



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 96 of 1975**An Act to amend the Births, Deaths and Marriages
Registration Act, 1966-1972.***[Assented to 20th November, 1975]*

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

Short titles.

1. (1) This Act may be cited as the "Births, Deaths and Marriages Registration Act Amendment Act, 1975".

(2) The Births, Deaths and Marriages Registration Act, 1966-1972, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Births, Deaths and Marriages Registration Act, 1966-1975".

**Commence-
ment.**

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

**Amendment of
principal Act,
s. 4—
Arrangement.**

3. Section 4 of the principal Act is amended by striking out the item:
PART IX—LEGITIMATION OF CHILDREN, ss. 53-65.

**Amendment of
principal Act,
s. 19—
Registration of
child born
outside
marriage.**

4. Section 19 of the principal Act is amended—

(a) by striking out from subsection (2) the passage 'enter the words "not stated" in the column of the certificate' and inserting in lieu thereof the passage 'enter the words "paternity not acknowledged" in the column of the certificate';

(b) by striking out subsections (3) and (4) and inserting in lieu thereof the following subsections:—

(3) Where a child is born out of lawful marriage—

(a) the mother need not furnish particulars relating to the paternity of the child;

but

(b) where, in the form completed by the mother, a person is named as father of the child, and the appropriate certificate contained in the form is not completed by the father, the Registrar shall serve personally or by post upon the person alleged to be the father of the child, a copy of the form as completed by the mother accompanied by a notice in writing addressed to the alleged father inviting him to acknowledge that he is the father of the child.

(4) Subject to this section, the name of a person shall not be entered in a register as father of the child unless—

(a) he has, in the form furnished by the mother in pursuance of this section, acknowledged that he is the father of the child;

or

(b) he has, in response to an invitation addressed to him under subsection (3) of this section, acknowledged within thirty days after the date of the invitation that he is the father of the child.;

(c) by striking out from subsection (5) the passage “in the entry of the registration of the birth of any child born out of lawful marriage the father of the child is not stated” and inserting in lieu thereof the passage “in proceedings for registration of the birth of a child born out of lawful marriage the paternity of the child is not acknowledged”;

(d) by striking out from subsection (6) the passage “, of Part IX of this Act,”;

and

(e) by inserting after subsection (6) the following subsections:—

(7) The parent of a person legitimated under the *Marriage Act* 1961 of the Commonwealth shall, within three months after the date of the legitimation, furnish the principal Registrar with a notice of the legitimation in a form stipulated by the principal Registrar.

(8) The principal Registrar shall, upon receipt of a notice under subsection (7) of this section—

(a) endorse on the register a note of the legitimation;

or

(b) re-register the birth of the legitimated person in the same form as if he had been born within marriage.

5. Section 21 of the principal Act is amended—

(a) by striking out from subparagraph (i) of paragraph (a) the passage “, or is deemed by virtue of section 91 of the *Marriage Act* 1961 of the Commonwealth to be the legitimate child of his parents”;

and

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

(b) by striking out subparagraph (ii) of paragraph (a) and inserting in lieu thereof the following subparagraph:—

(ii) the child is legitimated in pursuance of the *Marriage Act* 1961 of the Commonwealth;

Repeal of
Part IX of
principal Act.

6. Part IX of the principal Act (including the headings thereto) is repealed.

Amendment of
fifth schedule
of principal
Act.

7. The fifth schedule to the principal Act is amended—

(a) by striking out the passage “(Note that information regarding the father must not be furnished in the case of a child not born in lawful marriage UNLESS the person who acknowledges himself to be the father signs this form jointly with the mother.)” and inserting in lieu thereof the passage “(Note that where the child is born outside marriage the information regarding the father need not be furnished. Where the information is furnished and the father does not sign the certificate at the foot of this form, the person named as the father will be invited to acknowledge paternity of the child.)”;

and

(b) by inserting at the end of the series of items of information falling under the heading “Father of Child” the following item:—

6. Usual residence of father.....

Repeal of
seventeenth
and eighteenth
schedules of
principal Act.

8. The seventeenth and eighteenth schedules to the principal Act are repealed.

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

M. L. OLIPHANT, Governor