



Australian Capital Territory

Birth (Equality of Status) Act 1988 (repealed)

A1988-93

Republication No 6

Effective: 22 March 2004

Republication date: 22 March 2004

As repealed by A2004-1

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Birth (Equality of Status) Act 1988* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 22 March 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Birth (Equality of Status) Act 1988 (repealed)

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Australian Capital Territory

Birth (Equality of Status) Act 1988 (repealed)

An Act to remove the legal disabilities of persons born out of wedlock, to provide for declarations of parentage, and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Birth (Equality of Status) Act 1988*.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

acknowledgment of paternity means an acknowledgment made in accordance with section 10 (1).

corresponding law, in relation to a Territory law, means a law of a place other than the ACT that is similar to, or has a similar effect to, the Territory law.

declaration of parentage means a declaration made under section 12 (1).

exnuptial child means a child whose father and mother were not married to each other at the time the child was conceived and have not subsequently married each other, not being a child who is a legitimate child, or is to be deemed to be a legitimate child, under the *Marriage Act 1961* (Cwlth), part 6.

medical test means a medical test specified in a notice under section 17 (1).

overseas jurisdiction means a country, or part of a country, other than Australia.

registered medical practitioner means a person registered as a medical practitioner under the *Medical Practitioners Act 1930* or under a corresponding law of a State or another Territory.

registered nurse means a person registered as a nurse under the *Nurses Act 1988* or under a corresponding law of a State or another Territory.

register of births means the register under the *Births, Deaths and Marriages Registration Act 1997* or a register in which births are recorded under the law of the Commonwealth, a State, another Territory or a prescribed overseas jurisdiction.

register of parentage information means a register, other than a register of births, in which information as to parentage is recorded under the law of the Commonwealth, a State, another Territory or a prescribed overseas jurisdiction.

4 Application of Act

- (1) This Act applies—
 - (a) whether or not any of the persons whose relationships are in issue was born in the ACT; and
 - (b) whether or not any of those persons is, or has ever been, domiciled in the ACT; and
 - (c) whether or not any of those persons was born, or died, before or after the commencement of this section; and
 - (d) irrespective of the age of any of those persons.
- (2) Nothing in this Act shall be taken to affect the operation of the *Adoption Act 1993*, sections 8, 43, 54 and 55.
- (3) Nothing in this Act shall be taken to affect the law in force in the ACT relating to the guardianship or custody of children.

Part 2 Status of children

5 Children all of equal status

Subject to section 6, whenever the relationship of a person with his or her father and mother, or with either of them, is to be determined by or under the law of the Territory, whether in proceedings before a court or otherwise, the relationship shall be determined irrespective of whether the father and mother of the person are or have ever been married to each other, and all other relationships of or to that person, whether of consanguinity or affinity, shall be determined accordingly.

6 Construction of instruments

(1) Subsection (2) applies to—

- (a) an instrument executed after the commencement of this section; and
- (b) an instrument executed before that commencement, being an instrument that, under the law of the place where the instrument was executed, would be interpreted without regard to the illegitimacy of persons referred to in, or taking under, the instrument;

other than a will or codicil.

(2) In an instrument to which this subsection applies—

- (a) a reference, however expressed, to a child or children of any person shall, unless the contrary intention appears, be construed as, or as including, a reference to an exnuptial child of that person; and
- (b) a reference, however expressed, to a person or persons related to another person in a way other than that referred to in paragraph (a) shall, unless the contrary intention appears, be construed as, or as including, a reference to anyone who is so

related in fact, notwithstanding that he or she or some other person through whom the relationship is traced is or was an exnuptial child.

