

**REGISTRATION OF BIRTHS AND DEATHS AMENDMENT ACT  
1987**

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**No. 109 of 1987**

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**REGISTRATION OF BIRTHS AND DEATHS  
AMENDMENT ACT 1987**

No. 109 of 1987

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**AN ACT to amend the Registration of Births and Deaths Act 1895.**

**[Royal Assent 23 December 1987]**

**B**E 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**—This Act may be cited as the *Registration of Births and Deaths Amendment Act 1987*. Short title.

**2**—(1) This section and section 1 shall commence on the day on which this Act receives the Royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

**3**—In this Act, the *Registration of Births and Deaths Act 1895*\* is referred to as the Principal Act. Principal Act.

\* 59 Vict. No. 9. For this Act, as reprinted up to and including 31st December 1959, see the Reprint of Statutes (1826-1959), Vol. 5. p. 297. Subsequently amended by No. 16 of 1963, No. 55 of 1965, No. 46 of 1966, No. 58 of 1968, No. 10 of 1973, No. 36 of 1974, No. 29 of 1984, No. 19 of 1985, and S.R. 1969, No. 214.

Amendment of  
section 1A of  
Principal Act  
(Interpretation).

**4**—Section 1A (1) of the Principal Act is amended by inserting the following definition before the definition of “live birth”—

“**exnuptial child**” means a child whose natural father and mother were not married to each other at the time of the conception of the child and have not since married each other;

Amendment of  
section 17 of  
Principal Act  
(Saving as to  
father in case of  
exnuptial child).

**5**—Section 17 of the Principal Act is amended by omitting “a child whose father and mother were not married to each other at the time of the conception of the child and have not since married each other” and substituting “an exnuptial child”.

Insertion in  
Principal Act of  
new sections 18,  
18A, 18B, 18C,  
and 18D.

**6**—The Principal Act is amended by inserting the following sections after section 17:—

Paternity  
acknowledgement  
form.

**18—(1)** Any man may, in the presence of a justice, execute a paternity acknowledgement in the prescribed form acknowledging that he is the father of an exnuptial child specified in the form and may lodge the form with the Registrar-General.

**(2)** A paternity acknowledgement form lodged with the Registrar-General pursuant to subsection (1) shall be accompanied by—

**(a)** if the form is countersigned by the mother of the child in the presence of a justice, the relevant lodgement fee prescribed for the purposes of this paragraph; or

**(b)** if the form is not countersigned by the mother of the child, the relevant lodgement fee prescribed for the purposes of this paragraph.

**(3)** Where a paternity acknowledgement form is not countersigned by the mother of the child, the Registrar-General shall not accept lodgement of the form unless it contains a brief explanation as to why it is not countersigned.

18A—(1) Where a paternity acknowledgement form is countersigned by the mother of the child and is lodged with the Registrar-General, the Registrar-General shall, subject to subsection (2), direct a registrar to re-register the birth in the register kept by that registrar and include in that re-registered record the name of, and other relevant particulars relating to, the man who executed the paternity acknowledgement.

Procedure where  
mother of child  
countersigns  
form.

(2) The name of, and other relevant particulars relating to, the man who executed the paternity acknowledgement shall be recorded in the register of birth for the child only if the Registrar-General has no reason to believe that the man so acknowledging himself is not the father of the child.

(3) An entry under this section may be made notwithstanding that the child to whom it relates has died.

18B—(1) Where a paternity acknowledgement form is not countersigned by the mother of the child and is lodged with the Registrar-General, the Registrar-General shall deal with the form in accordance with this section.

Procedure where  
form is not  
countersigned.

(2) If the Registrar-General is satisfied that the form has not been countersigned because the mother of the child is dead and he has no reason to believe that the man who executed the paternity acknowledgement is not the father of the child, he shall direct a registrar to re-register the birth in the register kept by that registrar and include in that re-registered record the name of, and other relevant particulars relating to, the man.

(3) If the form has not been countersigned for any other reason, the Registrar-General shall—

(a) cause to be served on the mother at the place where she resides; or

(b) if her whereabouts are unknown, cause to be served on her at the place where he believes her to have last resided, or cause to be published in a newspaper circulating in the area in which he believes her to have last resided,

a notice inviting her to lodge with him within 60 days after the service or, as the case may be, the publication of the notice an objection in writing to the name and particulars of the man who executed the paternity acknowledgement being so recorded on the ground that the man so acknowledging himself is not the father of the child.

(4) If an objection has not been lodged within the period specified in subsection (3) and the Registrar-General has no reason to believe that the man who executed the paternity acknowledgement is not the father of the child, he shall direct a registrar to re-register the birth in the register kept by that registrar and include in that re-registered record the name of, and other particulars relating to, the man.

