



New South Wales

Adoption Information Regulation 1996

under the
Adoption Information Act 1990

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Adoption Information Act 1990*.

RON DYER, M.L.C.,
Minister for Community Services.

Explanatory note

The object of this Regulation is to repeal and remake, with a number of modifications, the *Adoption Information Regulation 1991*. The modifications in general involve the prescription of matters necessary to bring the *Adoption Information Amendment Act 1995* into operation, including:

- provision for the leaving and delivery of messages between persons concerned in or affected by an adoption,
- provision for the advance notice system,
- provision for internal review of decisions.

The Regulation prescribes a wider range of prescribed information that may be accessed by persons entitled to information under the Act and expands the persons entitled to information to include siblings of adopted persons. However, the Regulation incorporates a number of additional safeguards to ensure that information of an identifying nature may not be accessed without, where practicable, the knowledge or consent of concerned persons.

This Regulation is made under the *Adoption Information Act 1990*, in particular sections 10 (4), 12A (2), 12A, 12A (5), 13, 15B, 151, 24, 31E, 35A (7) and 41 (the general regulation-making power).

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Clause 1 Adoption Information Regulation 1996

Part 1 Preliminary

Adoption Information Regulation 1996

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Adoption Information Regulation 1996*.

2 Commencement

This Regulation commences on 1 September 1996.

3 Definitions

In this Regulation:

access policy means any access policy maintained by the Registrar concerning access under the *Adoption Information Act 1990* to information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995*.

Note. Section 43 (2) of the *Births, Deaths and Marriages Registration Act 1995* requires the Register kept under that Act to contain particulars of any birth, adoption or discharge of adoption, change of name, death or marriage required under that Act, or another law, to be included in the Register and provides that the Register may contain such further information as the Registrar considers appropriate for inclusion.

adoptive **family** means adoptive parents and their children, whether natural or adopted.

message includes any document.

Reunion and Information Register means the register established under Part 4 of the Act.

the Act means the *Adoption Information Act 1990*.

Note. Expressions used in this Regulation that are defined in the Act have the meanings set out in the Act. Expressions used in this Regulation that are defined in the *Interpretation Act 1987* have the meanings set out in that Act. For example:

document means any record of information, and includes:

- (a) anything on which there is writing, or
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, or

- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or
- (d) a map, plan, drawing or photograph.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 5 Adoption Information Regulation 1996

Part 2 Prescribed information to which persons are entitled

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5 Purpose of this Part

- (1) This Part prescribes the additional information relating to adoptions that certain persons are entitled to receive, or may in certain circumstances be supplied with, under and subject to the Act
- (2) The Act prescribes the circumstances in which the original or amended birth certificates of adopted persons may be supplied.

6 Entitlement of adopted person—information prescribed under section 6

Note. This clause does not cover all information that an adopted person may be able to receive, or be supplied with, under the Act. Several other provisions of this Regulation give further entitlements to, or limit entitlements of, an adopted person to prescribed information. See clauses 11,12,13, 14, 16 and 17. Under section 6 (2) of the Act, an adopted person who is less than 18 years old will generally be entitled to receive prescribed information only with the consent of his or her adoptive parents.

- (1) An adopted person is entitled to receive:
 - (a) any relevant information that is held by an information source about the physical and intellectual attributes, educational and vocational qualifications, social and cultural background, health and welfare, family and other relationships, religious beliefs, hobbies and interests of a birth parent, sibling, grandparent, aunt or uncle of the adopted person and that will give the adopted person knowledge of his or her origins, and
 - (b) any of the following information held by an information source:
 - (i) date on which the person was placed with adoptive parents,
 - (ii) date of adoption order,
 - (iii) copy of the instrument of consent to the adoption,
 - (iv) copy of the request to make arrangements for the adoption,
 - (v) copy of adoption order or memorandum of adoption (or both),

- (vi) reason the person was adopted (as stated by the birth parent or recorded by the information source before placement for adoption),
 - (vii) copies of medical reports of examinations of the adopted person made before the date of the adoption order,
 - (viii) a document certifying particulars of the birth of a birth parent,
 - (ix) a document certifying particulars of the marriage of a birth parent,
 - (x) a document certifying particulars of the death of a birth parent,
 - (xi) messages given to the information source by a birth parent for the adopted person if clause 17 is complied with.
- (2) An adopted person is entitled to receive the following information held by an information source relating to an adopted brother or sister of the adopted person who is 18 or more years old:
- (a) adoptive name,
 - (b) date of birth,
 - (c) place of birth,
 - (d) date of placement for adoption,
 - (e) date of adoption order,
 - (f) copy of adoption order or memorandum of adoption (or both),
 - (g) a document certifying particulars of the marriage of the adopted brother or sister,
 - (h) a document certifying particulars of the death of the adopted brother or sister,
 - (i) the following details concerning adoptive parents:
 - age
 - nationality
 - ethnic background
 - occupation

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Part 2 Prescribed information to which persons are entitled

hobbies and interests

religion

composition of adoptive family (including number of children and their age and sex).