- (3) Without limiting the generality of any other provision of this Act, any rule of law that a disposition in favour of an exnuptial child not conceived or born when an instrument takes effect is void as being contrary to public policy is, with respect to an instrument to which subsection (2) applies, abolished.
- (4) Parts 3 and 4 apply in relation to the construction of a will or codicil if the testator died on or after the date of commencement of this section, but a will or codicil shall otherwise be construed as if this Act had not been made.
- (5) An instrument (other than an instrument to which subsection (2) applies or a will or codicil) that was executed before the date of commencement of this section shall be construed as if this Act had not been made.
- (6) Where an instrument contains a special power of appointment in favour of a class of persons, nothing in this Act extends the class of persons in whose favour the appointment may be made or causes the exercise of the power to be construed so as to include any person who is not a member of that class.

Part 3 Establishing parentage

7 Presumptions of parentage arising from marriage

(1) Where a child is born to a woman while she is married, the child shall be presumed to be a child of the woman and her husband.

(2) Where a child is born to a woman within 44 weeks after—

(a) the termination by death of a marriage to which the woman was a party; or

(b) the annulment of a purported marriage to which the woman was a party;

the child shall be presumed to be the child of the woman and the husband or purported husband, as the case requires.

(3) Where—

(a) the parties to a marriage have separated and then resume cohabitation; and

(b) within 3 months after the resumption of cohabitation they separate again; and

(c) after the separation referred to in paragraph (b) the marriage is dissolved; and

(d) a child is born to the woman—

(i) within 44 weeks after the separation referred to in paragraph (b); and

(ii) after the dissolution of the marriage;

the child shall be presumed to be a child of the woman and the husband.

7A Presumption of paternity arising from cohabitation

Where—

- (a) a child is born to a woman; and
- (b) at any time during the period beginning not earlier than 44 weeks and ending not less than 20 weeks before the birth, the woman cohabited with a man to whom she was not married;

the child shall be presumed to be a child of the man.

8 Presumptions arising from registered information

- (1) Where, before or after the commencement of this section, the name of a person is entered in a register of births or a register of parentage information as the name of the father of a child, the person shall, for all purposes, be presumed to be the father of the child.
- (2) Where, before or after the commencement of this section, the name of a person is entered in a register of births or a register of parentage information as the name of the mother of a child, the person shall, for all purposes, be presumed to be the mother of the child.

9 Presumptions of parentage arising from findings of courts

- (1) Where—
 - (a) during the lifetime of a particular person, a court of the Territory, the Commonwealth, a State or another Territory has—
 - (i) found expressly that the person is a parent of a particular child; or
 - (ii) made a finding that it could not have made unless the person was a parent of a particular child; and
 - (b) the finding has not been altered, set aside or reversed;

the person shall be conclusively presumed to be a parent of the child.

(2) Where—

(a) after the death of a particular person, a court of the Territory, the Commonwealth, a State or another Territory has—

(i) found expressly that the person was a parent of a particular child; or

(ii) made a finding that it could not have made unless the person was a parent of a particular child; and

(b) the finding has not been altered, set aside or reversed;

the person shall be presumed to have been a parent of the child.

(3) Where, after the commencement of this section, a court of the Territory makes an order of a kind referred to in subsection (1) or (2), the court may direct that a copy of the order be forwarded to such person as the court thinks fit.

10 Acknowledgments of paternity within the ACT

(1) A man may acknowledge that he is the father of an exnuptial child by executing an instrument before a person prescribed for the *Statutory Declarations Act 1959* (Cwlth), section 8 (b).

(2) If—

(a) a man has made an acknowledgment of paternity; and

(b) the instrument of acknowledgment has been signed by the mother of the child to whom the acknowledgment relates; and

(c) the acknowledgment has not been annulled by an order under subsection (4);

the man shall, for all purposes, be presumed to be the father of the child.

