



ANNO VICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE

No. 30 of 1978

**An Act to remove the legal disabilities of children born out of wedlock**

[ASSENTED TO 8TH JUNE, 1978]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title, commencement and application.** (1) This Act may be cited as the *Status of Children Act 1978*.

(2) This Act shall commence on 1 January 1979.

(3) This Act binds the Crown not only in right of the State of Queensland but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

**2. Interpretation.** [Cf. N.Z. s. 2; Tas. s. 2; Vic. s. 2]. For the purposes of this Act, "marriage" includes a void marriage and a voidable marriage that has been annulled by a court.

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**Abbreviations.** Abbreviations used in references to other Acts in notes appearing in and at the beginnings of sections have the following meanings:—Cwth. *Family Law Act 1975–1976* (Commonwealth); Eng. *Family Law Reform Act 1969* (United Kingdom); N.Z. *Status of Children Act 1969* (New Zealand); S.A. *Family Relationships Act, 1975* (South Australia); Tas. *Status of Children Act 1974* (Tasmania); Vic. *Status of Children Act 1974* (Victoria).

**3. All children to be of equal status.** [N.Z. s. 3; Tas. s. 3; Vic. s. 3].

(1) For all the purposes of the law of the State, the relationship between every person and his father and mother shall be determined irrespective of whether the father and mother are or have been married to each other and all other relationships shall be determined accordingly.

(2) The rule of construction whereby in any instrument, in the absence of a contrary expression of intention, words of relationship signify only legitimate relationship is abolished.

(3) For the purpose of construing any instrument, the use, with reference to relationship of a person, of the word "legitimate" or "lawful" shall not of itself prevent the relationship from being determined in accordance with the provisions of subsection (1).

(4) This section shall apply in respect of every person, whether born before or after the commencement of this Act, whether or not born in the State and whether or not his father or mother has ever been domiciled in the State.

**4. Instruments executed and intestacies that take place before the commencement of this Act.** [N.Z. s. 4; Tas. s. 4; Vic. s. 4]. (1) All instruments executed before the commencement of this Act shall be governed by the enactments, rules of construction and law that would have applied to them if this Act had not been passed.

(2) Where an instrument to which subsection (1) applies creates a special power of appointment, nothing in this Act shall extend the class of persons in whose favour the appointment may be made or cause the exercise of the power to be construed so as to include any person who is not a member of that class.

(3) The estate of a person who dies intestate as to the whole or any part of his estate before the commencement of this Act shall be distributed in accordance with the enactments and rules of law that would have applied to the estate if this Act had not been passed.

**5. Presumption as to parenthood.** [Cf. N.Z. s. 5; S.A. s. 8; Vic. s. 5]. A child born to a woman during her marriage or within ten months after the marriage has been dissolved by death or otherwise shall, in the absence of proof to the contrary, be presumed to be the child of its mother and her husband or, as the case may be, former husband.

**6. Protection of executors, administrators and trustees.** [N.Z. s. 6; Tas. s. 6; Vic. s. 6]. (1) For the purposes of the administration or distribution of an estate or of property held on trust or of an application under Part V of the *Succession Act* 1867-1977 or for any other purposes, an executor, administrator or trustee is not under any obligation to enquire as to the existence of any person who could claim an interest in the estate or the property by reason only of the provisions of this Act.

(2) Action shall not lie against an executor of the will or administrator or trustee of the estate of any person or the trustee under an instrument by any person who could claim an interest in the estate or property by reason only of any of the provisions of this Act to enforce

a claim arising by reason of the executor, administrator or trustee having made any distribution of the estate or of the property held upon trust or otherwise acted in the administration of the estate or property held on trust disregarding the claims of that person where at the time of making the distribution or otherwise so acting the executor, administrator or trustee had no notice of the relationship on which the claim is based.

**7. Recognition of paternity.** [Cf. N.Z. s. 7; S.A. s. 7; Tas. s. 7; Vic. s. 7]. (1) The relationship of father and child and any other relationship traced in any degree through that relationship shall, for any purpose related to succession to property or to the construction of a will or other testamentary disposition or of an instrument creating a trust or for the purpose of an application under Part V of the *Succession Act 1867-1977*, be recognized only if—

- (a) the father and mother of the child were married to each other at the time of its conception or at some subsequent time;
- (b) paternity has been admitted (expressly or by implication) by or established against the father in his lifetime (whether by one or more of the means specified by section 8 or otherwise) and, if that purpose is for the benefit of the father, paternity has been so admitted or established while the child was living; or
- (c) a declaration of paternity has been made under section 10 after the death of the father of the child.