- (3) Despite subclause (1), an adopted person is not entitled to receive:
- (a) information about a birth parent, sibling, grandparent, aunt or uncle that identifies any other person if the information is information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995* unless the information is information that the adopted person is otherwise entitled to receive under the *Adoption Information Act 1990* or an access policy, or
 - (b) information consisting of the family name of a birth parent, sibling, grandparent, aunt or uncle unless that information is information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995* that the adopted person is otherwise entitled to receive under the *Adoption Information Act 1990* or an access policy.

Note. Paragraph (a) prevents the supply of information about persons such as marriage celebrants or witnesses involved in events that are required to be registered under the *Births, Deaths and Marriages Registration Act 1995*

7 Entitlement of adoptive parent—information prescribed under section 7

Note. This clause does not cover all information that an adoptive parent may be able to receive, or be supplied, with under the Act. Several other provisions of this Regulation give further entitlements to, or limit entitlements of, an adoptive parent to prescribed information. See clauses 11, 12, 13, 14, 16 and 17.

- (1) An adoptive parent of an adopted person who is less than 18 years old is entitled to receive:
- (a) any relevant information that is held by an information source about the physical and intellectual attributes, educational and vocational qualifications, social and cultural background, health and welfare, family and other relationships, religious beliefs, hobbies and interests of a birth parent, sibling, grandparent, aunt or uncle of the adopted person and that will give the adoptive parent knowledge of the adopted person's origins, and

- (b) any of the following information held by an information source:
 - (i) date of placement for adoption,
 - (ii) date of adoption order,
 - (iii) reason the person was adopted (as stated by the birth parent or recorded by the information source before placement for adoption),
 - (iv) messages given to the information source by a birth parent for the adopted person or for the adoptive parent if clause 17 is complied with.
- (2) Despite subclause (1), an adoptive parent is not entitled to receive information consisting of the family name of a birth parent, sibling, grandparent, aunt or uncle unless that information is information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995* that the adoptive parent is otherwise entitled to receive under the *Adoption Information Act 1990* or an access policy.

8 Entitlement of birth parent—information prescribed under section 8

Note. This clause does not cover all information that a birth parent may be able to receive, or be supplied with, under the Act. Several other provisions of this Regulation give further entitlements to, or limit entitlements of, a birth parent to prescribed information. See clauses 11, 12, 13, 14, 16 and 17.

- (1) **Information about adult adopted person**

A birth parent of an adopted person who is 18 or more years old is entitled to receive:

 - (a) any relevant information that is held by an information source about the physical and intellectual attributes, educational and vocational qualifications, social and cultural background, health and welfare, family and other relationships, religious beliefs, hobbies and interests of an adopted person or his or her adoptive parent and that will give the birth parent knowledge of the adopted child's life after adoption, and

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Part 2 Prescribed information to which persons are entitled

- (b) any of the following information held by an information source:
- (i) birth details (including the time of birth and weight and length of the person at birth),
 - (ii) date of placement for adoption,
 - (iii) date of adoption order,
 - (iv) copy of the instrument of consent to the adoption and of any associated documents relating to the social and medical history of the adopted person provided by the birth parent,
 - (v) copy of the request to make arrangements for the adoption,
 - (vi) copy of adoption order or memorandum of adoption (or both),
 - (vii) copies of medical reports or examinations of the adopted person made before the date of the adoption order,
 - (viii) a document certifying particulars of the marriage of the adopted person,
 - (ix) a document certifying particulars of the death of the adopted person,
 - (x) messages relating to the adopted person and adoptive family given to the information source for the birth parent if clause 17 is complied with.

(2) Information about adopted person who is a child

A birth parent is entitled to receive the following information about an adopted person who is less than 18 years old held by an information source:

- (a) birth details (including the time of birth and weight and length of the person at birth),
- (b) date of placement for adoption,
- (c) date of adoption order,
- (d) copies of medical reports or examinations of the adopted person made before placement for adoption,
- (e) information relating to the health and welfare of the adopted person after the date of placement for adoption.

Note. Under section 8 (3) of the Act, information referred to in this subclause may only be supplied to a birth parent if the birth parent produces an amended birth certificate of the adopted person. However under section 8 (4), a designated person may supply the information without an amended birth certificate if the designated person is of the opinion that the information could not be used to identify the adopted person or his or her adoptive parents.

