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AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

**BIRTH (EQUALITY OF STATUS) (AMENDMENT) BILL 1993**

EXPLANATORY MEMORANDUM

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## BIRTH (EQUALITY OF STATUS) (AMENDMENT) BILL 1993

### Outline

1. Section 10 of the *Birth (Equality of Status) Act 1988* allows a man to acknowledge paternity of an ex-nuptial child. Such an acknowledgement will raise the presumption that he is the father of the child. Section 10 sets down the conditions under which this may be done. One of the requirements is that the execution of the instrument be before the Registrar, a Commissioner for Declarations, a legal practitioner, a registrar or clerk of court or a minister of religion.
2. In December 1991 the *Commonwealth Statutory Declarations Regulations* were amended to extend the categories of people able to witness a statutory declaration.
3. The purpose of this Bill is to give fathers the ability to make an acknowledgement of paternity before a more accessible group of witnesses, by providing that a declaration of paternity may be made before any person empowered to witness a statutory declaration.

### Financial Considerations

4. There are no financial considerations involved.

## CLAUSES OF BILL

### Clause 1: Short title

This Act may be cited as the *Birth (Equality of Status) (Amendment) Act 1993*.

### Clause 2: Commencement

This Act commences on the day on which it is notified in the *Gazette*.

### Clause 3: Principal Act

This clause identifies the Principal Act as the *Birth (Equality of Status) Act 1988*.

### Clause 4: Acknowledgements of paternity

This clause changes the classes of people before whom a person may make an acknowledgement of paternity under section 10 of the Principal Act. It broadens the class from the Registrar, a Commissioner for Declarations under the *Statutory Declarations Act 1959* of the Commonwealth, a legal practitioner, a registrar or clerk of court or a minister of religion under the *Marriage Act 1961* of the Commonwealth to include all persons prescribed for the purposes of paragraph 8(b) of the *Statutory Declarations Act 1959* of the Commonwealth. All people able to witness a statutory declaration may now witness such a paternity acknowledgement.