



# **Registration of Deaths Abroad Act 1984**

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## About this compilation

### This compilation

This is a compilation of the *Registration of Deaths Abroad Act 1984* that shows the text of the law as amended and in force on 16 February 2017 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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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**

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

### **2 Commencement**

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.

*Australian aircraft* means:

- (a) an aircraft registered under regulations made under the *Civil Aviation Act 1988*; 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

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- (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.

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

**relevant State or Territory seal** has the meaning given by section 3A.

**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.

**State or Territory registrar** means a person who holds an office or position that has the function of keeping a register of deaths under a law of a State or Territory.

- (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.

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- (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.

**3A Relevant State or Territory seal**

For the purposes of this Act:

- (a) if a person holds office as the Registrar, *relevant State or Territory seal*, in relation to the person, means a seal used by the person, under a law of a State or Territory relating to the registration of deaths, in the person's capacity as a State or Territory registrar; and
- (b) if a person is acting as the Registrar, *relevant State or Territory seal*, in relation to the acting Registrar, means a seal used by the acting Registrar, under a law of a State or Territory relating to the registration of deaths, in the acting Registrar's capacity as a State or Territory registrar; and
- (c) if a delegate of the Registrar is a State or Territory registrar, *relevant State or Territory seal*, in relation to the delegate, means a seal used by the delegate, under a law of a State or Territory relating to the registration of deaths, in the delegate's capacity as a State or Territory registrar; and
- (d) if a delegate of the Registrar is an employee in the same State or Territory office or body as the Registrar, *relevant State or Territory seal*, in relation to the delegate, means a seal used by the Registrar, under a law of a State or Territory relating to the registration of deaths, in the Registrar's capacity as a State or Territory registrar.

**4 Application of Act**

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

**5 Registrar of Deaths Abroad**

- (1) There is to be a Registrar of Deaths Abroad.



- (2) The Registrar is to be appointed by the Minister by written instrument.

Note: For reappointment, see section 33AA of the *Acts Interpretation Act 1901*.

- (3) The Minister must not appoint a person to be the Registrar unless:
- (a) the person is a State or Territory registrar; and
  - (b) the State or Territory concerned, by written notice given to the Minister, agrees to the appointment.
- (4) A notice under paragraph (3)(b) may be given on behalf of a State or Territory by a Minister of the State or Territory.
- (5) The Minister may at any time terminate the appointment of a person as the Registrar.
- (6) Without limiting subsection (5), the Minister must terminate the appointment of a person as the Registrar if the person ceases to be a State or Territory registrar.
- (7) The Registrar may resign his or her appointment by giving the Minister a written resignation.
- (8) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

## **6 Acting Registrar**

- (1) The Minister may, by written instrument, appoint a person to act as the Registrar:
- (a) during a vacancy in the office of Registrar (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the Registrar:
    - (i) is absent from duty or from Australia; or
    - (ii) is, for any reason, unable to perform the duties of the office.

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

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- (2) The Minister must not appoint a person to act as the Registrar unless:
  - (a) the person is a State or Territory registrar; and
  - (b) the State or Territory concerned, by written notice given to the Minister, agrees to the appointment.
- (3) A notice under paragraph (2)(b) may be given on behalf of a State or Territory by a Minister of the State or Territory.

**7 Register of Deaths Abroad**

- (1) The Registrar shall keep 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 Territory, unless the State or Territory registrar for that State or Territory has notified the Registrar in writing that the State or Territory registrar will not register the death; 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.

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**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) the Registrar 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, the Registrar 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 the Registrar 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 the Registrar 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) the Registrar 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 the Registrar 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;

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- (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 the Registrar for the registration of the death of a person; and
  - (b) the Registrar is satisfied that the death may be registered under this Act;the Registrar shall register that death under this Act.
- (2) Subject to section 14, where:
  - (a) an application under subsection 10(2) is made to the Registrar for the registration of the death of a person;
  - (b) the Registrar is satisfied that the person disappeared as mentioned in paragraph 9(1)(a);
  - (c) the Registrar is satisfied beyond reasonable doubt that the person has died; and
  - (d) the Registrar is satisfied that the death of the person may be registered under this Act;the Registrar shall register that death under this Act.
- (3) Before registering a death, the Registrar 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.