- (3) Information relating to the health and welfare of an adopted person after placement for adoption is prescribed information for the purposes of subclauses (1) and (2) only if
- (a) the information source holding the information is the Department of Community Services or a private adoption agency, or
 - (b) the information source holding the information has obtained the consent:
 - (i) in the case of an adopted person who is 18 or more years old—of the adopted person to the supply of the information to his or her birth parent, or
 - (ii) in the case of an adopted person who is less than 18 years old—of an adoptive parent to the supply of the information to the adopted person's birth parent.
- (4) A birth parent whose name is entered in the Reunion and Information Register is entitled to receive any of the following information if it is held by the Department of Community Services or a private adoption agency:
- (a) advice of the death of the adopted person,
 - (b) advice that the relationship between the adopted person and the adoptive parents has irretrievably broken down and the adopted person is living separately from the adoptive parents.
- (5) Despite subclause (2), a birth parent is not entitled to receive information consisting of the family name of an adopted person who is less than 18 years old or his or her adoptive parent unless that information is information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995* that the birth parent is otherwise entitled to receive under the *Adoption Information Act 1990* or an access policy.

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Part 2 Prescribed information to which persons are entitled

9 Information prescribed under section 9 relating to deceased birth parent

A relative, spouse or other person who had a de facto or other close personal relationship with a deceased birth parent may be supplied with the following information relating to the deceased birth parent:

- (a) information described in clause 8 (1) (a) relating to an adopted person,
- (b) information relating to a deceased birth parent referred to in clause 11.

10 Information prescribed under section 9 relating to deceased adopted person

A relative, spouse or other person who had a de facto or other close personal relationship with a deceased adopted person may be supplied with the following information relating to the deceased adopted person:

- (a) information described in clause 6 (1) (a) relating to the birth parent,
- (b) information relating to a deceased adopted person referred to in clause 11.

11 Additional prescribed information

- (1) The following information is prescribed as information for the purposes of sections 6–9 of the Act:
 - (a) information that is supplied by the Director-General or authorised by the Director-General to be supplied by the Registrar or some other information source, and
 - (b) information that the Director-General is satisfied would, if disclosed, promote the welfare and best interests of either or both the person seeking the information and the person affected by the supply of the information, and
 - (c) information that the Director-General is satisfied is unlikely to be able to be obtained from any other source.
- (2) Information prescribed by this clause is not to be supplied unless:
 - (a) the Director-General has notified the person affected by the supply of the information of the intention to supply the information, and

- (b) a period of not less than 7 days has expired since the person was so notified, and
 - (c) before the expiration of that period, the person has consented to supply of the information or the Director-General has considered any submissions received from the person as to why the information should not be supplied.
- (3) Information prescribed by this clause may be supplied even though the person affected by the supply has not been notified as required by subclause (2) if
- (a) in the opinion of the Director-General, it is not reasonably practicable to notify the person, or
 - (b) the whereabouts of the person are unknown and the Director-General has been unable to discover them after making such inquiries as are reasonable in the circumstances.

12 General guidelines under section 13 for release of birth certificate and prescribed information

- (1) An information source is to comply with the following guidelines in connection with the supply of any birth certificates or prescribed information under the Act:
- (a) the information source must make reasonable inquiries to confirm the applicant's identity and relationship to the person to whom the information relates, and
 - (b) the information source must not supply confidential information unless the information source has obtained and taken into account the advice of the Director-General as to whether the information should be supplied and as to the provision of appropriate counselling for the person to whom it is supplied, and
 - (c) the information source must not supply confidential information about a birth parent whose name is entered in the Reunion and Information Register unless the information source has taken such action as is reasonable in the circumstances to ascertain whether the birth parent wishes to supply the information personally.

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Clause 12 Adoption information Regulation 1996

Part 2 Prescribed information to which persons are entitled

(2) In this clause:

confidential information means:

- (a) information indicating that an adopted person was conceived as a result of incest or the sexual assault of his or her birth mother, and
- (b) information indicating that an adopted person has an hereditary condition seriously affecting the current, or that could seriously affect the future, physical or mental health of the adopted person or any descendant of the adopted person.

