

1993—No. 325

**CHILDREN (EQUALITY OF STATUS) ACT 1976—
REGULATION**

(Children (Equality of Status) General Regulation 1993)

NEW SOUTH WALES



[Published in Gazette No. 82 of 23 July 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Children (Equality of Status) Act 1976, has been pleased to make the Regulation set forth hereunder.

JOHN HANNAFORD
Attorney General.

Citation

1. This Regulation may be cited as the Children (Equality of Status) General Regulation 1993.

Commencement

2. This Regulation commences on 2 August 1993.

Definitions

3. (1) In this Regulation:

“**the Act**” means the Children (Equality of Status) Act 1976.

(2) In this Regulation, a reference to a Form is a reference to a form set out in Schedule 1.

Paternity acknowledgments

4. (1) For the purposes of section 11 (1) of the Act, the prescribed form of paternity acknowledgment is Form 1.

(2) For the purposes of section 11 (1) of the Act, the following classes of persons are prescribed:

- (a) solicitors;
- (b) officers of the Department of Community Services nominated for the time being by the Director-General of that Department for the purposes of this paragraph.

Presumption of paternity or maternity by virtue of certain overseas maintenance orders

5. For the purposes of sections 12 (5) and 14 (5) of the Act, the following countries are prescribed countries:

- (a) New Zealand;
- (b) the United Kingdom of Great Britain and Northern Ireland.

Applications for declarations by the Supreme Court of paternity or maternity

6. For the purposes of sections 13 (1) (c) and 15 (1) (c) of the Act, the following persons are prescribed persons:

- (a) the Director-General of the Department of Community Services;
- (b) the Public Trustee.

Presumption of paternity or maternity by virtue of certain overseas paternity or maternity orders or declarations

7. For the purposes of sections 13 (10) and 15 (10) of the Act, New Zealand is a prescribed country.

Repeal

8. The Children (Equality of Status) Regulation 1977 is repealed.

SCHEDULE 1—FORMS

Form 1

(Cl. 4)

PATERNITY ACKNOWLEDGMENT

(Children (Equality of Status) Act 1976)

(Section 11)

PART A

FATHER:

I,
(full name)

born on the day of 19

at, of
(place of birth) (address)

....., acknowledge that I
am the father of, who
(full name of child)

was born on the day of 19

at
(place of birth)

Signed at
(place of signing)

on this day of 19

Signature of father:

WITNESS:

Signed in the presence of:

Signature:

Address:

Qualification:

MOTHER:

I,,
born on the day of 19
at, of
 (place of birth) *(address)*
....., being the mother of
.....
 (full name of child)
countersign this acknowledgment by
 (name of father)

the father of my child.

Signed at
 (place of signing)

on this day of 19

Signature of mother:

PART B

(To be completed by the father ONLY if the mother does not join in signing this acknowledgment.

Child's mother's full name:

Date of birth: Place of birth:

Is the mother still living?

If deceased, state date of death:

If living, last known address:

The information contained in Part B is true and correct to the best of my knowledge and belief.

Signature of father:

TABLE OF PROVISIONS

1. Citation
2. Commencement
3. Definitions
4. Paternity acknowledgments
5. Presumption of paternity or maternity by virtue of certain overseas maintenance orders
6. Applications for declarations by the Supreme Court of paternity or maternity
7. Presumption of paternity or maternity by virtue of certain overseas paternity or maternity orders or declarations
8. Repeal

SCHEDULE 1—FORMS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with minor modifications, the provisions of the Children (Equality of Status) Regulation 1977. The new Regulation, which is of a machinery nature, makes provision with respect to the following matters:

- (a) the form in which an acknowledgment of paternity is to be made and the persons who may witness such an acknowledgment (clause 4);
- (b) the recognition of paternity and maternity (pursuant to reciprocal agreements in force between New South Wales and the countries concerned) by reference to certain overseas maintenance orders (clause 5);
- (c) the persons by whom applications can be made to the Supreme Court for declarations of paternity or maternity (clause 6);
- (d) the recognition of paternity and maternity (pursuant to reciprocal agreements in force between New South Wales and the countries concerned) by reference to certain overseas orders and declarations that give rise to a presumption of paternity or maternity (clause 7).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
