

Applications under the *Births, Deaths and Marriages Registration Act*



What kind of applications can I bring to SACAT under the Births, Deaths and Marriages Act?

SACAT has jurisdiction to consider applications relating to the following:

- A dispute between parents regarding a child's name;
- Changing a child's name;
- Registering a death;
- Correcting the registrable information about a death and
- Review of a decision made by the Registrar of Births, Deaths and Marriages

What do I need to provide to the Tribunal in support of my application regarding a change of a child's name?

The documents you are required to provide with your application will depend on the application type.

For applications relating to changing a child's name, you must provide:

- A certified copy of the child's birth certificate;
- Proof of your identity;
- If your child was not born in South Australia, proof of them having resided in Australia; and
- Proof your child has been residing in South Australia for at least the last 12 months before you made the application.

Does my partner or the father/mother of the child need to be involved?

Yes. In the normal course, both parents must apply in order to change a child's name.

The only exceptions are if you are the only parent of the child listed on their birth certificate, the other parent is deceased, or if the Tribunal makes an Order to approve the new name for the child.

If you apply for the approval of the Tribunal, the other parent will be notified of the application and may participate in the proceedings and have their own views considered by the Tribunal.

If there have been family violence issues between yourself and the other parent, or if you have an intervention order in place, please advise the Tribunal at the time of making your application.

We can take steps to ensure the safety of all parties involved.

What if I cannot contact the other parent?

Unless it is not practicable due to safety concerns, you will need to provide proof of your attempts to contact the other parent in regards to the application.

You will also need to provide copies of all correspondence between you and the other parent regarding the change of name, even if the other parent has not responded.

If necessary, the Tribunal may make directions that you attempt further contact with the other parent or the Tribunal may attempt to make contact with the other parent.

Does my child have to consent to the change of their name?

Yes, but only if they are capable of understanding the meaning and implications of changing their name.

A qualified person must interview the child to determine if the child can understand the implications of changing their name and, if they can understand, whether they agree to the change.

A qualified person can include a school teacher, a police officer, a medical practitioner or someone else who knows the child but does not have an interest in the matter.

The Tribunal will provide you with a template form for the qualified person to complete. You can access this form on our website – click [here](#) to access the form.

The qualified person must also send a covering letter which sets out the context of their interview with the child (see page 2 of the template form for more information).

If the child is not capable of understanding the implication of the name change, approval can still be given by the Tribunal for the change of name. The Tribunal will need to be satisfied that the change of name is in the child's best interests.

How do I prove my identity?

You may provide the Tribunal with a certified copy of a current Driver's Licence, Passport, or other Photo Identification issued by an Australian Government agency.

How do I provide a certified copy of documents to the Tribunal?

The Tribunal will need to retain copies of the relevant documents you give us. You should retain the original copy of documents such as a birth certificate, driver's licence and other identity documents for future use.

Accordingly, you should provide a certified copy of documents to the Tribunal. A Justice of the Peace (JP) can certify documents for you at no cost to you. When meeting a JP you should bring the original document and a photocopy of your documents you would like to be certified. Otherwise, you might be charged a photocopying fee.

JPs are located at most local councils, public libraries or police stations. Alternatively, the Tribunal has a JP who can assist you.

Click [here](#) for information about how to access a JP.

How do I prove my child has been living in South Australia?

You can provide documents to the Tribunal that indicate your child's place of residence.

These documents may include:

- School reports, school invoices, childcare/preschool fees;
- Centrelink family payment advices; or
- Healthcare statements.

This is not an exhaustive list. Any document that indicates your child has been residing in South Australia will be considered.

What if my child was born in a different State or Territory?

If your child was born in Australia but not in South Australia, you must direct your enquiry to the relevant Births, Deaths and Marriages Registry in the State or Territory of the child's birth.

What do I need to provide to the Tribunal in support of my application relating to a death?

For applications relating to the registration of a death or correction of registrable information about a death, you must provide:

- The full name and address of the deceased;
- Proof of your identity;
- Proof of your relationship with the deceased; and
- A copy of the death certificate (if applicable).

Reviewing a decision made by the Registrar of Births, Deaths and Marriages

If you are in receipt of a decision made by the Registrar of Births, Deaths and Marriages, you may have the right to have that decision reviewed by the Tribunal.

When lodging your application for review you must provide the Tribunal with a copy of the decision you are seeking to review.

Fees and charges

Fees can be paid on-line at the time of lodging your application. Please check the SACAT website for current information on fees and fee waiver options:

If you have a Commonwealth concession card you may be entitled to a reduction of the fee, or if you can provide documentation to prove you are experiencing financial hardship, the Tribunal will consider a request to waive the fee in full.

No action will be taken in respect of your application until the applicable fee has been paid or waived by the Tribunal.

There is an option to 'pay later' on the application form. If you select this option, the Tribunal will send you an invoice for payment. The payment must be made within the timeframe specified on the invoice (usually 7 days) or your application will be stayed.

When an application is stayed it means that the Tribunal will take no further steps to progress your application.

What happens once the fee has been paid or waived?

Once the fee has been paid or waived, the Tribunal will take steps to decide your matter.

The Tribunal will take steps to determine if sufficient documentation has been provided in support of your application. You will be contacted in writing seeking further documentation if required.

Once the Tribunal has enough information to understand the basis of your application, your matter will be listed for a preliminary hearing, referred to as a 'Directions Hearing'. During this hearing, the Tribunal Member will make enquiries with the parties as to any further information which may be required to determine the matter on a final basis.

The Tribunal Member will issue Orders asking for additional information to be produced before a final hearing takes place.

Depending on the nature of your application, it may be determined without a hearing (i.e. on the papers) if the Tribunal assesses that a hearing is not necessary.

If the matter is urgent, the Tribunal will attempt to determine the matter as soon as possible. You must provide sufficient reasons as to why you consider your application is urgent in your application form.

Options for submitting your application

If you wish to file an application under the *Births, Deaths and Marriages Registration Act* you can do so using one of the following options:

- **On-line** - complete the online application form at www.sacat.sa.gov.au. (Search the word 'registration' in the search field to select the correct application type).
- **Visit us in person** - visit SACAT's office at 100 Pirie Street and use a computer at one of SACAT's public kiosks. SACAT staff can assist you to lodge an application if required.
- **Telephone** – You can reach us on our free call number on 1800 723 767 (press 1 and then 5) to ask for assistance in completing the on-line application.
- **By letter** - write us a letter and email or post it to us.

Applications for Internal Review of a decision made by SACAT

If you disagree with a decision SACAT has made in relation to a decision made under sections 22, 25, 34 and 35 of the *Births, Deaths and Marriages Registration Act*, you may submit an application for an Internal Review of that decision.

You will need to submit a different application type and pay the associated application fee.

This fact sheet does not constitute legal advice and does not relate to the circumstances of any individual matter. If you wish to have legal advice you should seek that independently.