13 Guidelines under section 13 for release of prescribed information relating to unacknowledged birth fathers

(1) In this clause:

unacknowledged birth father means the birth father of an adopted person who:

- (a) is not shown on the adopted person's original birth certificate as the person's father, or
 - (b) is not a person whom the Director-General, Registrar or another information source is entitled to presume, under any law (including a law of another State or Territory or the Commonwealth) to be the adopted person's birth father.
- (2) An information source must, if it considers it to be necessary or appropriate to do so, obtain assistance from the Director-General or the Registrar to assist in its determination of whether it is entitled to presume a person to be an adopted person's birth father.
- (3) An information source is not to supply prescribed information relating to an unacknowledged birth father if, in the opinion of the information source, the information could be used to identify the unacknowledged birth father or a relative of the unacknowledged birth father, except with the consent of the unacknowledged birth father.

14 Guidelines for exercise of discretion to supply a birth certificate or prescribed information under section 12 or 12A

- (1) The Director-General is to comply with the guidelines set out in this clause in connection with the supply of a birth certificate or prescribed information:
 - (a) under section 12 of the Act before an entitlement to the certificate or information arises under Part 2 of the Act, or
 - (b) in accordance with a request made under section 12A of the Act.
- (2) The Director-General is to seek the consent of the birth parent of an adopted person who is less than 18 years old to supply of such a birth certificate or prescribed information that could be used to identify the birth parent.
- (3) The Director-General is not to supply such a birth certificate or prescribed information that could be used to identify the birth parent to an adopted person who is less than 18 years old against the wishes of a birth parent until such period (being a period of not less than 7 days) after the birth parent's refusal to consent to the supply as will, in the opinion of the Director-General, enable the birth parent (if he or she so wishes) to lodge a contact veto.
- (4) The Director-General is to supply a birth parent with an amended birth certificate or prescribed information relating to an adopted person who is less than 18 years old only if
 - (a) the relationship between the adopted person and the adoptive parents has irretrievably broken down and the adopted person is living separately from the adoptive parents, or
 - (b) the adoptive parents support the supply of the birth certificate or prescribed information, or
 - (c) the adoptive parents have died,and, in the opinion of the Director-General (supported by expert opinion) it is unlikely that any detriment to the welfare and best interests of the adopted person or his or her adoptive family will result from the supply of the certificate or information.

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Clause 14 Adoption Information Regulation 1996

Part 2 Prescribed information to which persons are entitled

- (5) The Director-General may supply, or authorise an information source to supply, any prescribed information to a person who is not entitled to receive it because of a failure to obtain a birth certificate only if
- (a) there is no contact veto in force against contact by the person with the person to whom the information relates, and
 - (b) in the opinion of the Director-General, the information could not be used to identify the person to whom it relates, and, in the opinion of the Director-General (supported by expert opinion) it is unlikely that any detriment to the welfare and best interests of the person to whom the information relates, or his or her family, will result from the supply of the information.

15 Guidelines for exercise of discretion to withhold supply (or authorise the withholding of supply) under section 12A

- (1) The Director-General may obtain advice from such persons as the Director-General thinks may be of assistance to the Director-General in forming his or her opinion as to whether exceptional circumstances exist that make it necessary to refuse to supply a birth certificate or prescribed information under section 12A of the Act.
- (2) The advice may include advice from the following:
- (a) a medical practitioner,
 - (b) a person who is a member, or who is eligible for membership, of the Australian Association of Social Workers,
 - (c) a person having knowledge or experience in adoption work,
 - (d) a person who, in the opinion of the Director-General, has other suitable qualifications or experience.

16 Information as to “last known name and address”

- (1) The last known name and address of a person held by an information source is prescribed information only if:
- (a) the information was obtained by the information source before the person was placed for adoption, on placement of the person for adoption or from or in connection with the making of the adoption order in relation to the person, or

- (b) the information is information that must or may be included in the Register kept under the *Births, Deaths and Marriages Registration Act 1995* that the person is otherwise entitled to receive under the *Adoption Information Act 1990* or an access policy, or
- (c) the person concerned has consented in writing to the supply of the name and address to the person seeking the information, or
- (d) the person concerned has entered his or her name on the Reunion and Information Register.

17 Photographs and other documents and messages

- (1) A message referred to in clause 6,7or8 that is given to an information source for an adopted person, adoptive parent or birth parent after the commencement of this Regulation is not prescribed information unless the person giving the message to the information source has signed a release.(in a form approved by the Director-General) consenting to the supply of all such messages.
- (2) A release signed by the person giving a message to the information source is not required if the person:
 - (a) is dead, or
 - (b) cannot, after due search and inquiry, be found, or
 - (C) is, in the opinion of the Director-General, incapable of giving consent.
- (3) A message referred to in clause 6, 7 or 8 that is given to an information source for an adopted person, adoptive parent or birth parent before the commencement of this Regulation is not prescribed information unless:
 - (a) in the opinion of the Director-General, the records of the information source concerned clearly indicate that the person intended the message to be supplied to the adopted person, adoptive parent or birth parent, or
 - (b) the Director-General is satisfied that the welfare and best interests of one or both persons concerned would be promoted by the passing on of the message.

