No. 69 of 1980

[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
PRELIMINARY

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

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

3. This Act is arranged as follows:—

PART I—PRELIMINARY


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

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

(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".

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 Section 4 of the principal Act is repealed and the following section is enacted and inserted in its place:

4. This Act is arranged as follows:

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".

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 Section 7 of the principal Act is repealed and the following section is enacted and inserted in its place: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

9. Section 11 of the principal Act is repealed.

10. Section 13 of the principal Act is repealed.

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

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".

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

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).

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.

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 Sections 22, 23 and 24 of the principal Act are repealed.

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";
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(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.

20. Section 29 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).

21. Section 31 of the principal Act is amended—

(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”; and

(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—

(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”.

24. Section 44 of the principal Act is amended by striking out subsection (2).

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

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

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.

(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.

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".

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";

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";

(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:

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
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”.

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”.

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”.

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”.

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

(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.

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".

(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.
PART V

AMENDMENT OF THE ADOPTION OF CHILDREN ACT, 1966-1978

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”.

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