

AUSTRALIAN CAPITAL TERRITORY

No. 40 of 1980

An Ordinance to amend the *Registration of Births, Deaths and Marriages Ordinance 1963*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this twelfth day of October 1980.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

R. ELLICOTT
Minister of State for the Capital Territory

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES (AMENDMENT) ORDINANCE (No. 2) 1980

Short title

1. This Ordinance may be cited as the *Registration of Births, Deaths and Marriages (Amendment) Ordinance (No. 2) 1980*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Registration of Births, Deaths and Marriages Ordinance 1963*.²

Interpretation

3. Section 5 of the Principal Ordinance is amended by omitting "illegitimate" from the definition of "parent" in sub-section (1) and substituting "ex-nuptial".

4. Section 17 of the Principal Ordinance is repealed and the following section substituted:

Name and other particulars relating to father of ex-nuptial child

"17. (1) Subject to sub-section (2), the Registrar shall enter in the Register of Births the name of, and other particulars relating to, the father of an ex-nuptial child if—

- (a) the mother and the father of the child each requests, or the father of the child requests, the Registrar, in writing, to include the name and other particulars in the entry of the birth of the child in the Register of Births;
- (b) the father, by writing under his hand furnished to the Registrar, acknowledges that he is the father of the child; and
- (c) the acknowledgement is signed by the father in the presence of the Registrar or, where the Registrar is satisfied that it is impracticable for the father so to sign the acknowledgement, a statutory declaration of the father verifying the facts contained in the acknowledgement is furnished to the Registrar.

“(2) Where the father of an ex-nuptial child makes a request under sub-section (1) but the mother of the child does not make such a request, the Registrar shall not enter in the Register of Births the name of, or any other particulars relating to, the father of the child unless the Registrar is satisfied that the mother of the child is dead or after reasonable inquiry cannot be found or is, for any other reason, unable to make a request under sub-section (1).

“(3) Where—

- (a) a court of competent jurisdiction has, under a law in force in the Territory, made or given an order or judgment the making or giving of which is dependent upon the court being satisfied that a person is, or which adjudges or declares a person to be, the father of an ex-nuptial child; and
- (b) the order or judgment has not been set aside on the ground, or on grounds including the ground, that that person is not, or may not be, the father of the child,

the Registrar shall, upon application, enter in the Register of Births the name of, and other particulars relating to, the person as the father of the child.

“(4) An application under sub-section (3) may be made by or on behalf of—

- (a) the mother or father of the child;
- (b) a guardian of the child;
- (c) any person who, in the opinion of the Registrar, has a proper interest in making the application; or
- (d) if he has attained the age of 18 years—the child.

“(5) A request under sub-section (1) or an application under sub-section (3) may be made at the time when registration of the birth of the child is being effected or at any time thereafter and may be made whether registration was effected before or after the commencement of the *Registration of Births, Deaths and Marriages (Amendment) Ordinance (No. 2) 1980*.

“(6) Where the Registrar enters in the Register of Births the name of, or other particulars relating to, the father of an ex-nuptial child under this section, the Registrar shall sign his name immediately under the entry and write the date on which the entry was so made.

“(7) The Registrar shall not enter in the Register of Births the name of, or any other particulars relating to, the father of an ex-nuptial child except in accordance with this section.

“(8) The Registrar shall bring the provisions of this section to the notice of any person furnishing information concerning the birth of an ex-nuptial child.”

Additional name given at baptism or by notice to Registrar

5. Section 19 of the Principal Ordinance is amended by omitting “illegitimate” from paragraph (7) (c) and substituting “ex-nuptial”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 17 October 1980.
2. Ordinance No. 17, 1963 as amended by No. 19, 1966; No. 47, 1974; No. 29, 1975; Nos. 18, 50 and 58, 1977; No. 17, 1979; No. 24, 1980.