

# Illegitimacy

– 1970s

## Details

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Illegitimacy was the status given to children born as a result of an out of wedlock, or ex-nuptial, pregnancy. The term illegitimate replaced the even more pejorative term 'bastard' to describe these children. The social stigma attached to illegitimate children meant that many mothers relinquished or were forced to relinquish them or children were placed in out-of-Home 'care'. Attitudes to children born to unmarried parents started to shift from around the 1960s in Australia. This shift was later accompanied by more social security and childcare options for single mothers.

Legislation was amended to accompany the shift in attitude to 'illegitimacy'. The Western Australian Adoption of Children Act Amendment Act 1976 (1976/112) removed the term, 'illegitimate child' from the legislation and replaced it with 'a child whose parents were not married to each other at the time of his birth or subsequently'. In New South Wales, the Children (Equality of Status) Act 1976 removed all legal disabilities suffered by ex-nuptial children and established that their rights regarding paternity and maternity are the same as children born within wedlock. Similar status of children legislation was passed in other Australian jurisdictions from the 1970s onwards.

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### Related Entries

#### Related Glossary Terms

- [Single Mothers](#)

#### Related Legislation

- [Status of Children Act 1974, Tasmania \(1974 - current\)](#)
- [Status of Children Act 1974, Victoria \(1975 - current\)](#)
- [Children \(Equality of Status\) Act 1976, New South Wales \(1976 - 1996\)](#)
- [Adoption of Children Amendment Act 1976, Western Australia \(1976 - 1995\)](#)

#### Related Archival Series

- [Affiliation Files \[Maintenance Branch, Department of Community Services\] \(c. 1963 - 1975\)](#)

## Resources

- NSW Registry of Births Deaths and Marriages, [Registry's Records](#), No date
  - Law Reform Commission New South Wales, [Report 69 \(1992\) - Review of the Adoption of Children Act 1990: Summary Report](#), 1992
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