



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 69 of 1980

An Act to amend the Births, Deaths and Marriages Registration Act, 1966-1975; the Registration of Deeds Act, 1935-1973; the Electoral Act, 1929-1976, and the Adoption of Children Act, 1966-1978.

[Assented to 13 November 1980]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the "Statutes Amendment (Change of Name) Act, 1980".

Commencement.

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

Arrangement of Act.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—AMENDMENT OF THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966-1975

PART III—AMENDMENT OF THE REGISTRATION OF DEEDS ACT, 1935-1973

PART IV—AMENDMENT OF THE ELECTORAL ACT, 1929-1976

PART V—AMENDMENT OF THE ADOPTION OF CHILDREN ACT, 1966-1978

PART II

PART II

AMENDMENT OF THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1966-1975

4. (1) In this Part, the Births, Deaths and Marriages Registration Act, 1966-1975, is referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Births, Deaths and Marriages Registration Act, 1966-1980".

5. The long title to the principal Act is amended by striking out the passage "and to the legitimation of children" and inserting in lieu thereof the passage "and the registration of changes of name; and for other purposes". Amendment of long title.

6. Section 4 of the principal Act is repealed and the following section is enacted and inserted in its place:— Repeal of s. 4 of principal Act and enactment of section in its place.

4. This Act is arranged as follows:— Arrangement of Act.

PART I—PRELIMINARY

PART II—ADMINISTRATION

PART III—REGISTRATION OF BIRTHS

PART IV—CHILDREN NOT BORN ALIVE

PART V—REGISTRATION OF MARRIAGES

PART VI—REGISTRATION OF DEATHS

PART VII—REGISTRATION OF DEATHS OF PERSONS DYING OUTSIDE THE STATE WHILST ON WAR SERVICE

PART VIII—REGISTRATION OF DEATHS OF PERSONS DYING WITHIN THE STATE WHILST ON WAR SERVICE OR DYING AT SEA

PART IX—REGISTRATION OF CHANGES OF NAME

PART X—MISCELLANEOUS

7. Section 5 of the principal Act is amended by striking out the definition of "christian name". Amendment of principal Act, s. 5— Interpretation.

8. Section 7 of the principal Act is repealed and the following section is enacted and inserted in its place:— Repeal of s. 7 of principal Act and enactment of section in its place.

7. The Minister may appoint any premises as the office for keeping the general register of births, deaths, marriages and changes of name. Office for keeping general register.

9. Section 11 of the principal Act is repealed. Repeal of s. 11 of principal Act.

10. Section 13 of the principal Act is repealed. Repeal of s. 13 of principal Act.

11. Section 14 of the principal Act is amended by striking out subsection (3). Amendment of principal Act, s. 14—

Duty of occupier of premises to notify birth.

PART II

Amendment of principal Act, s. 15—
Duty of parent.

12. Section 15 of the principal Act is amended—

- (a) by striking out from subsection (1) the word “particulars” and inserting in lieu thereof the passage “prescribed particulars”;
and
(b) by striking out subsection (2).

Amendment of principal Act, s. 16—
Duty of occupier where parent absent, dead, etc.

13. Section 16 of the principal Act is amended by striking out the passage “particulars for the registration of the birth in the manner prescribed by section 15 of this Act” and inserting in lieu thereof the passage “prescribed particulars for registration of the birth”.

Amendment of principal Act, s. 17—
Registration of birth of children born at sea.

14. Section 17 of the principal Act is amended by striking out subsection (2).

Amendment of principal Act, s. 20—
Registration in cases where birth not registered within prescribed time.

15. Section 20 of the principal Act is amended—

- (a) by striking out from paragraph (a) of subsection (1) the passage “in accordance with the form in the Sixth Schedule” and inserting in lieu thereof the passage “in the prescribed form”;
(b) by striking out from paragraph (b) of subsection (1) the passage “particulars required in accordance with the form in the Sixth Schedule” and inserting in lieu thereof the passage “prescribed particulars”;
and
(c) by striking out subsection (2).

Amendment of principal Act, s. 21—
Entry of child's surname in the register.

16. Section 21 of the principal Act is amended by striking out paragraphs (a) and (b) and inserting in lieu thereof the following paragraphs:—

- (a) the surname of the father, the surname of the mother, or a combined form of the surnames of both parents, whichever is nominated by the parents;
or
(b) in default of any such nomination by the parents—
(i) in the case of a child born within lawful marriage—the surname of the father;
and
(ii) in the case of a child born out of lawful marriage—the surname of the mother.

Repeal of ss. 22, 23 and 24 of principal Act.

17. Sections 22, 23 and 24 of the principal Act are repealed.

Amendment of principal Act, s. 25—
Duty of medical practitioner where child is not born alive.