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**13 Registration of death on basis of knowledge of Registrar**

Subject to section 14, where:

- (a) the Registrar 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 Registrar 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 Registrar shall register that death under this Act.

**14 Registration prohibited in certain circumstances**

The Registrar 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.

**15 Method of registration**

- (1) Where, under this Act, the Registrar 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 the Registrar 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 is taken not to have been completed by the Registrar unless and until he or she has:
  - (a) signed the certificate; and
  - (b) sealed the certificate, or caused the certificate to be sealed, with the relevant State or Territory seal.
- (3) Where a death is registered on the application of a person under subsection 10(1) or (2), the Registrar 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 the Registrar 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**

If the Registrar completes a Certificate of Death Abroad under section 15, the Registrar must 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.

## Part III—Miscellaneous

### 17 Signing and sealing documents

- (1) If the Registrar causes (by stamp, machine imprint or some other method authorised by the regulations) a facsimile of:
  - (a) the Registrar's signature; and
  - (b) the relevant State or Territory seal;to appear on:
  - (c) a document (including a Certificate of Death Abroad and an entry in the Register) under this Act; or
  - (d) a copy or extract made under this Act;the Registrar is taken to have:
  - (e) signed the document, copy or extract; and
  - (f) sealed the document, copy or extract with the relevant State or Territory seal.
- (2) All courts, judges and persons acting judicially must:
  - (a) take judicial notice of the relevant State or Territory seal appearing on:
    - (i) a document (including a Certificate of Death Abroad and an entry in the Register) under this Act; or
    - (ii) a copy or extract made under this Act; and
  - (b) in the absence of proof to the contrary, presume the document, copy or extract was duly sealed with the relevant State or Territory seal.

### 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.
- (3A) The Registrar must:
- (a) sign; and
  - (b) seal, or cause to be sealed, with the relevant State or Territory seal;
- each certified copy or extract issued under subsection (3).
- (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

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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,

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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: 5 penalty units.
- (8) In this section, *Certificate of Death Abroad* includes a copy of such a Certificate made 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.
- (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: 5 penalty units.

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

Section 23

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**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, relevant State or Territory seal or signature authenticating the Register or any entry in the Register or of the official character of the person appearing to have signed, or sealed 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 person commits an offence if:
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- (a) the person is the Registrar; and
  - (b) the person completes a Certificate of Death Abroad; and
  - (c) the certificate contains information that is false or misleading in a material particular.
- (3A) The fault element for paragraph (3)(c) is knowledge.
- (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: 10 penalty units.

## **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, in writing, delegate all or any of the Registrar's powers and functions under this Act to:
  - (a) an employee in the same State or Territory office or body as the Registrar; or
  - (b) a State or Territory registrar.

Note: Sections 34AA to 34A of the *Acts Interpretation Act 1901* contain provisions relating to delegations.

Section 27

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- (2) The Registrar must not delegate any of the Registrar's powers and functions to a State or Territory registrar unless the State or Territory concerned, by written notice given to the Minister, agrees to the delegation.
- (3) A notice under subsection (2) may be given on behalf of a State or Territory by a Minister of the State or Territory.

**27 Review of decisions**

- (1) An application may be made to the Administrative Appeals Tribunal for a review of:
  - (a) a decision of the Registrar to register, or refuse to register, a death under section 12;
  - (b) a decision of the Registrar 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(1); or
  - (g) a refusal by the Registrar of an application made under subsection 20(3), 21(3) or 22(3).
- (2) Where the Registrar or a delegate of the Registrar 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.

