

Regulations under the *Registration of Births, Deaths and Marriages Act*

I, PAUL ANTHONY EDWARD EVERINGHAM, the Attorney-General of the Northern Territory of Australia, pursuant to section 62 of the *Registration of Births, Deaths and Marriages Act*, hereby make the following Regulations under the *Registration of Births, Deaths and Marriages Act*.

Dated this sixth day of November, 1978.

P. A. E. EVERINGHAM
Attorney-General

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES REGULATIONS

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| Citation | 1. These Regulations may be cited as the Registration of Births, Deaths and Marriages Regulations. |
| Interpretation | 2. In these Regulations, unless the contrary intention appears—
“Act” means the <i>Registration of Births, Deaths and Marriages Act</i> ;
“Registrar” means the District Registrar of Births, Deaths and Marriages. |
| s. 17A(1) of
the Act | 3.(1) An application to register the surname of a child under section 17A(1) of the Act shall be made by both parents of the child filing with the Registrar an application for registration of surname in accordance with Form 1 of the Sixth Schedule.
(2) An application under sub-regulation (1) shall contain—
(a) the full names, addresses and occupations of the applicants;
(b) the full names and place and date of birth of the child whose surname is sought to be registered;
(c) a declaration signed by both parents that they have agreed upon the name sought to be registered as the surname of the child; and
(d) such other information as the Registrar may require. |
| s. 17A(6) of
the Act | 4.(1) An application to amend the surname of a child under section 17A(6) of the Act shall be made by both parents of the child filing with the Registrar an application for change of surname in accordance with Form 2 of the Sixth Schedule.
(2) An application under sub-regulation (1) shall contain—
(a) the full names, addresses and occupations of the applicants;
(b) the full names and place and date of birth of the child whose surname is sought to be registered; |

*Notified in the *Northern Territory Government Gazette* on 10 November, 1978.

- (c) a declaration signed by both applicants stating—
 - (i) that the name sought to be registered is a name selected in accordance with the recognized custom or tradition of a particular ethnic group;
 - (ii) that one or both of the applicants is a member of the ethnic group referred to in subparagraph (i); and
 - (iii) that both applicants have agreed upon the name sought to be registered as the surname of the child; and
- (d) such other information as the Registrar may require.

s. 17A(4) of
the Act

5.(1) An application to register the surname of a child under section 17A(4) of the Act shall be made by both parents of the child filing with the Registrar an application for registration of surname in accordance with Form 3 of the Sixth Schedule.

- (2) An application under sub-regulation (1) shall contain—
 - (a) the full names, addresses and occupations of the applicants;
 - (b) the full names and place and date of birth of the child whose surname is sought to be registered;
 - (c) a declaration signed by both applicants stating—
 - (i) that the name sought to be registered is a name selected in accordance with the recognized custom or tradition of a particular ethnic group;
 - (ii) that one or both of the applicants is a member of the ethnic group referred to in subparagraph (i); and
 - (iii) that both applicants have agreed upon the name sought to be registered as the surname of the child; and
 - (d) such other information as the Registrar may require.

Registrar may
call for
evidence

6. In determining an application under regulation 4 or 5, the Registrar may call for evidence, including sworn evidence, with respect to any matter which the Registrar deems fit.

Signatures

7. In determining an application under regulation 3, 4 or 5, the Registrar may dispense with the signature of an applicant where he is satisfied—

- (a) that the applicant is absent from the Territory and is unlikely to return in the near future;
- (b) that the applicant is incapable of signing an application; or
- (c) that it would, in all the circumstances, be inconvenient to require the applicant to sign the application.

SIXTH SCHEDULE

Section 17A(1)
Regulations 3 and 7

FORM 1

CHOICE OF SURNAME OF CHILD

Notes 1. This form is to be completed where parents were either married prior to or after the conception or birth of a child, or where the father and mother, not being married to each other, have complied with section 16.

2. The surname of a child may be either:

- (a) the surname of the father;
- (b) the surname of the mother, if that is different to the surname of the father; or
- (c) the surname of both parents in combination in either order and whether or not separated by a hyphen.

3. Subject to section 17A(4) and (6), which relates to traditional naming by ethnic groups, all children of a marriage whose names are registered in the Northern Territory must bear the same surname.

I/We,.....
(insert full names, address(es) and occupations of parents)

the parent(s) of.....
(given names of child)

who was born on.....at.....in the
(date of birth) (place of birth)

Northern Territory, declare that I/we have agreed upon giving my/our child the surname of and request that the said surname be entered in the Register of Births as the surname of my/our child.

Dated this day of, 19

Signature of: Father.....Witness.....

Mother.....Witness.....

Section 17A(6)
Regulations 4 and 7

FORM 2

APPLICATION FOR CHANGE OF SURNAME OF CHILD

- Notes*
1. This form is to be completed where the surname of a child has been entered in a Register of Births for the Northern Territory prior to.....and the parent(s) wish to substitute a different name in the Register.
 2. Subject to section 17A(7), the application must be made within one year from.....
 3. The change sought must be in accordance with a recognized custom or tradition of the particular ethnic group to which one or both of the parents of the child belong.
 4. The surname of the child may be either:
 - (a) the surname of the father;
 - (b) the surname of the mother, if that is different to the surname of the father; or
 - (c) the surname of both parents in combination in either order and whether or not separated by a hyphen.
 5. The Registrar may require evidence, including sworn evidence, to support this application.

I/We,.....
(insert full names, address(es) and occupations of parents)

the parent(s) of.....
(full existing name of child)

who was born on.....at.....
(date of birth) (place of birth)

in the Northern Territory, hereby apply for the change of my/our child's surname from
.....to.....
(existing surname) (new surname)

and declare that—

- (1) The surname of.....
(new surname)
is selected in accordance with the recognized custom or tradition of.....

.....
(name or description of particular ethnic group)

- (2) * Both of us are members of that ethnic group

* I am a member of that ethnic group

*
(name of parent)

is a member of that ethnic group.

* Delete whichever is inapplicable

- (3) I/We have agreed upon giving my/our said child the said surname of.....

Dated this day of, 19

Signature of: Father.....Witness.....

Mother.....Witness.....

FORM 3

APPLICATION TO REGISTER A CHILD UNDER A SURNAME DIFFERENT TO THAT
OF OTHER CHILDREN OF THE SAME MARRIAGE

- Notes*
1. The Registrar may only enter as the surname of a child a name different to that of previous children of a marriage whose names are registered in the Northern Territory if he is satisfied that the use of that surname is the recognized custom or tradition of the particular ethnic group to which one or both of the parents of the child belong.
 2. The surname of the child may be either:
 - (a) the surname of the father;
 - (b) the surname of the mother, if that is different to the surname of the father; or
 - (c) the surname of both parents in combination in either order and whether or not separated by a hyphen.
 3. The Registrar may require evidence, including sworn evidence, to support this application.

I/We.....
(insert full names, address(es) and occupations of parents)

the parent(s) of.....
(full existing name of child)

who was born on.....at.....
(date of birth) (place of birth)

in the Northern Territory, hereby apply to have the name.....
(insert desired surname)

entered in the Register as the surname of my/our child and declare that—

- (1) The surname of.....
(new surname)
is a name selected in accordance with the recognized custom or tradition of
.....
(name or description of particular ethnic group)

- (2) * Both of us are members of that ethnic group
* I am a member of that ethnic group
*
(name of parent)
is a member of that ethnic group.
* Delete whichever is inapplicable

- (3) I/We have agreed upon giving my/our said child the said surname of.....
.....

Dated this day of, 19

Signature of: Father..... Witness.....

Mother..... Witness.....