18. Section 25 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “in accordance with the form in the Thirteenth Schedule” and inserting in lieu thereof the passage “in the prescribed form”;
(b) by striking out from subsection (2) the passage “in accordance with the form in the Fourteenth Schedule” and inserting in lieu thereof the passage “in the prescribed form”;

- (c) by striking out from paragraph (a) of subsection (3) the passage “in accordance with the form in the Fourteenth Schedule” and inserting in lieu thereof the passage “required under subsection (2) of this section”;
- and
- (d) by striking out from subsection (4) the passage “in accordance with the form in the Fourteenth Schedule” and inserting in lieu thereof the passage “required under subsection (2) of this section”.
19. Section 27 of the principal Act is repealed. Repeal of
s. 27 of
principal Act.
20. Section 29 of the principal Act is amended— Amendment of
principal Act,
s. 29—
Notification of
deaths.
- (a) by striking out from subsection (1) the word “particulars” and inserting in lieu thereof the passage “prescribed particulars”;
- and
- (b) by striking out subsection (2).
21. Section 31 of the principal Act is amended— Amendment of
principal Act,
s. 31—
Late
registration of
death.
- (a) by striking out from paragraph (b) of subsection (1) the passage “in accordance with the form in the Eighth Schedule” and inserting in lieu thereof the passage “in the prescribed form”;
- (b) by striking out from paragraph (c) of subsection (1) the passage “in accordance with the form in the Eighth Schedule” and inserting in lieu thereof the passage “in the prescribed form”;
- and
- (c) by striking out subsection (2).
22. Section 39 of the principal Act is amended— Amendment of
principal Act,
s. 39—
Duty of
medical
practitioner.
- (a) by striking out from paragraph (a) of subsection (1) the passage “, in accordance with the form in the Thirteenth or Fifteenth Schedules,” and inserting in lieu thereof the passage “in the prescribed form”;
- and
- (b) by striking out from paragraph (b) of subsection (1) the passage “in accordance with the form in the Fourteenth Schedule” and inserting in lieu thereof the passage “in the prescribed form”.
23. Section 40 of the principal Act is amended by striking out from subsection (1) the passage “in the form in the Sixteenth Schedule” and inserting in lieu thereof the passage “in the prescribed form”. Amendment of
principal Act,
s. 40—
Duty of
undertaker
after burial,
etc.
24. Section 44 of the principal Act is amended by striking out subsection (2). Amendment of
principal Act,
s. 44—
Particulars and
filing of
certificate of
registration.
25. Section 47 of the principal Act is amended by striking out from paragraph (a) of subsection (2) the passage “in the form in the Fifteenth Schedule” and inserting in lieu thereof the passage “in the prescribed form”. Amendment of
principal Act,
s. 47—
Registration of
deaths of
members of
armed forces.

PART II

Amendment of
principal Act,
s. 51—
Particulars and
filing of
certificate of
registration.

26. Section 51 of the principal Act is amended by striking out subsection (2).

Enactment of
Part IX of
principal Act.

27. The following Part comprising of the following sections is enacted and inserted in the principal Act after section 52 thereof:—

PART IX

REGISTRATION OF CHANGES OF NAME

Change of
name.

53. (1) A person who has attained the age of eighteen years, or who is or has been married, may, in the prescribed manner, change his name.

(2) A parent of a child may, subject to subsection (3) of this section, in the prescribed manner, change the name of the child.

(3) A parent of a child is not entitled to change the name of the child—

(a) unless—

(i) there is no other surviving parent of the child, or there is another surviving parent of the child and that other parent has consented to the change of name;

or

(ii) a local court of limited jurisdiction has authorized the change of name;

and

(b) where the child is of or above the age of twelve years— unless the child has consented to the change of name.

(4) In authorizing a change of name under subsection (3) of this section, the welfare and interests of the child shall be the paramount consideration of the court.

(5) Before registering a change of name under this section, the principal registrar may require the applicant to furnish such evidence as the principal registrar thinks appropriate as to the identity, age or marital status of the applicant or the person whose name is sought to be changed.

(6) A change of name under this section shall not be effective until registered by the principal registrar.

(7) Where the principal registrar is satisfied by such evidence as he may require—

(a) that a person has changed his name under the law of any place outside this State;

or

(b) that the name of a child has been changed under the law of the Commonwealth or of any place outside this State, or by order of any court of competent jurisdiction in this State,

he may register that change of name.

(8) In this section—

“change” in relation to a name, includes any addition, omission or substitution affecting the name.

54. (1) The principal registrar shall maintain a register of changes of name made or registered under this Part. The register.

(2) All instruments deposited in the General Registry Office, before the commencement of the Statutes Amendment (Change of Name) Act, 1978, and relating to change of name, shall, upon the commencement of that amending Act, be incorporated in the register.

55. Upon the registration of a change of name under this Part, the principal registrar shall cause appropriate notations to be made upon any entries in the registers relating to the birth or marriage of the person whose name has been changed. Notations to be made in registers.

28. Section 66 of the principal Act is amended by striking out from subsection (2) the passage “fees mentioned in the Nineteenth Schedule” and inserting in lieu thereof the passage “prescribed fees”. Amendment of principal Act, s. 66—
Index to be kept.

29. Section 67 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “or marriage” and inserting in lieu thereof the passage “, marriage or change of name”; Amendment of principal Act, s. 67—
Certified copies to be evidenced.

and

(b) by striking out from subsection (2) the passage “or register of marriages” and inserting in lieu thereof the passage “register of marriages or register of changes of name”.