(2) In a case where by reason of the provisions of subsection (1) the relationship of father and child is not recognized at the time the child is born, the occurrence of any act, event or conduct that enables that relationship and any other relationship traced in any degree through it to be recognized shall not affect any estate, right or interest in real or personal property to which any person has become absolutely entitled, whether beneficially or otherwise, before the act, event or conduct occurred.

Where the event that enables a relationship to be recognized under subsection (1) is a declaration of paternity made under section 10 after the death of the father, the declaration shall, for the purposes of this subsection, be taken to have been made immediately before the death of the father if the declaration is made in consequence of an application therefor made before the death of the father or within six months (or such further time as the Supreme Court or a Judge thereof upon application duly made in that behalf allows) after the death of the father.

**8. Evidence and proof of paternity.** [Cf. N.Z. s. 8; Tas. s. 8; Vic. s. 8]. (1) Where the name of the father of a child is entered in the register of births in relation to the child, a certified copy of the entry purporting to be made or given under section 22 of the *Registration of Births, Deaths and Marriages Act 1962-1977* shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the person named as the father—

- (a) is the father of the child; and
- (b) in the case of a child whose parents were not married to each other at the time of its conception and have not since married each other, has admitted that he is the father of the child.

(2) An instrument signed by the mother of a child and by any person acknowledging that he is the father of the child shall, if executed as a deed or by each of those persons (whether at the same time or different times) in the presence of a solicitor (whether the same solicitor or different solicitors), be evidence and, in the absence of evidence to the contrary, conclusive evidence that the person named as the father—

(a) is the father of the child; and

(b) has admitted that he is the father of the child.

(3) An order in respect of a child against a person under section 14 or 16 of the *Maintenance Act 1965-1974* shall, in subsequent proceedings whether or not between the same parties, be evidence and, in the absence of evidence to the contrary, conclusive evidence that that person is the father of the child.

(4) Subject to section 7 and this subsection, a declaration made under section 10 shall for all purposes be conclusive evidence of the matters contained in it.

A declaration made under section 10 in respect of a child in proceedings to which the child was not a party shall be evidence and, in the absence of evidence to the contrary, conclusive evidence against the child of the matters contained in it.

For the purposes of criminal proceedings a declaration made under section 10 shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in it.

(5) An order made outside the State declaring or adjudging a person to be the father of a child, being an order to which this subsection applies pursuant to subsection (6) or (7), shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the person declared or adjudged to be the father is the father of the child.

(6) For the purposes of this section, an order made outside the State in another State or a Territory of the Commonwealth or in New Zealand has, so long as it has not been rescinded under the law in force in that State, Territory or country, the same effect as the like order made in the State.

(7) The Governor in Council may by Order in Council declare that subsection (5) applies with respect to orders made by a court or public authority in a specified country outside the Commonwealth or by a specified court or public authority in that country.

(8) In this section "order" includes a declaration.

**9. Filing of certain instruments with Registrar-General.** [Cf. N.Z. s. 9; Tas. s. 9; Vic. s. 9]. (1) An instrument of the kind described in section 8 (2) or a copy thereof certified as prescribed may, in the prescribed manner and on payment of the prescribed fee (if any), be filed in the office of the Registrar-General.

(2) The Registrar-General shall cause indexes of all instruments and copies filed with him under subsection (1) to be made and kept in his office and shall, upon request made by or on behalf of a party to an instrument so filed or a child referred to therein or a guardian or relative of that

child, cause a search of any such index to be made and shall, if he is satisfied that the person making the request has a proper interest in the matter, permit that person to inspect any instrument or copy so filed.

(3) Where the Supreme Court or a Judge thereof makes a declaration of paternity under section 10 or revokes a declaration so made or a court makes an order under section 14 or 16 of the *Maintenance Act 1965-1974* or annuls an order so made, the Registrar of the Supreme Court or clerk of the court shall forward to the Registrar-General an office copy or, as the case requires, a certified copy of the declaration, revocation, order or annulment and upon receipt thereof the Registrar-General shall file the copy as if it were an instrument of the kind referred to in section 8 (2).