- (3) The man who made the acknowledgment shall forward the instrument of acknowledgment to the registrar-general within 14 days after the day on which it was executed.
- (4) An acknowledgment of paternity may be annulled by order of the Supreme Court.
- (5) An application for an order may be made by or on behalf of any person who has a proper interest in the matter, including—
 - (a) the man who executed the instrument of acknowledgment; or
 - (b) the mother of the child to whom the acknowledgment relates; or
 - (c) the child to whom the acknowledgment relates; or
 - (d) the registrar-general.
- (6) If any person whose interests would, in the opinion of the court, be affected by making the order is not present or represented, and has not been given the opportunity to be present or represented, at the hearing of the application, the court may, if it thinks that the person ought to be present or represented at the hearing, adjourn the hearing in order to enable that person to be given such an opportunity.

10A Acknowledgments of paternity outside the ACT

Where—

- (a) under a law of the Commonwealth, a State, another Territory or a prescribed jurisdiction outside Australia, a man has executed an instrument acknowledging that he is the father of a specified child; and
 - (b) the instrument has not been annulled or otherwise dealt with;
- the man shall be presumed to be the father of the child.

11 Applications for declarations of parentage

- (1) A person who—
- (a) being the mother of a child, alleges that a particular man is the father of the child; or
 - (b) being the father of a child, alleges that a particular woman is the mother of the child; or
 - (c) alleges that he or she is the father or mother of a particular child; or
 - (d) alleges that a particular man or particular woman is his or her father or mother; or
 - (e) being the registrar-general, or another person having a proper interest in the matter, wishes it to be determined whether a particular man or particular woman is the father or mother of a particular child;

may apply to the Supreme Court for a declaration of parentage.

- (2) If—
- (a) an application for a declaration of parentage has been dismissed; or
 - (b) an appeal against an order dismissing an application for a declaration of parentage has been dismissed; or
 - (c) a declaration of parentage has been set aside on appeal;

on the ground that the existence of the relationship alleged in the application or specified in the declaration had not been established, the applicant for the declaration may make a further application to the Supreme Court for the declaration sought in the original application if—

- (d) facts or circumstances that were in existence at the time the original application was heard were not disclosed to the court at that time; and

- (e) those facts and circumstances were not known to, and could not, by the exercise of reasonable diligence, have been discovered by, the applicant at that time.
- (3) The Supreme Court may refuse to hear an application under subsection (1) or (2) if the court is of the opinion that it would not be in the interests of the child to whom the application relates, or of the child's mother, to hear the application.

12 Declarations of parentage

- (1) If, on hearing an application under section 11 (1) or (2), the Supreme Court is satisfied that a particular person is the father or mother of a particular child, the court may make a declaration to that effect.
- (2) A declaration of parentage may be made whether or not the parent or child is, or both of them are, alive, or notwithstanding that the child is not born.
- (3) If a person whose interests would, in the opinion of the court, be affected by making a declaration of parentage is not present or represented at the hearing of the application, and has not been given an opportunity to be present or represented, the court may, if it thinks that the person ought to be present or represented, adjourn the hearing to enable the person to be given such an opportunity.
- (4) When hearing an application made under section 11 (2)—
 - (a) the court shall receive the evidence given at the hearing of the original application as well as any evidence relating to facts or circumstances of a kind referred to in section 11 (2) (d); and
 - (b) if, at the conclusion of the evidence adduced by the applicant, the evidence relating to those facts and circumstances is not material to establishing the existence of the relationship that the applicant alleges to exist, or wishes to be determined, the application shall be dismissed.

14 Annulment of declaration of parentage

- (1) An application for an order annulling a declaration of parentage may be made to the Supreme Court by—
 - (a) the applicant for the declaration; or
 - (b) a person named in the declaration; or
 - (c) a person who would, before the declaration was made, have been entitled to apply for a declaration of parentage in relation to a person named in the firstmentioned declaration.
- (2) If—
 - (a) it appears to the court that facts exist, or circumstances have arisen, that were not disclosed to the court before the declaration was made, being facts or circumstances material to the question of the existence of the relationship specified in the declaration between the persons named in the declaration; and
 - (b) after considering those facts or circumstances the court is not satisfied that that relationship between those persons is established;the court may, by order, annul the declaration.
- (3) If the applicant for the order is not—
 - (a) a person who was an infant at the time the declaration was made; or
 - (b) the registrar-general;the court shall not make the order unless it is satisfied that the facts or circumstances referred to in subsection (2) could not, by the exercise of reasonable diligence, have been disclosed to the court by the applicant when the application for the declaration was heard.
- (4) When the court makes an order annulling a declaration—
 - (a) the declaration ceases to have effect; and

