



STATUS OF CHILDREN AMENDMENT ACT 1985

No. 122 of 1985

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AN ACT to amend the Status of Children Act 1974.

[Royal Assent 28 November 1985]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Status of Children Amendment Act 1985*. Short title.

Commence-
ment.

2—This Act shall commence on the day on which it receives the Royal Assent.

Principal Act.

3—In this Act, the *Status of Children Act 1974** is referred to as the Principal Act.

Amendment of
long title to
Principal Act.

4—The Principal Act is amended by inserting in the long title to that Act “ and to establish parenthood of certain children ” after “ wedlock ”.

Insertion in
Principal Act
of heading,
Part I.

5—The Principal Act is amended by inserting before section 1 the following heading:—

PART I
PRELIMINARY

Insertion in
Principal Act
of heading,
Part II.

6—The Principal Act is amended by inserting after section 4 the following heading:—

PART II
PRESUMPTIONS OF PARENTHOOD AND RECOGNITION
OF PATERNITY

Insertion in
Principal Act
of new
Part III.

7—The Principal Act is amended by inserting after section 10 the following Part:—

PART III
PRESUMPTION OF PARENTHOOD AS A RESULT OF
FERTILIZATION PROCEDURES

Application
of Part.

10A—(1) The provisions of this Part apply—

(a) in respect of a pregnancy referred to in section 10C, whether the pregnancy occurred before or after the commencement of this Act and whether or not it resulted from a procedure carried out in the State; and

(b) in respect of any child born as a result of a pregnancy referred to in section 10C, whether or not the child was born before or after the commencement of this Act and whether or not the child was born in the State.

* No. 36 of 1974.

(2) Nothing in any provision of this Part affects the vesting in possession or in interest of any property that occurred before the commencement of this Act.

10B—A reference in this Part to a fertilization procedure is a reference to— Interpretation.

- (a) the artificial insemination of a woman; or
- (b) the procedure of implanting in the uterus of a woman an embryo derived from an ovum fertilized outside the body.

10c—(1) Where a married woman, with the consent of her husband, undergoes a fertilization procedure as a result of which she becomes pregnant, the husband shall, for the purposes of the law of the State, be treated as if he were the father of any child born as a result of that pregnancy. Presumptions as to parenthood.

(2) Where a woman undergoes a fertilization procedure as a result of which she becomes pregnant, any man, not being her husband, who produced semen which was used in the fertilization procedure, shall, for the purposes of the law of the State, be treated as if he were not the father of any child born as a result of the pregnancy.

(3) Where a married woman undergoes a fertilization procedure as a result of which she becomes pregnant and the ovum used for the purposes of the fertilization procedure was taken from another woman, the married woman shall, for the purposes of the law of the State, be treated as if she were the mother of any child born as a result of that pregnancy.

(4) Where a woman undergoes a fertilization procedure as a result of which she becomes pregnant, and another woman produced the ovum used for the purposes of the fertilization procedure, that other woman shall, for the purposes of the law of the State, be treated as if she were not the mother of any child born as a result of that pregnancy.

(5) In any proceedings in which the operation of subsection (1) is relevant, the consent of a husband to the carrying out of a fertilization procedure in respect of his wife shall be presumed, but that presumption is rebuttable.

(6) For the purposes of subsection (2), “husband” includes a man living with a woman as her husband on a genuine domestic basis although not married to her.

Insertion in
Principal Act
of heading,
Part IV.

8—The Principal Act is amended by inserting after section 10, as inserted by this Act, the following heading:—

PART IV
MISCELLANEOUS