



ANNO TRICESIMO SEPTIMO

# ELIZABETHAE II REGINAE

A.D. 1988

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No. 77 of 1988

**An Act to amend the Births, Deaths and Marriages Registration Act, 1966.**

[Assented to 1 December 1988]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *Births, Deaths and Marriages Registration Act Amendment Act, 1988*.

(2) The *Births, Deaths and Marriages Registration Act, 1966*, is in this Act referred to as "the principal Act".

## Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

## Principal registrar

3. Section 6 of the principal Act is amended by striking out subsection (2).

## Insertion of new s. 11

4. The following section is inserted after section 10 of the principal Act:

### Delegation

11. (1) The principal registrar may delegate to the holder of the office of deputy registrar or the holder of any other office or position a power, function or duty conferred or imposed on the principal registrar by or under this or any other Act.

(2) The district registrar for a district may delegate to the holder of the office of assistant district registrar for the district a power, function or duty conferred or imposed on the district registrar by or under this or any other Act.

(3) A delegation under this section—

(a) must be made by instrument in writing;

(b) authorizes any person who is or becomes holder of the office or position specified in the instrument of delegation to act pursuant to the delegation;

- (c) may be made subject to conditions specified in the instrument of delegation;
- (d) may authorize sub-delegation of a power, function or duty;
- (e) is revocable at will by the delegator;
- (f) does not prevent the delegator from acting personally in any matter.

(4) The principal registrar is bound by any direction of the Minister requiring or relating to a delegation under this section.

(5) A district registrar is bound by any direction of the principal registrar requiring or relating to a delegation under this section.

(6) In any proceedings a certificate purporting to be signed by the principal registrar or a district registrar certifying a matter relating to a delegation by the principal registrar or district registrar under this section constitutes, in the absence of proof to the contrary, proof of the matter certified.

#### **Registration of illegitimate child**

5. Section 19 of the principal Act is amended by striking out from subsection (3) "Registrar" and substituting "principal registrar".

#### **Substitution of s. 21**

6. Section 21 of the principal Act is repealed and the following section is substituted:

##### **Entry of child's surname in register**

21. (1) Subject to this section, the name to be entered in the register of births as the surname of a child is the surname of either of the parents, or a combined form of the surnames of both parents, of the child as nominated by the parents when furnishing the particulars required for registration of the birth.

(2) In default of nomination by the parents as referred to in subsection (1), the name to be entered in the register as the surname of the child is—

- (a) the surname of the father of the child in the case of a child born in lawful marriage, or the surname of the mother in the case of a child born out of lawful marriage;

or

- (b) such name as a local court of limited jurisdiction may, on application by a parent of the child, direct.

(3) An application for a direction of a court under subsection (2) must be made within 28 days after receipt by the principal registrar of the particulars required for registration of the birth.

(4) In determining an application for a direction under subsection (2), the welfare and interests of the child must be the paramount consideration of the court.

#### **Repeal of s. 28**

7. Section 28 of the principal Act is repealed.

**Duty of medical practitioner****8. Section 39 of the principal Act is amended—**

(a) by striking out from subsection (2) “and on conviction shall be liable to a penalty of not more than twenty dollars”;

and

(b) by inserting at the foot of subsection (2):

Penalty: Division 9 fine.

**Duty of undertaker after burial, etc.****9. Section 40 of the principal Act is amended—**

(a) by striking out from subsection (2) “and on conviction liable to a penalty not exceeding twenty dollars”;

and

(b) by inserting at the foot of subsection (2):

Penalty: Division 9 fine.

**Penalties for failure to register****10. Section 71 of the principal Act is amended—**

(a) by striking out “and liable to a penalty not exceeding forty dollars”;

and

(b) by inserting at the foot of the section:

Penalty: Division 8 fine.

**Penalty for burying body contrary to Act****11. Section 72 of the principal Act is amended—**

(a) by striking out “and liable to a penalty not exceeding forty dollars”;

and

(b) by inserting at the foot of the section:

Penalty: Division 8 fine.

**Penalty for giving false information****12. Section 73 of the principal Act is amended—**

(a) by striking out “and liable to a penalty not exceeding forty dollars”;

and

(b) by inserting at the foot of the section:

Penalty: Division 8 fine.

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**Offences of registrars**

13. Section 74 of the principal Act is amended—

(a) by striking out “and liable to a penalty not exceeding forty dollars”;

and

(b) by inserting at the foot of the section:

Penalty: Division 8 fine.

**Destruction, alteration or forgery of register**

14. Section 75 of the principal Act is amended—

(a) by striking out from subsection (1) “and liable to imprisonment for any term not exceeding three years”;

and

(b) by inserting at the foot of subsection (1):

Penalty: Division 5 imprisonment or division 5 fine.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor