the location of that flying craft or ship at the time when the person died; and

(iii) except in the case of an Australian aircraft or an Australian ship, set out particulars of the flight or voyage being made by that flying craft or ship at the time when the person died;

(h) in the case of an application under subsection 10(2), shall:

(i) set out such particulars of the time at which, the date on which, and the circumstances in which, the person disappeared as are known to the applicant;

(ii) set out particulars of the flying craft or ship from which the person disappeared;

(iii) specify the location of that flying craft or ship at the time when that person disappeared;

(iv) except in the case of an Australian aircraft or an Australian ship, set out particulars of the flight or voyage being made by that flying craft or ship at the time when the person disappeared; and

(v) set out particulars of the grounds for believing that the person has died;

(j) where the person resided in a State or Territory at any time and the applicant knows an address, or addresses, at which the person resided in a State or Territory, shall specify that address or those addresses and set out such particulars of the period or periods at which the person resided at that address or each of those addresses as are known to the applicant;

(k) shall set out particulars of any other application for the registration of the death under this Act that are known to the applicant; and

(m) shall set out such other prescribed particulars (if any) as are known to the applicant.

(2) Without limiting the generality of paragraph (1)(m), regulations made for the purposes of that paragraph that prescribe particulars to be included in applications under subsection 10(1) or (2) may prescribe particulars for inclusion only in specified classes of applications or may prescribe different particulars for inclusion in different classes of applications.

(3) A person who makes an application referred to in subsection (1) shall certify, in writing, at the foot of the application the correctness of the particulars included in the application.

12 Registration of death

(1) Subject to section 14, where:

(a) an application under subsection 10(1) is made to a registering officer for the registration of the death of a person; and

(b) the registering officer is satisfied that the death may be registered under this Act;

the registering officer shall register that death under this Act.

(2) Subject to section 14, where:

(a) an application under subsection 10(2) is made to a registering officer for the registration of the death of a person;

(b) the registering officer is satisfied that the person disappeared as mentioned in paragraph 9(1)(a);

(c) the registering officer is satisfied beyond reasonable doubt that the person has died; and

(d) the registering officer is satisfied that the death of the person may be registered under this Act;

the registering officer shall register that death under this Act.

(3) Before registering a death, a registering officer may make such inquiries as he or she thinks fit to inform himself or herself of the matters of which he or she is required to be satisfied before registering the death.

13 Registration of death on basis of knowledge of registering officer

Subject to section 14, where:

(a) a registering officer becomes aware, otherwise than by reason of an application under subsection 10(1), of the death of a person, not being a death that is deemed by paragraph 9(1)(a) to have occurred on board a flying craft or ship; and

(b) the registering officer is satisfied that:

(i) the death is that of a prescribed person who died otherwise than in a State or Territory; and

(ii) the death may be registered under this Act;

the registering officer shall register that death under this Act.

14 Registration prohibited in certain circumstances

(1) A registering officer shall not register a death under this Act if he or she knows, or has reason to believe, that the death has already been registered under this Act.

(2) A registering officer, other than the Registrar, shall not register a death under this Act if he or she knows, or has reason to believe, that an application for the registration of the death under this Act has been refused by another registering officer.

15 Method of registration

(1) Where, under this Act, a registering officer is required to register the death of a person, he or she shall do so by completing a certificate in writing, to be known as a Certificate of Death Abroad, containing such of the particulars relating to the person, death or registering officer that are prescribed by the regulations for the purposes of this subsection as are known to him or her.

(2) A Certificate of Death Abroad shall not be taken to have been completed by a registering officer unless and until he or she has signed the certificate and:

(a) in the case of the Registrar—has stamped the certificate with the stamp referred to in subsection 17(1); or

(b) in the case of a registering officer holding, or performing the duties of, an office which is referred to in paragraph (b) of the definition of ***registering officer*** in subsection 3(1) and in respect of which there is an official seal—has affixed that seal to the certificate.

(3) Where a death is registered on the application of a person under subsection 10(1) or (2), the registering officer shall make, and give to that person, a copy of the Certificate of Death Abroad relating to the death unless that person has informed him or her that he or she does not require a copy of the certificate.