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

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Endnote 1—About the endnotes

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

**Endnote 3—Legislation history**

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Registration of Deaths Abroad Act 1984	169, 1984	25 Oct 1984	1 Dec 1985 (s 2 and gaz 1985, No S506)	
Civil Aviation Act 1988	63, 1988	15 June 1988	s 100 and Sch: 1 July 1988 (s 2(2) and gaz 1988, No S189)	s 100
Social Security (Rewrite) Transition Act 1991	70, 1991	25 June 1991	Sch 3: 1 July 1991 (s 2)	—
Student Assistance (Youth Training Allowance—Transitional Provisions and Consequential Amendments) Act 1994	184, 1994	23 Dec 1994	Sch 3 (item 65): 1 Jan 1995 (s 2)	—
Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998	45, 1998	17 June 1998	Sch 13 (item 48): 1 July 1998 (s 2(1))	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (items 769–771): 5 Dec 1999 (s 2(1), (2))	—
Foreign Affairs and Trade Legislation Amendment (Application of Criminal Code) Act 2001	35, 2001	28 Apr 2001	s 4 and Sch 1 (items 37–39): 26 May 2001 (s 2(a))	s 4

*Registration of Deaths Abroad Act 1984*

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Compilation No. 12

Compilation date: 16/2/17

Registered: 16/2/17

## Endnotes

### Endnote 3—Legislation history

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<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004	52, 2004	27 Apr 2004	Sch 3 (items 33, 34): 1 July 2004 (s 2(1) item 6)	—
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 4 (items 436–439): 4 July 2008 (s 2(1) item 64)	—
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Sch 7 (item 118): 19 Apr 2011 (s 2(1) item 18)	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (items 976–980) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 7, 12)	Sch 3 (items 10, 11)
Statute Law Revision Act 2012	136, 2012	22 Sept 2012	Sch 3 (item 6): 22 Sept 2012 (s 2(1) item 35)	—
Registration of Deaths Abroad Amendment Act 2016	57, 2016	16 Sept 2016	Sch 1: 16 Feb 2017 (s 2(1) item 2)	Sch 1 (items 38–42)
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 1 (items 434, 435): 21 Oct 2016 (s 2(1) item 1)	—



**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
<b>Part I</b>	
s 3 .....	am No 63, 1988; No 70, 1991; No 184, 1994; No 45, 1998; No 52, 2004; No 136, 2012; No 57, 2016
s 3A .....	ad No 57, 2016
s 4A .....	ad No 35, 2001 rep No 57, 2016
s 5 .....	am No 146, 1999; No 73, 2008 rs No 57, 2016
s 6 .....	am No 146, 1999; No 73, 2008; No 46, 2011 rs No 57, 2016
s 7 .....	am No 57, 2016
<b>Part II</b>	
s 8 .....	am No 57, 2016
s 9 .....	am No 73, 2008; No 57, 2016
s 10 .....	am No 57, 2016
s 12 .....	am No 73, 2008; No 57, 2016
s 13 .....	am No 57, 2016
s 14 .....	am No 73, 2008; No 57, 2016
s 15 .....	am No 73, 2008; No 57, 2016
s 16 .....	am No 73, 2008 rs No 57, 2016
<b>Part III</b>	
s 17 .....	am No 73, 2008 rs No 57, 2016
s 19 .....	am No 73, 2008; No 57, 2016
s 20 .....	am No 73, 2008
s 21 .....	am No 73, 2008; No 57, 2016; No 61, 2016
s 22 .....	am No 73, 2008; No 57, 2016; No 61, 2016

## Endnotes

### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 23 .....	ed C11 am No 57, 2016
s 24 .....	am No 35, 2001; No 57, 2016; No 61, 2016
s 25 .....	am No 73, 2008; No 5, 2011
s 26 .....	am No 146, 1999; No 73, 2008 rs No 57, 2016
s 27 .....	am No 57, 2016

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