- (b) the annulment does not affect anything done in reliance on the declaration before the order was made.
- (5) If a person whose interests would, in the opinion of the court, be affected by making the order is not present or represented, and has not been given an opportunity to be present or represented, at the hearing of the application for the order, the court may, if it thinks that the person ought to be present or represented, adjourn the hearing in order to enable that person to be given such an opportunity.
- (6) Where the court makes an order annulling a declaration, it may make such ancillary orders (including orders varying property rights) as it considers just and equitable in order to place, as far as practicable, any person affected by the annulment in the same position as that in which the person would have been if the declaration had not been made.

15 Rebuttal of certain presumptions

- (1) Where a presumption of law arises under a law in force in the ACT that—
 - (a) a particular child is, or is not, a child of a particular marriage or of a particular man and a particular woman; or
 - (b) a particular person is, or is not, the father or mother of a particular child;

the presumption is rebuttable in any proceedings by proof on a balance of probabilities unless the law provides that the presumption is irrebuttable or conclusive.
- (2) Notwithstanding any other provision of this Act, in criminal proceedings the prosecution is not entitled to rely on a presumption arising under this Act to prove the parentage of a child.

16 Presumptions—whether conclusive or rebuttable

- (1) A presumption arising under section 9 (1) is not rebuttable.

- (2) Any other presumption arising under this part is rebuttable by proof on a balance of probabilities.

16A Conflicting presumptions

- (1) This section applies where—
- (a) 2 or more presumptions in respect of the parentage of a child, being presumptions arising under laws in force in the ACT, are relevant in any proceedings; and
 - (b) those presumptions conflict with each other.
- (2) Where—
- (a) this section applies; and
 - (b) 1 of the presumptions referred to in subsection (1) arises under section 9 (1);
- that presumption prevails over any other presumption.
- (3) Where—
- (a) this section applies; and
 - (b) 1 of the presumptions referred to in subsection (1) arises under the *Artificial Conception Act 1985*;
- that presumption prevails over any other presumption, other than a presumption that arises under section 9 (1).
- (4) Where—
- (a) this section applies; and
 - (b) neither or none of the presumptions referred to in subsection (1) is of the kind referred to in subsection (2) or (3);
- the presumption that appears to the court to be the more or most likely to be correct shall prevail.

Part 4 Use of medical tests in determining parentage

17 Notice to carry out medical tests

- (1) In civil proceedings in which the parentage of a child is in issue, the court before which the proceedings are taken may, of its own motion or on the application of a party to the proceedings or, if the child is not a party, on the application of the child, give notice to the effect that if, without reasonable excuse, specified medical tests (being medical tests relevant to establishing the parentage of the child) are not carried out on a specified person within a specified time and in accordance with any specified terms or specified conditions, the court is entitled by force of this subsection to draw such inferences from the failure to have the tests carried out as appear warranted in the circumstances and may, in particular, treat the failure—
- (a) as evidence corroborating the evidence of a party to the proceedings; or
 - (b) if the person is a party to the proceedings and is relying in the proceedings on a rebuttable presumption of parentage arising under a law in force in the ACT—as evidence rebutting the presumption.
- (2) The notice shall be given—
- (a) if the specified person is under 18 years of age—to the person who has custody of the specified person; or
 - (b) if the specified person is of unsound mind or for any other reason incapable of consenting to having the medical tests carried out—to the person who has the care and control of the specified person; or
 - (c) in any other case—to the specified person.