(4) Where a registering officer completes a Certificate of Death Abroad, he or she shall make a copy of the certificate (in addition to any copy required to be made under subsection (3)) and cause that copy to be retained at a place that is appropriate for the keeping of records made by him or her for the purposes of this Act.

(5) Without limiting the generality of subsection (1), regulations made for the purposes of that subsection may prescribe particulars for inclusion only in specified classes of Certificates of Death Abroad or may prescribe different particulars for inclusion in different classes of Certificates of Death Abroad.

16 Entries in Register

(1) Where, under section 15, a registering officer, other than the Registrar, completes a Certificate of Death Abroad, he or she shall send the certificate to the Registrar.

(2) Subject to subsection (3), where the Registrar:

(a) receives a Certificate of Death Abroad sent to him or her under subsection (1); or

(b) completes a Certificate of Death Abroad under section 15;

he or she shall enter, or cause to be entered, in the Register such of the particulars contained in the certificate as are required by the regulations to be entered.

(3) If, by reason of applications for the registration of a death having been made to registering officers in different places or otherwise, a particular death is registered under this Act, and Certificates of Death Abroad in relation to the death are completed, by more than one registering officer, the Registrar shall comply with subsection (2) in relation to one only of those Certificates of Death Abroad.

(4) Without limiting the generality of subsection (1), regulations made for the purposes of that subsection may prescribe particulars to be entered only in specified classes of Certificates of Death Abroad or may prescribe different particulars to be entered in different classes of Certificates of Death Abroad.

Part III—Miscellaneous

17 Registrar's stamps

(1) The Registrar shall have an official stamp, the design of which shall be determined by the Minister.

(2) The Registrar shall sign, and stamp or cause to be stamped with the stamp referred to in subsection (1), every certified copy or extract issued under subsection 19(3).

(3) The Registrar may have a stamp for affixing on documents marks that are facsimiles of his or her signature.

(4) Instead of signing his or her name on a document (including a Certificate of Death Abroad and an entry in the Register), or on a copy of, or an extract from, a document, in pursuance of, or for the purposes of, a provision of this Act, the Registrar may stamp the document, copy or extract with, or cause the document, copy or extract to be stamped with, the stamp referred to in subsection (3), and the document, copy or extract shall then be deemed to have been signed by him or her.

(5) All courts and all persons acting judicially shall take judicial notice of the mark of a stamp referred to in this section appearing on a document or a copy of, or an extract from, a document and, in the absence of proof to the contrary, shall presume that it was affixed by proper authority.

18 Index

The Registrar shall keep an index of the entries in the Register.

19 Searches and copies

(1) A person may apply to the Registrar for:

(a) the making of a search in the index and the Register for an entry in the Register relating to a specified death;

(b) such a search and a copy of the relevant entry; or

(c) such a search and an extract from the relevant entry.

(2) An application under subsection (1) shall:

(a) be in accordance with a form approved by the Registrar;

(b) be signed by the applicant;

(c) contain sufficient particulars to enable the relevant search to be made;

(d) specify the reason for which the search is required; and

(e) where the applicant applies for an entry or extract—specify the reason for which the entry or extract is required.

(3) Subject to subsection (4), the Registrar shall, on receipt of an application made under subsection (1) and of the relevant prescribed fee or fees, cause a search to be made for the relevant entry in the index and the Register and:

(a) if there is such an entry in the Register and the applicant did not apply for a copy of, or an extract from, the entry—issue to the applicant a notification of the result of the search;

(b) if there is such an entry in the Register and the applicant applied for a copy of, or an extract from, the entry—issue to the applicant a copy of, or an extract from, the entry, as the case may be, certified by the Registrar in accordance with the prescribed form; or

(c) if the search fails to locate such an entry—issue to the applicant a notification of the result of the search.

(4) Where the Registrar is of the opinion that an applicant under this section does not have a proper reason for requiring a search, copy or extract or requires a search, copy or extract for an improper reason, he or she may refuse to make the search, issue the copy or issue the extract, as the case requires.

(5) Where:

(a) on an application under subsection (1), a person has paid both a fee for a search and a fee for the issue of a copy of, or an extract from, an entry in the Register; and

(b) the Registrar issues to that person a notification under paragraph (3)(c);

that person is entitled to have refunded to him or her the amount of the fee for the issue of the copy or extract.