(4) Where the Registrar-General refuses a request—

(a) to cause to be made a search of any index made and kept in accordance with subsection (2); or

(b) to permit a person to inspect any instrument or copy filed in accordance with subsection (1),

the person aggrieved by such refusal may make an application to a Judge of the Supreme Court sitting in Chambers for an order calling upon the Registrar-General to show cause why the request should not be granted.

The application shall be supported by an affidavit of the facts.

An order made pursuant to this subsection shall be returnable before the Judge on the date and at the time specified therein and shall be served upon the Registrar-General.

Upon the return of the order the Judge may, if the Registrar-General fails to show good cause against it, make the order absolute but otherwise may discharge the order and in either case may make such other orders including an order as to costs as he thinks fit, but an order for costs shall not be made against the Registrar-General if the Judge is satisfied that at the time of the refusal of the request, the Registrar-General had reasonable grounds therefor.

The Registrar-General shall comply with the terms of an order absolute made in accordance with this subsection.

(5) In this section “ Registrar-General ” means the Registrar-General within the meaning of the *Registration of Births, Deaths and Marriages Act 1962-1977*.

**10. Declaration of paternity.** [Cf. NZ. s. 10; S.A. s. 9; Tas. s. 10; Vic. s. 10]. (1) A person who—

(a) alleges that any named person is the father of her child;

(b) alleges that the relationship of father and child exists between him and another named person; or

(c) having a proper interest in the result, wishes to have determined the question whether the relationship of father and child exists between two named persons,

may apply by way of originating summons to the Supreme Court or a Judge thereof for a declaration of paternity and that Court or Judge may, if it is proved to its or his satisfaction that the relationship exists, make such declaration whether the father or the child or both of them is or are living or dead.

(2) Where a declaration is made under subsection (1) after the death of the father or child, the Court or Judge may at the same or a subsequent time make a declaration determining for the purposes of section 7 (2) whether any and if so which of the requirements of section 7 (1) (b) have been satisfied.

(3) Where a declaration is made under subsection (1) and it is made to appear to the Court or Judge that new facts or circumstances have arisen that have not previously been disclosed to the Court or Judge and could not by the exercise of reasonable diligence have previously been known or if for any other reason the Court or Judge thinks it desirable so to do, the Court or Judge may revoke the declaration and thereupon that declaration shall cease to have any force or effect.

(4) The Court or Judge shall not make or revoke a declaration under this section unless it or he is satisfied that, so far as is reasonably practicable, all persons whose interests are or may be affected by the declaration or revocation are represented before or have been given the opportunity of making representations to the Court or Judge upon the subject matter of the proceedings.

**11. Order requiring evidence concerning paternity to be given.** [Cf. *Cwth. s. 99; Eng. ss. 21, 23; Tas. s. 10*]. (1) The Court or Judge may, in proceedings upon an application under section 10, make an order upon such terms and conditions as it or he thinks fit—

- (a) requiring a person named therein to give evidence material to any question in issue in those proceedings;
- (b) directing a person named therein to submit himself or another person of whom he has the care and control within the time specified therein to the performance of such medical tests on him or, as the case requires, that other person as the Court or Judge determines.

(2) A medical test shall not be performed on a person pursuant to an order made under subsection (1) (b) unless—

- (a) in the case of a person who is capable of giving consent, he consents to the performance thereof;
- (b) in the case of a person who is not capable of giving consent, the person having the care and control of him consents to the performance thereof.

For the purposes of this subsection, the consent of a person who has attained the age of 16 years to the performance on him of a medical test shall be as effective as if he were of full age.

(3) A person shall not perform a medical test for the purpose of giving effect to an order pursuant to this section unless he is qualified as prescribed and performs the test under such conditions (if any) as are prescribed.

A person performs a medical test for the purpose of giving effect to an order pursuant to this section if he or another person acting under his direction (whether in his presence or not) performs the test or does any act in connexion with the performance of the test.