- (3) If the child makes an application, the child shall be joined as a party to the proceedings.
- (4) Where—
 - (a) a court gives a notice, or proposes to give a notice; and
 - (b) any party to the proceedings who is alleged to be a parent of the child to whom the proceedings relate alleges that another person (being a person to whom the notice relates or would relate) is, or may be, a parent of the child;

the other person may be joined as a party to the proceedings for the purpose only of determining the parentage of the child.
- (5) The court may at any time revoke or vary a notice.
- (6) When deciding whether to give a notice, the court shall take into account any objection made on medical, religious or other grounds by the person to whom the notice would be given.
- (7) An objection that has been taken into account shall be deemed not to be a reasonable excuse for subsection (1).
- (8) If the person to whom the notice is given fails to do whatever is necessary to have the specified medical tests carried out in accordance with the notice, the court may, without prejudice to its powers under subsection (1)—
 - (a) dismiss the proceedings; or
 - (b) allow the proceedings to continue on such terms as it thinks fit.
- (9) The regulations may make provisions in relation to—
 - (a) the carrying out of specified medical tests; and
 - (b) the preparation of reports in relation to the information obtained as the result of the carrying out of the tests.
- (10) In this section:

specified means specified by the court in a notice under subsection (1).

18 Reports of medical tests

- (1) A report prepared by the person who performed a medical test, and stating the result of the test, is admissible, in the proceedings in which the notice to which the test relates was given, as evidence of the matters stated in the report.
- (2) In subsection (1), the reference to a *report* is a reference to a report prepared in accordance with the regulations that relates to information obtained as a result of carrying out a test in accordance with the regulations.
- (3) The court which gave the notice may, of its own motion or on the application of a party to the proceedings or, if the child whose parentage is in issue is not a party, on the application of the child, call as a witness—
 - (a) the person who prepared the report; or
 - (b) any person who assisted in performing the medical tests referred to in the report.
- (4) If the child makes an application, the child shall be joined as a party to the proceedings.
- (5) A person called as a witness under subsection (3) may be cross-examined by any party to the proceedings, including a party who called the person or, if the child is not a party, by the child.
- (6) The cost of performing a medical test (including any expenses reasonably incurred in taking any steps required for the purpose) and preparing a report with respect to the test shall be regarded as costs of the proceedings.

19 Offences related to medical tests

- (1) A person who personates another in undergoing a medical test commits an offence.

Part 4 Use of medical tests in determining parentage

Section 19

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person who proffers a person who is a minor or of unsound mind to undergo a medical test knowing that the person is not the person specified in the notice commits an offence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person other than a registered medical practitioner, a registered nurse or a person included in a prescribed class of persons who takes a sample of a person's blood or other body tissue for the purpose of carrying out a medical test commits an offence.

Maximum penalty: 30 penalty units.

Part 5 Miscellaneous

20 Joinder of parties

If a party to proceedings under this Act who is alleged to be a parent of the child to whom the proceedings relate alleges that another person is, or may be, a parent of the child, that other person shall be joined as a party to the proceedings.

21 Notification of certain orders to registrar-general

Where the Supreme Court makes a declaration of parentage, or an order under section 10 (4) or 14 (2), the registrar of the court shall, within 28 days after the date on which the declaration or order was made, forward a sealed copy of the declaration or order to the registrar-general.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

The *Birth (Equality of Status) Act 1988* (repealed) was originally the *Birth (Equality of Status) Ordinance 1988*. It became an ACT Act on self-government (11 May 1989).