20 Correction of errors in Register

(1) Subject to subsection (4), where the Registrar is satisfied that there is an error or mis-statement in, or an omission from, any particulars entered in the Register, he or she may correct the Register by causing the true particulars, or the particulars omitted from the Register, as the case may be, to be entered in the Register on the page of the Register containing the entry in relation to the death to which the particulars relate.

(2) Where the Registrar causes particulars to be entered in the Register under subsection (1), he or she shall sign his or her name immediately under the particulars and write the date on which those particulars were so entered.

(3) Where a person believes that there is an error or mis-statement in, or an omission from, any particulars entered in the Register, he or she may apply, in writing, to the Registrar for the correction in accordance with subsection (1) of the Register in relation to those particulars, specifying the error, mis-statement or omission that he or she believes exists and the reasons for his or her belief.

(4) Where the Registrar intends to exercise his or her powers under subsection (1) in respect of an entry in relation to a death, otherwise than on the application of the person who applied for the registration of the death, he or she shall, unless he or she is satisfied that it is impracticable to do so, give that person notice, in writing, of his or her intention specifying the particulars that he or she intends to cause to be entered in the Register and, where he or she gives such notice, he or she shall not cause those particulars to be entered in the Register unless and until he or she has considered any objection made by that person, within 14 days after the giving of the notice, to the entry of those particulars.

(5) Any failure by the Registrar to comply with the requirements of subsection (4) shall not be taken to affect the validity of any entry of particulars in the Register under subsection (1).

21 Correction of errors in Certificate of Death Abroad

(1) Subject to subsection (4), where the Registrar is satisfied that there is an error or mis-statement in, or an omission from, any particulars entered in a Certificate of Death Abroad, he or she may correct the

Certificate by causing the true particulars, or the particulars omitted from the Certificate, as the case may be, to be entered in the certificate.

(2) Where the Registrar causes particulars to be entered in a Certificate of Death Abroad under subsection (1), he or she shall sign his or her name immediately under the particulars and write the date on which those particulars were so entered.

(3) Where a person believes that there is an error or mis-statement in, or an omission from, any particulars entered in a Certificate of Death Abroad, he or she may apply, in writing, to the Registrar for the correction in accordance with subsection (1) of the Certificate in relation to those particulars, specifying the error, mis-statement or omission that he or she believes exists and the reasons for his or her belief.

(4) Where the Registrar intends to exercise his or her powers under subsection (1) in respect of a Certificate of Death Abroad, otherwise than on the application of the person who applied for the registration of the death to which the Certificate relates, he or she shall, unless he or she is satisfied that it is impracticable to do so, give that person notice in writing of his or her intention specifying the particulars that he or she intends to cause to be entered in the Certificate and, where he or she gives such notice, he or she shall not cause those particulars to be entered in the Certificate unless and until he or she has considered any objection made by that person, within 14 days after the giving of the notice, to the entry of those particulars.

(5) Any failure by the Registrar to comply with the requirements of subsection (4) shall not be taken to affect the validity of any entry of particulars in a Certificate of Death Abroad under subsection (1).

(6) Where the Registrar is satisfied that there is an error or mis-statement in, or an omission from, any particulars entered in a Certificate of Death Abroad, he or she may require the person who holds the Certificate to surrender the Certificate to him or her so that the Certificate may be corrected in accordance with subsection (1) but, after the Registrar has corrected the Certificate, he or she shall return the Certificate to that person.

(7) A person who holds a Certificate of Death Abroad who is required by the Registrar under subsection (6) to surrender the Certificate shall comply with the requirement.

Penalty: $500.

(8) In this section, ***Certificate of Death Abroad*** includes a copy of such a Certificate made by a registering officer under subsection 15(3) or (4).

22 Cancellation of registration

(1) Subject to subsection (4), if the Registrar is satisfied that a death that has been registered under this Act has not occurred, he or she shall cancel the registration.

(2) The Registrar shall cancel the registration of a death under subsection (1) by writing in the margin of the entry in the Register that relates to that death the words ***Registration of death cancelled***, signing his or her name immediately under those words and adding the date on which the registration was cancelled.

(3) Where a person believes that a death that has been registered under this Act has not occurred, he or she may apply, in writing, to the Registrar for the cancellation in accordance with subsection (1) of the registration of that death, specifying the reasons for his or her belief.