(4) A person who performs medical tests for the purpose of giving effect to an order pursuant to this section shall make to the Court or Judge by which or whom the order was made a report in the prescribed form in which he shall state—

- (a) his full name and particulars of his qualifications;
- (b) whether the tests have been performed under the prescribed conditions (if any);
- (c) the full names of the persons on whom the tests were performed and the means used to identify those persons;
- (d) the description of any tissue or fluid sample taken for scientific examination from the body of a person on whom the tests were performed;
- (e) particulars of information given about any matter that may affect the accuracy of the tests;
- (f) the nature and results of the tests;
- (g) whether a person to whom the report relates is or is not excluded by the results from being the father of the person whose paternity is being determined; and
- (h) if a person to whom the report relates is not so excluded, the value, if any, of the results in determining whether that person is the father of the person whose paternity is being determined.

A person who makes a report pursuant to this subsection may include therein a statement explaining or amplifying any matter stated in the report relevant to any test performed.

A report purporting to have been made pursuant to this subsection shall be evidence in the proceedings of the matters stated therein.

(5) Where a report has been made to the Court or Judge pursuant to subsection (4), a party to the proceedings may with leave of the Court or Judge and shall, if the Court or Judge so directs, request from the person who made the report a written statement explaining or amplifying any statement made in the report.

A person to whom a request is made pursuant to this subsection shall comply therewith and a statement given in compliance with the request shall, for the purposes of this section, form part of the report made to the Court or Judge.

(6) A party to the proceedings shall not, unless the Court or Judge otherwise directs, be entitled to call as a witness the person who performed the tests for the purpose of giving effect to an order made pursuant to subsection (1) or any person by whom any thing necessary for the purpose of enabling those tests to be performed was done unless, within

14 days after receiving a copy of the report, he gives notice in writing to the other parties to the proceedings, or to such of them as the Court or Judge directs, of his intention to call that person as a witness.

(7) Where a person fails to take any step required of him for the purpose of giving effect to an order of the Court or Judge made pursuant to subsection (1) (b), the Court or Judge may draw such inferences, if any, from that fact as appear proper in the circumstances.

(8) A person named in an order made by the Court or Judge pursuant to subsection (1) (b) who fails to consent to the performance of a medical test on him or a person named in the order of whom he has the care and control shall be deemed for the purposes of subsection (7) to have failed to take a step required of him for the purpose of giving effect to the order.

(9) Subject to subsection (7), a person who fails to consent to the performance of a medical test on him or a person of whom he has the care and control for the purpose of giving effect to an order made pursuant to subsection (1) (b) shall not be liable to any sanction.

(10) In this section "medical test" means a physical or other test performed on a person involving the application of medical science with a view to affording evidence as to paternity and includes the taking of tissue or fluid samples from the body of a person and the scientific examination of samples so taken.

**12. Inadmissibility of acknowledgment of paternity or certified copy as evidence in criminal proceedings.** (1) An acknowledgment by a person that he is the father of a child made for the purposes of section 25 of the *Registration of Births, Deaths and Marriages Act 1962-1977* or section 8 (2) of this Act shall not be admissible in criminal proceedings against that person as evidence to show that he has had or has attempted to have carnal knowledge of the mother of the child.

(2) Notwithstanding section 18 of the *Registration of Births, Deaths and Marriages Act 1962-1977* and section 8 (1) of this Act, a certified copy of an entry of the name of the father of a child purporting to be made or given under section 22 of the *Registration of Births, Deaths and Marriages Act 1962-1977* shall not be admissible in criminal proceedings against the person whose name is so entered as evidence to show that he has had or has attempted to have carnal knowledge of the mother of the child.

**13. Regulations.** The Governor in Council may make regulations not inconsistent with this Act for or with respect to all matters required or permitted by this Act to be prescribed and all matters that are necessary or convenient for the proper administration of this Act and to achieve the objects and purposes of this Act.

**14. Amendment of certain Acts.** (1) The Acts specified in the schedule are amended in the provisions and to the extent therein specified.

(2) An Act as amended by this Act in respect of any provision thereof may be cited or, as the case requires, construed as indicated in relation to that Act in the schedule.

