



## NORTHERN TERRITORY OF AUSTRALIA

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No. 40 of 1985

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### AN ACT

To amend the *Status of Children Act*

[Assented to 18 September 1985]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Status of Children Amendment Act 1985*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Status of Children Act* is in this Act referred to as the Principal Act.

4. NEW PART

The Principal Act is amended by inserting after Part III the following:

"PART IIIA - CHILDREN CONCEIVED FOLLOWING  
MEDICAL PROCEDURES

"5A. INTERPRETATION

"(1) In this Part -

'fertilization procedure' means -

(a) artificial insemination; or

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- (b) the procedure of fertilizing an ovum outside the body and transferring the fertilized ovum into the uterus whether or not the ovum was produced by the woman into whose uterus it is transferred.

"(2) A reference in this Part to the husband or wife of a person -

- (a) is, where the person is living with another person of the opposite sex as his or her spouse on a bona fide domestic basis although not married to the other person, a reference to that other person; and
- (b) does not, in that case, include a reference to the spouse, if any, to whom the person is lawfully married,

and 'married woman', in those circumstances, has a corresponding meaning.

"5B. APPLICATION OF PART

"(1) This Part applies to and in relation to -

- (a) a pregnancy referred to in section 5C, 5D or 5E, whether the pregnancy occurred before or after the commencement of the *Status of Children Amendment Act 1985* and whether or not it resulted from a fertilization procedure carried out in the Territory; and
- (b) a child born as a result of a pregnancy referred to in section 5C, 5D, 5E or 5F, whether the child was born before or after the commencement of the *Status of Children Amendment Act 1985* and whether or not it was born in the Territory.

"(2) Nothing in this Part affects the vesting in possession or in interest of property that occurred before the commencement of the *Status of Children Amendment Act 1985*.

"5C. RULE RELATING TO MATERNITY

"A woman who gives birth to a child is, for all purposes, the mother of the child, notwithstanding that the child was conceived by the fertilization of an ovum taken from another woman.

"5D. RULE RELATING TO PATERNITY

"(1) Where a married woman undergoes, with the consent of her husband, a fertilization procedure as a result of which she becomes pregnant -

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- (a) the husband shall, for all purposes, be presumed to have caused the pregnancy and to be the father of a child born as a result of the pregnancy; and
- (b) in the case where the semen used in the fertilization procedure was not that of the husband, the man who produced the semen shall, for all purposes, be presumed not to have produced that semen and not to be the father of a child born as the result of the pregnancy.

"(2) A presumption of law that arises by virtue of subsection (1) is irrebuttable.

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

"5E. DONOR OF OVUM

"Where -

- (a) a woman becomes pregnant as the result of a fertilization procedure; and
- (b) the ovum used for the purposes of the procedure was taken from another woman,

then, for all purposes, the woman from whom the ovum was taken is not the mother of a child born as a result of the pregnancy.

"5F. DONOR OF SEMEN USED IN FERTILIZATION PROCEDURE OF CERTAIN WOMEN

"(1) Where semen is used in a fertilization procedure carried out on a woman who is not a married woman or on a married woman otherwise than in accordance with the consent of her husband, the man who produced the semen has no rights and incurs no liabilities in respect of a child born as a result of a pregnancy occurring by reason of the use of that semen unless, at any time, he becomes the husband of the mother of the child.

"(2) For the purposes of subsection (1), the rights and liabilities of a man who becomes the husband of the mother of a child so born are the rights and liabilities of a father of a child but, in the absence of agreement to the contrary, do not include liabilities incurred before the man becomes the husband of the mother."

1. The first part of the document is a list of names and titles, including the names of the authors and the titles of their works. This list is organized in a structured manner, likely serving as a table of contents or a reference list for the document.