
REGISTRATION OF BIRTHS AND DEATHS ACT 1973.

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REGISTRATION OF BIRTHS AND DEATHS.

No. 10 of 1973.

AN ACT to amend the *Registration of Births and Deaths Act 1895* and the *Registration of Births and Deaths Act 1968*. [10 May 1973.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Registration of Births and Deaths Act 1973*. Short title, citation, and commencement.

(2) The *Registration of Births and Deaths Act 1895*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

Records of adoptions and endorsements, &c., to be made in birth registers in relation to adopted persons.

2 Section twenty-two F of the Principal Act is amended—

- (a) by omitting the word “ or ” occurring after paragraph (a) of subsection (1) thereof;
- (b) by adding at the end of paragraph (b) of that subsection the word “; or”;
- (c) by inserting after that paragraph the following paragraph:—
 - “(ba) a document purporting to be a copy of an adoption order or of such other document relating to an adoption order or the discharge of an adoption order in a place (other than this State or another State or Territory of the Commonwealth),”;
- (d) by inserting in that subsection before the words “ the Registrar-General shall—” the words “ subject to subsection (1A) of this section ”;
- (e) by inserting after that subsection the following subsection:—
 - “(1A) Before proceeding in accordance with paragraphs (c), (d), and (e) of subsection (1) of this section in respect of a copy of an adoption order or other document referred to in paragraph (ba) of that subsection, the Registrar-General shall be furnished with an application in that behalf by the person in favour of whom or in respect of whom the order of adoption or the discharge of the order of adoption was made.”.

Penalty for failure to deliver certificate.

3—(1) Section thirty-one of the Principal Act is amended by omitting the words “ forty shillings ” and substituting therefor the words “ four dollars ”.

(2) This section shall be deemed to have commenced on the fourteenth day of February 1966.

Change of name.

4 Section thirty-six A of the Principal Act is amended—

- (a) by omitting from subsection (2) the word “ A ” and substituting therefor the words “ Subject to subsection (3) of this section, a ”; and
- (b) by adding at the end thereof the following subsection:—
 - “(3) For the purposes of sub-paragraph (ii) of paragraph (b) of subsection (1) of this section, the registration of a deed poll under this Act shall be deemed to be evidence that the person making the deed poll is currently using the names, other than the names appearing in the entry referred to in that section, set out in the deed poll.”.

5 After section thirty-six A of the Principal Act the following sections are inserted:—

“ 36B—(1) Subject to this Act, the Registrar-General shall on payment of the prescribed fee register a deed poll in the prescribed form in which a change in the name of the person in respect of whom the deed poll was executed, being (subject to sections thirty-six D, thirty-six E, or thirty-six F) a person who has attained his majority, is published. Registration of deed poll for publishing change of name.

“(2) For the purposes of this Part a change in the name of a person means a change in the surname or the forename, or both the surname and the forename, and the addition of a forename to an existing forename.

“ 36C A husband and wife may join in executing a deed poll which (whether or not it publishes a change in a forename) publishes a change in the surname of one of them to the same surname as that of the other, or changes the surname of both of them to the same surname. Husband and wife may join in deed poll.

“ 36D Subject to section thirty-six G, a husband and wife, being the natural or adoptive parents of a minor of whom they have lawful custody, who jointly execute a deed poll publishing a change of the surname of one or both of them may, in the same deed poll, publish a change of the surname of that minor to the same surname as that adopted by them or either of them (as the case may be) in the deed poll. Change of names of minor and parents.

“ 36E Subject to section thirty-six G, a surviving parent, being the natural or adoptive parent of a minor of whom he has lawful custody, who executes a deed poll recording a change of his surname may, in the same deed poll, record a change in the surname of that minor to the same surname as that adopted by him in the deed poll. Change of names of minor and surviving parent.

“ 36F Subject to section thirty-six G, a woman, being the natural mother of a minor who is an illegitimate child of whom she has lawful custody, who executes a deed poll recording a change of her surname may, in the same deed poll, record a change in the surname of that minor to the same surname as that adopted by her in the deed poll. Change of names of minor and parent.

“ 36G For the purposes of sections thirty-six D, thirty-six E, and thirty-six F, before registration of the deed poll, the Registrar-General shall, where the age of the minor exceeds fifteen years, require an endorsement on the deed poll of his assent to the registration of that deed poll in which the change of his name is published. Restrictions on change of name of minor.

Restriction on
change of
forename of
minor.

“36H A deed poll lodged for registration under this Part in which a change of the surname of a minor is published may also contain publication of a change in the forename of that minor but, except as provided in this section, a deed poll in which a change of the forename of a minor is published shall not be accepted for registration under this Act.

Offensive
names.

“36J—(1) Notwithstanding subsection (1) of section thirty-six B, the Registrar-General shall refuse to register a deed poll recording a change of name to a name which, in his opinion, is obscene or blasphemous, or calculated to cause offence to any person.

“(2) Where under this section the Registrar-General refuses to register a deed poll he shall forthwith give notice by post of that refusal to the person executing the deed poll.

“(3) At any time within twenty-one days of notification thereof, or such further time as the Master of the Supreme Court may allow, the person executing the deed poll of which registration has been refused under this section may appeal to the Master of the Supreme Court against that refusal on the ground that the opinion of the Registrar-General is unreasonable.

“(4) Upon the determination of an appeal under this section the Master of the Supreme Court—

(a) if he is satisfied that the opinion of the Registrar-General is unreasonable in the circumstances, may make an order that the deed poll the subject of the appeal be registered forthwith; or

(b) if he is not so satisfied, may refuse to make that order.

“(5) Where an order is made under paragraph (a) of subsection (4) of this section—

(a) the Master of the Supreme Court shall cause a copy of the order to be served on the Registrar-General; and

(b) the Registrar-General shall register the deed poll that is the subject of the order accordingly.

“(6) A decision of the Master of the Supreme Court under this section shall not be challenged, reviewed, quashed, or called in question before any court or in any legal proceedings, or restrained, removed, or otherwise affected by prohibition, mandamus, certiorari, or otherwise.”

6 Section forty-eight of the Principal Act is amended—

Regulations.

(a) by adding, at the end of paragraph (a) of subsection (2) thereof, the words “or require any such form to be in the form of, and to have the same effect as, a statutory declaration”; and

(b) by inserting after paragraph (a) thereof the following paragraph:—

“(ab) require the substantiation by statutory declaration of all or any information given in a prescribed form which is not in the form of a statutory declaration;”.

7—(1) The *Registration of Births and Deaths Act 1968* is amended by omitting from section twenty-two thereof the words “Part IV” and substituting therefor the words “Part III”. Amendment of the *Registration of Births and Deaths Act 1968*.

(2) This section shall be deemed to have commenced on the fifth day of December 1968.