30. Section 68 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “or register of marriages” and inserting in lieu thereof the passage “register of marriages or register of changes of name”; Amendment of principal Act, s. 68—
Correction of errors.

(b) by striking out from subsection (2) the passage “or register of marriages” and inserting in lieu thereof the passage “register of marriages or register of changes of name”;

(c) by striking out from subsection (3) the passage “or marriage” and inserting in lieu thereof the passage “, marriage or change of name”;

and

(d) by striking out subsection (5).

31. The following section is enacted and inserted in the principal Act after section 68 thereof:— Enactment of s. 68a of principal Act.

68a. (1) The principal registrar may—

(a) refuse to enter in the register of births any forename, or any surname that is a combined form of the surnames of both parents;

or

Registrar may refuse to enter certain names in a register.

(b) refuse to enter in the register of changes of name any forename or surname,

that is obscene or frivolous.

(2) Where the principal registrar has refused to enter a name in a register pursuant to this section, he shall, by notice in writing addressed to the person by whom application was made for the entry of that name in the register, notify that person of his refusal to enter the name.

(3) A person may, within one month of receiving a notice under subsection (2) of this section, appeal in the prescribed manner to a local court of limited jurisdiction against the refusal by the principal registrar to enter a name in a register.

(4) In determining an appeal against the refusal by the principal registrar to enter in a register the name of a child, the welfare and interests of the child shall be the paramount consideration of the court.

Amendment of principal Act, s. 71—
Penalties for failure to register.

32. Section 71 of the principal Act is amended by inserting in paragraph (b) after the passage “or marriage” the passage “or change of name”.

Amendment of principal Act, s. 74—
Offences of registrar.

33. Section 74 of the principal Act is amended—

(a) by striking out from paragraph (a) the passage “or marriage” and inserting in lieu thereof the passage “, marriage or change of name”;

and

(b) by striking out from paragraph (b) the passage “or marriage” and inserting in lieu thereof the passage “, marriage or change of name”.

Amendment of principal Act, s. 75—
Destruction or alteration or forgery of register.

34. Section 75 of the principal Act is amended—

(a) by striking out from paragraph (c) of subsection (1) the passage “or marriage” and inserting in lieu thereof the passage “, marriage or change of name”;

and

(b) by striking out from subsection (2) the passage “or marriage” and inserting in lieu thereof the passage “, marriage or change of name”.

Amendment of principal Act, s. 76—
Regulations.

35. Section 76 of the principal Act is amended—

(a) by striking out from paragraph (a) the passage “and the modification or variation of the forms in the schedules or the substitution of other forms for those forms”;

and

(b) by striking out from paragraph (b) the passage “in lieu of or in addition to the fees prescribed in the schedule”.

Repeal of schedules of principal Act.

36. All schedules to the principal Act with the exception of the first schedule are repealed.

PART III

PART III

AMENDMENT OF THE REGISTRATION OF DEEDS ACT, 1935-1973

37. (1) In this Part, the Registration of Deeds Act, 1935-1973, is referred to as "the principal Act".

Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Registration of Deeds Act, 1935-1980".

38. Section 35a of the principal Act is repealed.

Repeal of
s. 35a of
principal Act.

PART IV

PART IV

AMENDMENT OF THE ELECTORAL ACT, 1929-1976

39. (1) In this Part, the Electoral Act, 1929-1976, is referred to as "the principal Act".

Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Electoral Act, 1929-1980".

40. Section 40 of the principal Act is amended by inserting after paragraph (b) the following paragraph:—

(c) forward to the Electoral Commissioner particulars of all changes of name of persons of the age of eighteen years or upwards which have been registered in the State during the preceding month.

Amendment of
principal Act,
s. 40—
Duty of
Principal
Registrar of
Births, Deaths
and Marriages.

PART V

PART V

AMENDMENT OF THE ADOPTION OF CHILDREN ACT, 1966-1978

Short titles.

41. (1) In this Part, the Adoption of Children Act, 1966-1978, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Adoption of Children Act, 1966-1980".

Amendment of
principal Act,
s. 32—
Names of
adopted
child.

42. Section 32 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Subject to subsection (2) of this section, upon the making of an adoption order, the adopted child—

(a) shall have as his forename or forenames such name or names as the court, upon the application of the adoptive parent or adoptive parents, approves and specifies in the adoption order;

and

(b) shall have as his surname—

(i) where there is only one adoptive parent and that person is not married—the surname of that adoptive parent;

(ii) where there is only one adoptive parent and that person is married to a natural parent of the child—the surname of the adoptive parent, the surname of the natural parent, or a combined form of those surnames, whichever is nominated by those parents;

(iii) where there are two adoptive parents—the surname of the adoptive mother, the surname of the adoptive father, or a combined form of those surnames, whichever is nominated by those parents;

or

(iv) in default of a nomination under subparagraph (ii) or (iii) of this paragraph—such surname as the court may specify in the adoption order.

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

K. D. SEAMAN, Governor