(4) Where the Registrar intends to exercise his or her powers under subsection (1) in respect of the registration of a death, otherwise than on the application of the person who applied for the registration, he or she shall, unless he or she is satisfied that it is impracticable to do so, give that person notice in writing of his or her intention and, where he or she gives such notice, he or she shall not cancel the registration of that death unless and until he or she has considered any objection made by that person, within 14 days after the giving of the notice, to the cancellation of the registration.

(5) Any failure by the Registrar to comply with the requirements of subsection (4) shall not be taken to affect the validity of any cancellation of the registration of a death.

(6) Where the registration of a death is cancelled under subsection (1), the Certificate of Death Abroad, or the Certificates of Death Abroad, that relate to that death is or are void.

(7) Where the registration of a death is cancelled under subsection (1), the Registrar may require any person holding a Certificate of Death Abroad that relates to that death to surrender the certificate to him or her.

(8) A person holding a Certificate of Death Abroad who is required by the Registrar under subsection (7) to surrender that Certificate shall comply with the requirement.

Penalty: $500.

(9) In this section, ***Certificate of Death Abroad*** has the same meaning as it has in section 21.

23 Evidence

(1) The Register is *prima facie* evidence:

(a) of the facts recorded in it;

(b) that those facts were duly recorded; and

(c) that a death recorded in it was duly registered under this Act;

and is admissible in evidence without proof of the stamp or signature authenticating the Register or any entry in the Register or of the official character of the person appearing to have signed the Register or any entry in the Register.

(2) A copy of, or an extract from, an entry in the register, being a copy, or an extract, duly issued under section 19, is *prima facie* evidence:

(a) of the facts stated in the copy or extract;

(b) that those facts were duly recorded in the Register; and

(c) that the death which is recorded in the Register and to which the copy or extract relates was duly registered under this Act;

and a document purporting to be such a copy or extract shall, unless the contrary is proved, be deemed to be such a copy or extract and to have been duly issued.

(3) A Certificate of Death Abroad, not being a certificate that is void by reason of subsection 22(6), is *prima facie* evidence:

(a) of the facts stated in it; and

(b) that the death to which the certificate relates was duly registered under this Act;

and a document purporting to be a Certificate of Death Abroad shall, unless the contrary is proved, be deemed to be a valid Certificate of Death Abroad.

(4) In this section, ***Certificate of Death Abroad*** has the same meaning as it has in section 21.

24 Offences

(3) A registering officer shall not complete a Certificate of Death Abroad that, to the knowledge of the officer, contains information that is false or misleading in a material particular.

(4) A person shall not falsify, or intentionally do an act that causes the mutilation of, a Certificate of Death Abroad, a copy of a Certificate of Death Abroad, the Register, or a copy of, or extract from, an entry in the Register.

Penalty: $1,000.

25 Delegation by Minister

(1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him or her, delegate to the person holding or performing the duties of the office of Secretary of the Department all or any of his or her powers under this Act, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation under this section does not prevent the exercise of a power by the Minister.

26 Delegation by Registrar

(1) The Registrar may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him or her, delegate to a person:

(a) who is appointed or engaged under the *Public Service Act 1999*; and

(b) who:

(i) performs duties in relation to the keeping of a register of deaths under the law of the Australian Capital Territory; or

(ii) has been approved by the Minister for the purposes of this section;

all or any of his or her powers under this Act, other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Registrar.

(3) The delegation under this section does not prevent the exercise of a power by the Registrar.

27 Review of decisions

(1) An application may be made to the Administrative Appeals Tribunal for a review of:

(a) a decision of a registering officer to register, or refuse to register, a death under section 12;

(b) a decision of a registering officer to register a death under section 13;

(c) a refusal by the Registrar of an application made under subsection 19(1);

(d) a decision of the Registrar to cause particulars to be entered in the Register under subsection 20(1);

(e) a decision of the Registrar to cause particulars to be entered in a Certificate of a Death Abroad under subsection 21(1);

(f) a decision of the Registrar to cancel the registration of a death under subsection 22(2); or

(g) a refusal by the Registrar of an application made under subsection 20(3), 21(3) or 22(3).

