

1909.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 8 October, 1909.

(Brought in by Mr. Maloney.)

A BILL

FOR

AN ACT

For the Legitimation of Children by Registration.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Legitimation Act 1909*. Short title.
- 5 2. In this Act, unless the contrary intention appears— Definition.
 - “Declaration” means a declaration signed by the person making it and declared before a Registrar or a Justice of the Peace.
 - 10 “Justice of the Peace” means a Justice of the Peace for the Commonwealth or a State.
 - “Prescribed” means prescribed by this Act or by Regulations made thereunder.
 - 15 “Registrar” means a Registrar of Births, Marriages, and Deaths, or other prescribed officer of a State or part of the Commonwealth.
 - “Registrar-General” means the Registrar-General, the Government Statist, or other proper officer of a State or part of the Commonwealth.
- 20 3.—(1.) Subject to this Act any child born out of wedlock, whether before or after the commencement of this Act, may be legitimated by the performance, during the life of the child, by one or both of the child's parents, of the act of legitimation. Legitimation of illegitimate children by registration.

(2.) The

[C. 61]—780/9.10.1909—F.13577.

(2.) The act of legitimation is performed by the delivery to the Registrar of a form containing—

(a) a declaration, in accordance with the prescribed form, by one or both of the parents, and where the child has attained the age of eighteen years ;

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(b) a declaration by the child consenting to the performance of the act of legitimation.

(3.) Where the declaration or declarations as aforesaid are received by a Registrar he shall issue in respect of it a certificate in accordance with the prescribed form, and shall notify the Registrar-General of the State in which the child was born of the fact of its legitimation.

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(4.) Upon receipt of the notification under the preceding subsection, the Registrar-General shall if the birth of the child has been registered in that State cause the record relating to the birth of the child to be removed, and kept by him from inspection save on the order of a Judge of the High or a Supreme Court ; and shall cause to be inserted a prescribed record which shall show all the details of the child's birth as if it had at its first record been that of a legitimate child.

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(5.) Such inserted record shall be open to public inspection in the same manner as other records of births.

Rights of legitimated children.

4. Any child which has been legitimated as provided in this Act shall be deemed to have been legitimate from birth, and shall be entitled to all the rights of a child born in wedlock including the right to such real and personal property as might have been claimed by such child if born in wedlock, and also to any real and personal property on the succession of any other person which might have been claimed through the parent by a child born in wedlock.

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Provided that where only one person signs the declaration delivered to a Registrar the child shall not be entitled to succeed to any real or personal property of the parent who did not sign the declaration or to claim through that parent any real or personal property of any other person which might have been claimed through that parent by a child born in wedlock.

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Property not affected.

5. Nothing in this Act shall affect any estate, right, or interest in any real or personal property to which any person has become or may become entitled, either mediately or immediately, in possession or expectancy, by virtue of any disposition, other than by will, made before the commencement of this Act, or of any devolution by law on the death of any person dying before such commencement.

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Avoidance of legitimation obtained by false declaration.

6. Where a declaration, by the delivery of which to a Registrar a child has been legitimated under this Act, contains a statement which is untrue in any particular, the legitimation shall be void.

7. Whoever

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7. Whoever makes in any declaration under this Act any statement which is untrue in any particular shall be guilty of an indictable offence. Penalty for making false declaration.

Penalty ; Three years' imprisonment.

5 8. The Governor-General may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act. Regulations.