(5) The Registrar-General may make such inquiries, and require the production of such evidence, as he thinks fit to satisfy himself of any matter of which he is required to be satisfied for the purposes of this section.

(6) Where the mother of a child lodges an objection pursuant to the invitation made under subsection (3), the Registrar-General shall notify in writing the man who executed the paternity acknowledgement that the mother has made the objection and may, where appropriate, make on behalf of the child an application for a declaration of paternity of the child in accordance with section 10 (1) of the *Status of Children Act 1974*.

(7) The power of the Registrar-General to make an application referred to in subsection (6) is without prejudice to his power to make such an application in circumstances other than those to which that subsection relates.

(8) Where a declaration of paternity is made in accordance with section 10 (1) of the *Status of Children Act 1974* that the relationship of father and child exists between the man who executed the paternity acknowledgement and the child named in the acknowledgement, the Registrar-General shall direct a registrar to re-register the birth in the register kept by that registrar and include in that re-registered record the name of, and other relevant particulars relating to, the man.

(9) An entry under this section may be made notwithstanding that the child to whom it relates has died.

18C—Where the birth of a child has been re-registered pursuant to section 18A or 18B, the Registrar-General or any other registrar shall not issue to the child or to any other person a copy of, or an extract from, the original entry of the birth unless the Registrar-General is satisfied that the copy or extract is properly required as evidence of a fact of which a copy of, or extract from, the entry of the birth made pursuant to that section would not be evidence.

Issue of copies  
of or extracts  
from entries  
relating to re-  
registered births.

18D—(1) Where the birth of a child has been re-registered pursuant to section 18A (1) or 18B (2) or (4), the entry of the name of the man acknowledging himself to be the father of the child in the new entry of the birth shall not be deleted except by an order of a judge in chambers.

Alteration of  
record.

(2) An application for an order referred to in subsection (1) may be made by or on behalf of any person who has a proper interest in the result, including—

- (a) the man who executed the paternity acknowledgement;
- (b) the mother of the child to whom the acknowledgement relates;
- (c) the child; or
- (d) the Registrar-General.

(3) Where any person whose interests would, in the opinion of the judge in chambers, be affected by the making of an order referred to in subsection (1) is not present or represented, and has not been given the opportunity to be present or represented, at the hearing of an application made under subsection (2), the judge may, if he thinks that that person ought to be present or represented at the hearing, adjourn the hearing to enable that person to be given an opportunity to be so present or represented.

(4) On the hearing of an application made under subsection (2), the judge in chambers may make or refuse to make the order applied for.

(5) Where an order referred to in subsection (1) is made, the Registrar of the Supreme Court shall cause a copy of the order to be transmitted to the Registrar-General who shall direct the registrar in whose register the birth of the child has been re-registered to cancel the entry made by way of re-registration under section 18A (1) or 18B (2) or (4) in respect of the child.

(6) If a declaration of paternity referred to in section 18B (8) is revoked pursuant to section 10 (5) of the *Status of Children Act 1974* the Registrar-General shall direct the registrar in whose register the birth of the child has been re-registered to cancel the entry made by way of re-registration under section 18B (8) in respect of the child.

Amendment of section 36B of Principal Act (Registration of deed poll for publishing change of name).

7—Section 36B (1) of the Principal Act is amended by omitting “thirty-six D, thirty-six E, or thirty-six F” and substituting “36D, 36DA, 36DB, 36E, or 36F”.

Insertion in Principal Act of new sections 36DA and 36DB.

8—After section 36D of the Principal Act, the following sections are inserted:—

Parent with lawful custody may change name of minor.

36DA—Subject to section 36G, a parent, being the natural or adoptive parent of a minor of whom the parent has lawful custody, may execute a deed poll which (whether or not it publishes a change in a forename) publishes a change in the surname of that minor.



36DB—Subject to section 36G, a parent, being the natural or adoptive parent of a minor of whom the parent has lawful custody, who executes a deed poll recording a change of his surname may, in the same deed poll, (whether or not it publishes a change in a forename) record a change in the surname of the minor to the same surname as that adopted by him in the deed poll.

Parent with lawful custody may change own name and name of minor.

9—Section 36F of the Principal Act is amended by omitting “illegitimate child” and substituting “exnuptial child”.

Amendment of section 36F of Principal Act (Change of names of minor and parent).

10—Section 36G of the Principal Act is amended by omitting “thirty-six D, thirty-six E, and thirty-six F” and substituting “36D, 36DA, 36DB, 36E, and 36F”.

Amendment of section 36G of Principal Act (Restrictions on change of name of minor).