SCHEDULE		[s. 14]
Act and Amendment	New Title or Construction	
<p><i>Adoption of Children Act 1964–1974</i></p> <p>In section 6,                      (a) omit the term “Father” and its meaning;                      (b) omit from the meaning of the term “Relative” the words “is traced through, or to, an illegitimate person or”.</p> <p>In section 19, omit subsections (2) and (3) and substitute the following subsections:—                      “(2) In the case of a child—                      (a) whose parents were married to each other at the time of its conception or have since married each other; and                      (b) who has not previously been adopted,                      the appropriate persons are every person who is a parent or guardian of the child.                      (3) In the case of a child—                      (a) whose parents were not married to each other at the time of its conception and have not since married each other; and                      (b) who has not previously been adopted,                      the appropriate person is every person who is the mother or guardian of the child.”.</p>	<p><i>Adoption of Children Act 1964–1978</i></p>	
<p><i>The Burials Assistance Act of 1965</i></p> <p>In section 2, omit from the meaning of the term “Child” all words from and including the word “accordingly;” to the end thereof and substitute the word “accordingly;”.</p>	<p><i>Burials Assistance Act 1965–1978</i></p>	
<p><i>Children’s Services Act 1965–1977</i></p> <p>In section 8,                      (a) omit from the meaning of the term “Father” the words “an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other”;</p>	<p><i>Children’s Services Act 1965–1978</i></p>	

SCHEDULE—*continued*

Act and Amendment	New Title or Construction
<p>(b) omit from the meaning of the term “Mother” the words “Includes the mother of an illegitimate infant and in relation to” and substitute the words “In relation to”;</p>	
<p>(c) omit from the meaning of the term “Relative” the words “is traced through or to an illegitimate person or”.</p>	
<p>In section 85,            (a) omit the note appearing in and at the beginning of the section and substitute the following note:—</p>	
<p>“Notification to district registrar of birth or death of child in certain cases.”;</p>	
<p>(b) omit subsection (1) and substitute the following subsection:—</p>	
<p>“ (1) This section applies in respect of every child who—</p>	
<p>(a) in a case referred to in subsection (2), is a child whose parents were not married to each other at the time of its conception and have not since and before the time of its birth married each other;</p>	
<p>(b) in a case referred to in subsection (3), is a child whose parents were not married to each other at the time of its conception and have not since and before the time of its death married each other.”.</p>	
<p>In section 87, omit the term “Father” and its meaning.</p>	
<p>In section 90, omit from subsection (2) the words “an illegitimate infant” and substitute the words “an infant to whose father she was not married at the time of its conception and whom she has not since married”.</p>	
<p>In section 93, add at the end thereof the following subsection:—</p>	
<p>“ (5) In a proceeding under this section or section 93A in relation to the maintenance of an infant whose parents were not married to each other at the time of its conception and have not since married each other, the court—</p>	
<p>(a) shall not be satisfied that a particular male person is the father of the infant on the uncorroborated evidence of the mother;</p>	

SCHEDULE—continued

Act and Amendment	New Title or Construction
<p>(b) shall not make a maintenance order against a person alleged to be the father of the infant if it is satisfied that at about the time of its conception the mother was a common prostitute or had had sexual intercourse with a man other than such person.”.</p> <p>In section 122,                      (a) omit from the note appearing in and at the beginning of the section the words “<b>illegitimate children</b>” and substitute the words “<b>children of parents not married to each other</b>”;</p> <p>(b) omit the words “an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other”.</p> <p>In section 129, omit from subsection (3) the words “an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other”.</p>	
<p><i>Coal and Oil Shale Mine Workers (Pensions) Act 1941–1977</i></p> <p>In section 2, in subsection (1), in the meaning of the term “Child”—</p> <p>(a) omit from subparagraph (a) the words “a legitimate, illegitimate” and substitute the words “any child”;</p> <p>(b) omit from subparagraph (b) the words “(legitimate or illegitimate) not within paragraph (a) hereof” and substitute the words “other than a child or adopted child of that person”.</p>	<p><i>Coal and Oil Shale Mine Workers (Pensions) Act 1941–1978</i></p>
<p><i>The Criminal Code</i></p> <p>In section 363, omit the words “an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other”.</p>	<p>This amendment shall be read as one with <i>The Criminal Code</i></p>
<p><i>Friendly Societies Act 1913–1974</i></p> <p>In the Second Schedule, omit rule 24.</p>	<p><i>Friendly Societies Act 1913–1978</i></p>

