

WESTERN AUSTRALIA

CHANGE OF NAMES REGULATION AMENDMENT ACT

No. 11 of 1989

AN ACT to amend the *Change of Names Regulation Act 1923*.

[Assented to 2 November 1989]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Change of Names Regulation Amendment Act 1989*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Change of Names Regulation Act 1923** is referred to as the principal Act.

[*Reprinted as approved 24 March 1971 and amended by Act No. 13 of 1980.]

Section 1A inserted

4. After section 1 of the principal Act the following section is inserted—

Interpretation

“ 1A. In this Act—

“Registrar General” means the Registrar General appointed under the *Registration of Births, Deaths and Marriages Act 1961*;

“Registrar of Deeds and Transfers” means the Registrar of Deeds and Transfers within the meaning of the *Registration of Deeds Act 1856*. ”.

Section 2 amended

5. Section 2 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) A person shall not assume, use, or purport to assume or use any name other than any name—

(a) by which he was registered at birth;

(b) which was assumed by marriage;

(c) by which he had been known by repute at the commencement of this Act;

(d) which he had assumed under any statute, deed poll or licence before the commencement of this Act;

- (e) which he assumed under the provisions of this Act as in force from time to time before the commencement of the *Change of Names Regulation Amendment Act 1989*; or
- (f) which, after the commencement of that Act, he assumes by virtue of—
 - (i) a deed poll executed by him; or
 - (ii) a written licence for a change of name granted by the Registrar General,

registered in either case in the office of the Registrar General at Perth.

Penalty: \$2 000. ”; and

- (b) by repealing subsection (4).

Sections 2A, 2B, 2C, 2D and 2E inserted

6. After section 2 of the principal Act the following sections are inserted—

Procedure in relation to change of name

“ 2A. (1) A person who wishes to change his name may lodge with the Registrar General—

- (a) a deed poll and a memorial of a deed poll; or
- (b) an application for change of name by licence,

in a form approved in each case by the Registrar General.

(2) Subject to section 2 (3) and to subsection (3), the Registrar General may refuse to register a deed poll or grant a licence for a change of name if—

- (a) subsection (1) has not been complied with;
- (b) he has reason to believe that the proposed change of name is intended to enable or facilitate the carrying out of an unlawful act;

- (c) he considers that the name proposed to be adopted is obscene, offensive, frivolous or contrary to the public interest; or
- (d) a registration fee or other prescribed fee has not been paid.

(3) Where the Registrar General refuses to register a deed poll or grant a licence for a change of name, the applicant may in writing, within 21 days after the day on which he received notice of the Registrar General's decision, request the Minister to direct the Registrar General to register the deed poll or grant the licence, as the case may be, and where the Minister so directs, the Registrar General shall give effect to the direction of the Minister.

(4) Registration of a change of name is effected on the day and at the time when a memorial of a deed poll or of a licence for change of name is entered in the register referred to in section 2B and signed by the Registrar General.

Register of changes of name

2B. The Registrar General shall establish and maintain a register and index of the memorials of all deed polls and licences recording a change of name registered in the office of—

- (a) the Registrar of Deeds and Transfers in Perth in respect of the period commencing on 31 January 1957 and ending with the commencement of the *Change of Names Regulation Amendment Act 1989*; or
- (b) the Registrar General in Perth, after the commencement of that Act.

Public access to register

2C. (1) Subject to this section, the Registrar General shall at the request of, and on payment of the prescribed fees by, any person cause a search to be made during ordinary office hours of the register or index referred to in section 2B and, where required, issue a certified copy of a memorial in the register.

(2) The Registrar General shall refuse to comply with a request under subsection (1) where he has reason to believe that compliance with the request would be—

- (a) prejudicial to the safety of a person; or
- (b) otherwise contrary to the public interest.

(3) Where the Registrar General exercises his power under subsection (2), the person whose request has been refused may in writing, within 21 days after the day on which he received notice of the Registrar General's decision, ask the Minister to direct the Registrar General to comply with the request, and where the Minister so directs, the Registrar General shall give effect to the direction of the Minister.

Certified copy is evidence

2D. A certified copy of a memorial of a change of name registered under this Act, if it purports to be sealed with the seal of the Registrar General and signed by him or on his behalf, is evidence in all proceedings of the matters appearing in the memorial.

Delegation

2E. The Registrar General may delegate in writing to any person employed in his office any of his functions under this Act, other than this power of delegation. ”.

Registrar of Deeds and Transfers to transfer certain records

7. The Registrar of Deeds and Transfers shall, notwithstanding the *Registration of Deeds Act 1856*, transfer to the custody and control of the Registrar General the memorials and related indexes of changes of name registered in the office of the Registrar of Deeds and Transfers in Perth in respect of that period commencing on 31 January 1957 and ending with the commencement of this Act.