(2) Where the Registrar, a delegate of the Registrar, or another registering officer makes a decision of a kind referred to in subsection (1) and gives to the person or persons whose interests are affected by the decision notice in writing of the making of the

decision, that notice shall include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, an application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates by or on behalf of the person or persons whose interests are affected by the decision.

(3) Any failure to comply with the requirements of subsection (2) in relation to a decision shall not be taken to affect the validity of the decision.

(4) In this section, ***decision*** has the same meaning as it has in the *Administrative Appeals Tribunal Act 1975*.

28 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act;

and, in particular, providing for the manner of giving notices under this Act.

Notes to the *Registration of Deaths Abroad Act 1984*

Note 1

The *Registration of Deaths Abroad Act 1984* as shown in this compilation comprises Act No. 169, 1984 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 28 April 2001 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
Registration of Deaths Abroad Act 1984	169, 1984	25 Oct 1984	1 Dec 1985 (*see Gazette* 1985, No. S506)	
Civil Aviation Act 1988	63, 1988	15 June 1988	Part III (ss. 17–32), s. 98, Parts IX and X (ss. 99–103): 1 July 1988 (*see Gazette* 1988, No. S189) Remainder: Royal Assent	S. 100
Social Security (Rewrite) Transition Act 1991	70, 1991	25 June 1991	*(a)*	—
Student Assistance (Youth Training Allowance—Transitional Provisions and Consequential Amendments) Act 1994	184, 1994	23 Dec 1994	1 Jan 1995 *(b)*	—
Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998	45, 1998	17 June 1998	Schedule 13 (item 48): 1 July 1998 *(c)*	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Schedule 1 (items 769–771): 5 Dec 1999 (*see Gazette* 1999, No. S584) *(d)*	—
Foreign Affairs and Trade Legislation Amendment (Application of Criminal Code) Act 2001	35, 2001	28 Apr 2001	26 May 2001	S. 4

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004	52, 2004	27 Apr 2004	Schedule 3 (items 33, 34): 1 July 2004 (*see* s. 2)	—
Statute Law Revision Act 2008	73, 2008	3 July 2008	Schedule 4 (items 436–439): 4 July 2008	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Schedule 7 (item 118): 19 Apr 2011	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 976–980) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11) [*see* Table A]

Act Notes

(a) 2. This Act commences immediately after the *Social Security Act 1991* commences.

The *Social Security Act 1991* came into operation on 1 July 1991.

(b) 2. This Act commences on 1 January 1995 immediately after the commencement of the *Student Assistance (Youth Training Allowance) Amendment Act 1994*.

(c) The *Registration of Deaths Abroad Act 1984* was amended by Schedule 13 (item 48) only of the *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998*, subsection 2(1) of which provides as follows:

(1) Subject to subsections (2) to (10), this Act commences on 1 July 1998.

(d) The *Registration of Deaths Abroad Act 1984* was amended by Schedule 1 (items 769–771) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:

(1) In this Act, ***commencing time*** means the time when the *Public Service Act 1999* commences.

(2) Subject to this section, this Act commences at the commencing time.

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part I	
S. 3	am. No. 63, 1988; No. 70, 1991; No. 184, 1994; No. 45, 1998; No. 52, 2004
S. 4A	ad. No. 35, 2001
S. 5	am. No. 146, 1999; No. 73, 2008
S. 6	am. No. 146, 1999; No. 73, 2008; No. 46, 2011
Note to s. 6	ad. No. 46, 2011
Part II	
S. 9	am. No. 73, 2008
S. 12	am. No. 73, 2008
Ss. 14–16	am. No. 73, 2008
Part III	
S. 17	am. No. 73, 2008
Ss. 19–22	am. No. 73, 2008
S. 24	am. No. 35, 2001
S. 25	am. No. 73, 2008; No. 5, 2011
S. 26	am. No. 146, 1999; No. 73, 2008

Table A

Application, saving or transitional provisions

Foreign Affairs and Trade Legislation Amendment (Application of Criminal Code) Act 2001 (No. 35, 2001)

4 Application of amendments

(1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.

(2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.

Acts Interpretation Amendment Act 2011 (No. 46, 2011)

Schedule 3

10 Saving—appointments

The amendments made by Schedule 2 do not affect the validity of an appointment that was made under an Act before the commencement of this item and that was in force immediately before that commencement.

11 Transitional regulations

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by Schedules 1 and 2.