## SCHEDULE—continued

Act and Amendment	New Title or Construction
<p><i>Maintenance Act 1965–1974</i></p> <p>In the long title, omit the words “, <b>Children and Illegitimate Children</b>” and substitute the words “<b>and Children</b>”.</p> <p>In section 3, in the portion of the Table relating to Subdivision (4) of Division 1 of Part II—</p> <p>(a) insert after the word “against” the word “Unmarried”;</p> <p>(b) omit the word “Illegitimate”.</p> <p>In section 7, in subsection (1),</p> <p>(a) omit from the meaning of the term “Child” the words “illegitimate or”;</p> <p>(b) insert after the term “Territory of the Commonwealth” and its meaning, the following terms and meanings:—</p> <p>““Unmarried father”—In relation to a child, the child’s father being a person who was not married to its mother at the time of its conception and who has not since married her;</p> <p>“Unmarried mother”—In relation to a child, the child’s mother being a person who was not married to its father at the time of its conception and who has not since married him;”.</p> <p>In section (8), in subsection (1),</p> <p>(a) in subparagraphs (e), (f) and (g),</p> <p>(i) omit the word “a” and substitute in each case the words “an unmarried”;</p> <p>(ii) omit the word “illegitimate”;</p> <p>(b) in subparagraph (h),</p> <p>(i) omit the words “a father” and substitute the words “an unmarried father”;</p> <p>(ii) omit the word “illegitimate”.</p> <p>In section 9, omit from subsection (2) the words “an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other”.</p> <p>In the heading immediately preceding section 14,</p> <p>(a) insert after the word “against” the word “Unmarried”;</p> <p>(b) omit the word “Illegitimate”.</p> <p>In section 14,</p> <p>(a) omit the note appearing in and at the beginning of the section and substitute the following note:—</p> <p>“<b>Court may order unmarried father to maintain child.</b>”;</p>	<p><i>Maintenance Act 1965–1978</i></p>

SCHEDULE—continued

Act and Amendment	New Title or Construction
<p>(b) omit the words “an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other”.</p> <p>In section 15,</p> <p>(a) omit the note appearing in and at the beginning of the section and substitute the following note:—</p> <p>“<b>Court may order unmarried mother to maintain child.</b>”;</p> <p>(b) omit the words “an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other”.</p> <p>In section 17, omit from the note appearing in and at the beginning of the section the word “<b>illegitimate</b>”.</p> <p>In section 18,</p> <p>(a) in subsection (1), omit the word “legitimate” wherever occurring;</p> <p>(b) in subsection (3), omit the words “an illegitimate child” and substitute the words “a child to whose father she was not married at the time of its conception and whom she has not since married”;</p> <p>(c) in subsection (4), omit the words “an illegitimate child or of an illegitimate stillborn child” and substitute the words “a child (including a stillborn child) to whose father she was not married at the time of its conception and whom she did not subsequently marry”.</p> <p>In section 19,</p> <p>(a) omit from the note appearing in and at the beginning of the section the word “<b>illegitimate</b>”;</p> <p>(b) in subsection (1), omit the words “an illegitimate child” and substitute the words “a child to whose mother he was not married at the time of its conception and whom he did not subsequently marry”.</p> <p>In section 30,</p> <p>(a) omit from the note appearing in and at the beginning of the section the word “<b>illegitimate</b>”;</p> <p>(b) omit the words “an illegitimate child” and substitute the words “a child to whose mother he was not married at the time of its conception and whom he has not since married”.</p>	

SCHEDULE—*continued*

Act and Amendment	New Title or Construction
<p>In section 33, omit the words “made under this Part for the maintenance of an illegitimate child is made” and substitute the words “is made under section 17 of this Act”.</p> <p>In section 35, omit from subsection (1) the words “an illegitimate child” and substitute the words “a child to whose mother he was not married at the time of its conception and whom he has not since married”.</p> <p>In section 82, omit from subsection (2) the words “an illegitimate child, or to the mother of an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other or to the mother of such a child”.</p> <p>In section 115,</p> <p>(a) in subsection (4), omit the words “illegitimate child” and substitute the words “child whose parents were not married to each other at the time of its conception and have not since married each other”;</p> <p>(b) in subsection (5), omit the words “an illegitimate” and substitute the word “a”.</p> <p>In section 128, in subsection (1),</p> <p>(a) omit the words “an illegitimate child or the mother of an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other, or the mother of such child”;</p> <p>(b) in subparagraph (h), omit the words “illegitimate children, or the mothers of illegitimate children” and substitute the words “children whose parents are not married to each other or the mothers of such children”.</p>	<p><i>Mental Health Act 1974—</i> 1978</p>
<p><i>Mental Health Act 1974</i></p> <p>In section 51, omit from subsection (2) the words “, and a person born out of wedlock shall be treated as the child of his mother”.</p>	<p><i>Mental Health Act 1974—</i> 1978</p>

