



New South Wales

# Adoption Legislation Amendment (Overseas Adoption) Act 2013 No 79

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New South Wales

# **Adoption Legislation Amendment (Overseas Adoption) Act 2013 No 79**

Act No 79, 2013

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An Act to amend the *Adoption Act 2000*, the regulations under that Act and the *Births, Deaths and Marriages Registration Act 1995* in relation to the registration of adoptions granted in foreign countries. [Assented to 29 October 2013]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Adoption Legislation Amendment (Overseas Adoption) Act 2013*.

**2 Commencement**

This Act commences on the date of assent to this Act.

## **Schedule 1 Amendment of Adoption Act 2000 No 75**

### **[1] Section 130A**

Insert after section 130:

#### **130A Functions of Director-General in relation to overseas adoptions**

- (1) The Director-General must give the Registrar a record of an adoption that is recognised under section 108 or 113 if the adoption was organised by or under the authority of the Director-General.
- (2) The record given to the Registrar must contain the information and particulars prescribed by the regulations and must be accompanied by a copy of the adoption compliance certificate issued for the adoption.
- (3) The Director-General may require the adoptive parent or adoptive parents of an adopted child, or the adopted child if the child has attained the age of 18 years, to provide the Director-General with such information or documents relating to the adoption or the identification of the adopted child as the Director-General may reasonably require.
- (4) The Director-General is not required to give the Registrar a record of an adoption under this section (and the Registrar is not required to register the adoption under the *Births, Deaths and Marriages Registration Act 1995*) if the Director-General is not able to ascertain the information and particulars that the record is required to contain.

### **[2] Schedule 3 Savings, transitional and other provisions**

Omit clause 1 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

### **[3] Schedule 3**

Insert at the end of the Schedule with appropriate Part and clause numbering:

## **Part Provision consequent on enactment of Adoption Legislation Amendment (Overseas Adoption) Act 2013**

### **Birth certificates for recognised foreign country adoptions**

- (1) Section 130A extends to an adoption granted before the commencement of that section (so as to require the giving of a record in respect of such an adoption to the Registrar) but only if a written request for the record to be given is made to the Director-General by:
  - (a) the adoptive parent or adoptive parents of the child, or
  - (b) if the child has attained the age of 18 years—the child.
- (2) The amendments made by the *Adoption Legislation Amendment (Overseas Adoption) Act 2013* to the *Births, Deaths and Marriages Registration Act 1995* extend to an adoption that was granted before the commencement of section 130A of this Act if the Director-General gives a record under that section to the Registrar in respect of the adoption.

## **Schedule 2      Amendment of Births, Deaths and Marriages Registration Act 1995 No 62**

**[1] Section 23 Duty to register adoptions**

Insert “or recognised foreign adoption order” after “State adoption order” in section 23 (1).

**[2] Section 23 (3)**

Insert in alphabetical order:

*recognised foreign adoption order* means an adoption of a child that is recognised under section 108 or 113 of the *Adoption Act 2000* but only if the adoption was organised by or under the authority of the Director-General of the Department of Family and Community Services.

**[3] Section 23 (3)**

Omit “order under section 117” from the definition of *State adoption order*.

Insert instead “declaration under section 117”.

**[4] Section 25 Record of adoption or discharge of adoption to be noted in birth registration**

Omit “section 130 or 132” from section 25 (2). Insert instead “Chapter 7”.

**[5] Section 49 Issue of certificate**

Omit “section 130 or 132” from section 49 (4). Insert instead “Chapter 7”.

### **Schedule 3 Amendment of Adoption Regulation 2003**

**[1] Clause 43 Prescribed particulars and information**

Insert “130A (2),” after “130 (a),” wherever occurring in clause 43 (1) and (2).

**[2] Clause 43 (3)**

Insert after clause 43 (2):

- (3) A record under section 130A (2) of the Act must include a statement confirming that the adoption was organised by or under the authority of the Director-General.

[Second reading speech made in—  
Legislative Assembly on 16 October 2013  
Legislative Council on 23 October 2013]