Legislation before self-government

Birth (Equality of Status) Act 1988 No 93

notified 21 December 1988

s1, s 2 commenced 21 December 1988 (s 2 (1))

remainder commenced 24 March 1989 (s 2 (2) and Gaz 1989 No S101)

as amended by

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S164)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and Cwlth Gaz 1989 No S164)

Legislation after self-government

Adoption (Consequential Amendments) Act 1993 No 23 s 4

notified 8 April 1993 (Gaz 1993 No S57)

s 1, s 2 commenced 8 April 1993 (s 2 (1))

s 4 commenced 31 July 1993 (s 2 (2) and see Gaz 1993 No 28)

Registrar-General (Consequential Amendments) Act 1993 No 64 sch 1

notified 6 September 1993 (Gaz 1993 No S172)

s 1, s 2 commenced 6 September 1993 (s 2 (1))

sch 1 commenced 1 October 1993 (s 2 (2) and see Gaz 1993 No S207)

Birth (Equality of Status) (Amendment) Act 1993 No 66

notified 6 September 1993 (Gaz 1993 No S172)

commenced 6 September 1993 (s 2)

Endnotes

4 Amendment history

Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
remainder commenced 1 June 1998 (s 2 (2))

Births, Deaths and Marriages Registration (Consequential Provisions) Act 1997 No 113 sch

notified 24 December 1997 (Gaz 1997 No S420)
s 1, s 2 commenced 24 December 1997 (s 2 (1))
sch commenced 24 June 1998 (s 2 (2))

Birth (Equality of Status) (Amendment) Act 1998 No 42

notified 14 October 1998 (Gaz 1998 No 41)
ss 1-3 commenced 14 October 1998 (s 2 (1))
remainder commenced 14 April 1999 (s 2 (3))

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
remainder commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Legislation (Consequential Amendments) Act 2001 No 44 pt 34

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 34 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

as repealed by

Parentage Act 2004 A2004-1 s 51

notified LR 18 February 2004
s 1, s 2 commenced 18 February 2004 (LA s 75 (1))
s 51 commenced 22 March 2004 (s 2 and CN2004-3)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.335

Definitions for Act

s 3 def *legal practitioner* om 1997 No 96 sch 1
def *register of births* am 1997 No 113 sch; 1998 No 42 s 4

def **register of parentage information** am 1997 No 113 sch;
1998 No 42 s 4
def **registrar** om 1993 No 64 sch 1

Application of Act

s 4 am 1993 No 23 s 4

Presumptions of parentage arising from marriage

s 7 sub 1998 No 42 s 5

Presumption of paternity arising from cohabitation

s 7A ins 1998 No 42 s 5

Presumptions of parentage arising from findings of courts

s 9 sub 1998 No 42 s 6

Acknowledgments of paternity within ACT

s 10 hdg sub 1998 No 42 notes
s 10 am 1993 No 64 sch 1; 1993 No 66 s 4; 2001 No 44 amdt
1.336, amdt 1.337

Acknowledgments of paternity outside the Territory

s 10A ins 1998 No 42 s 7

Applications for declarations of parentage

s 11 ins 1993 No 64 sch 1

Presumptions arising from declarations of parentage

s 13 om 1998 No 42 s 8

Annulment of declaration of parentage

s 14 am 1993 No 64 sch 1

Presumptions—whether conclusive or rebuttable

s 16 sub 1998 No 42 s 9

Conflicting presumptions

s 16A ins 1998 No 42 s 9

Notice to carry out medical tests

s 17 am 1998 No 42 s 10; ss renum R5 LA

Reports of medical tests

s 18 am 1998 No 42 s 11; ss renum R5 LA

Offences related to medical tests

s 19 am 1998 No 54 sch

Notification of certain orders to registrar-general

s 21 am 1993 No 64 sch 1

Approved forms

s 22 am 1989 No 38 sch 1
sub 2001 No 44 amdt 1.338

Endnotes

5 Earlier republications

Regulation-making power

s 23 ins 2001 No 44 amdt 1.338

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1989 No 38	30 June 1991
2	Act 1993 No 66	31 January 1994
3	Act 1993 No 66	30 November 1996
4	Act 1998 No 54	31 July 1999
5	A2001-44	31 January 2002

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