SCHEDULE—continued

Act and Amendment	New Title or Construction
<p><i>Registration of Births, Deaths and Marriages Act 1962–1977</i></p> <p>In section 25,                      (a) omit the note appearing in and at the beginning of the section and substitute the following note:—                      “<b>Registration of person as father where parents of child not married to each other.</b>”;                      (b) omit the words “an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other”;                      (c) add at the end thereof the following paragraph:—                      “A joint request or a request by the father alone pursuant to this section may be made at the time when the birth is registered or at any time thereafter and, in the latter case, may be so made whether the birth was registered before or after the commencement of the <i>Status of Children Act 1978</i>.”</p> <p>In section 28, omit from the third proviso to subsection (1) the words “an illegitimate child” and substitute the words “a child whose parents were not married to each other at the time of its conception and have not since married each other”.</p> <p>In section 28A,                      (a) omit the note appearing in and at the beginning of the section and substitute the following note:—                      “<b>Entry of change of surname of child.</b>”;                      (b) omit the words “an illegitimate child” and substitute the words “a child to whose father she was not married at the time of its conception and whom she has not since married”.</p>	<p><i>Registration of Births, Deaths and Marriages Act 1962–1978</i></p>
<p><i>Succession Act 1867–1977</i></p> <p>In section 29, omit the term “Child” and its meaning.                      Section 35 is repealed.                      In section 89, omit from the meaning of the term “Child” the words “legitimate, illegitimate or legitimised”.                      In section 90, in subsection (1), omit the word “child:” and the proviso and substitute the word “child.”.</p>	<p><i>Succession Act 1867–1978</i></p>

SCHEDULE—*continued*

Act and Amendment	New Title or Construction
<p><i>Succession Duties Act 1892–1975</i></p> <p>In section 12, omit from the last paragraph the words “(a) A natural child of the predecessor;”.</p> <p>In section 12E, omit from subsection (10) the words “illegitimate relationships and ” and the words “illegitimate relationships or ” where they occur in paragraph (b).</p>	<p><i>Succession Duties Act 1892–1978</i></p>
<p><i>Wages Attachment Act 1936–1973</i></p> <p>In section 3,</p> <p>(a) in subsection (2),</p> <p>(i) omit from subparagraph (i)—</p> <p>(A) the words “ his illegitimate child ” and substitute the words “ a child of the worker to whose mother he (or in the case of a worker who is a female to whose father she) was not married at the time of its conception and whom he or, as the case may be, she has not since married ”;</p> <p>(B) the word “ four ” and substitute the word “ five ”;</p> <p>(ii) omit from subparagraph (ii)—</p> <p>(A) the word “ legitimate ” wherever occurring;</p> <p>(B) the word “ four ” and substitute the word “ five ”;</p> <p>(b) in subsection (3), omit from subparagraph (i) the words “ illegitimate child of his other than an illegitimate child ” and substitute the words “ child of the worker to whose mother he (or in the case of a worker who is a female to whose father she) was not married at the time of its conception and whom he or, as the case may be, she has not since married other than such a child ”.</p> <p>In section 5, in subsection (3), omit from paragraph (d) (i) the words “ illegitimate child of his other than an illegitimate child ” and substitute the words “ child of the worker to whose mother he (or in the case of a worker who is a female to whose father she) was not married at the time of its conception and whom he or, as the case may be, she has not since married other than such a child ”.</p>	<p><i>Wages Attachment Act 1936–1978</i></p>

SCHEDULE—continued

Act and Amendment	New Title or Construction
<p><i>Workers' Compensation Act 1916–1974</i></p> <p>In section 3, omit from the meaning of the term “Dependants” all words from and including the word “Where—” to and including the word “grandparent:”.</p>	<p><i>Workers' Compensation Act 1916–1978</i></p>