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Clause 18 Adoption Information Regulation 1996

Part 3 Contact vetoes

Part 3 Contact vetoes

18 Access to information about a contact veto

- (1) An application may be made to the Director-General by an adopted person who is 18 or more years old, a birth parent of such a person or a relative, spouse or other person referred to in section 9 of the Act for the Director-General to supply:
 - (a) a statement as to whether a veto objecting to contact by the person with an adopted person or a birth parent has been entered in the Contact Veto Register, and
 - (b) if a veto has been entered, details of the relationship of the person who lodged the contact veto to the applicant, and
 - (c) if a message has been left on the Reunion and Information Register for the applicant by the person who has lodged the contact veto, a copy of the message.
- (2) An application under this clause:
 - (a) is to be made in the form approved by the Director-General, and
 - (b) is to be accompanied by proof (to the satisfaction of the Director-General) of the identity of the applicant, and
 - (c) is to be accompanied by the fee or charge payable for the supply of such information or, if the applicant wishes the fee to be reduced by the Director-General, a statement as to why it should be reduced.
- (3) The Director-General is not to supply any information under this clause if, in the opinion of the Director-General, the information could be used to identify the person who objects to contact or a parent, brother or sister of that person, except with the consent of the person.

19 Guidelines under section 24 for request to confirm, cancel or vary contact veto

Unless the Director-General considers that the circumstances are exceptional, the Director-General is not to deal with an applicant's request under section 24 of the Act to approach a person who has lodged a contact veto if:

- (a) the request is made within 6 months after the contact veto took effect, or
- (b) the person who lodged the contact veto indicated at the time of lodging the contact veto, or by subsequent notice in writing to the Director-General, that he or she would not be willing in any circumstances to cancel or vary the contact veto.

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Clause 20 Adoption Information Regulation 1996

Pari 4 Information sources

Part 4 Information sources

20 Information sources prescribed under paragraph (g) of definition of “information source” in section 4

The following institutions, bodies and persons are prescribed as information sources for the purposes of the Act:

Benevolent Society Post Adoption Resource Centre
Briarways Private Hospital, Guildford
Burnside
Dalmar Child and Family Care
Link Up Aboriginal Services
Mercy Family Life Centre
Salvation Army Post-Adoption Service
Scarba Family Centre

21 Designated persons

- (1) The person prescribed under section 11 (4) (h) of the Act as the designated person to deal with an application to an institution, body or person (prescribed under clause 20) for the supply of a birth certificate or prescribed information under Part 2 of the Act is the chief executive officer, by whatever title he or she is known, of the institution, body or person.
- (2) The guidelines to be followed by a designated person in relation to an information source in authorising another person to exercise a function of the designated person are:
 - (a) the person must be a senior officer or member of the information source, and
 - (b) the person must, in the opinion of the designated person, have sufficient capacity to understand and responsibly exercise the functions of the designated person under the Act.

22 Supply of birth certificate or prescribed information

An information source must not supply an amended birth certificate or any prescribed information under the Act to a person unless the information source has ascertained:

- (a) whether the birth certificate or prescribed information is affected by an advance notice registration, and

- (b) whether there is a contact veto relating to the person.

Note. The Director-General is required to advise the primary information source (ie the Registrar of Births, Deaths and Marriages) of each entry made in the Advance Notice Register and of each contact veto entered in the Contact Veto Register (see sections 15E (3) and 20 of the Act). An information source is required by the Act to ascertain whether a contact veto has been entered before supplying an original birth certificate (section 21 (2)).

23 Exchange of information between information sources

- (1) If a person who is entitled to receive information under the Act:
- (a) makes an application for the supply of the information to an information source that does not hold the information, and
 - (b) the information source knows of one or more other information sources that do hold the information,
- the information source to whom the application is made may request the other information source or sources to supply it with the information to enable it to supply it to the person.
- (2) An information source is not to supply another information source with such information unless the other information source has forwarded to it:
- (a) a copy of the application made by the person, and
 - (b) a request signed by the person for the information source to supply the information.

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Clause 24 Adoption Information Regulation 1996

Part 5 Reunion and Information Register

Part 5 Reunion and Information Register

24 Definition

In this Part:

message means message left:

- (a) under section 15D (4) of the Act by a person who has lodged an advance notice request, or
- (b) under section 28 (4) of the Act by a person who has lodged a contact veto, or
- (c) by a person whose name is entered on the Reunion and Information Register under section 31A of the Act.

25 Information to be updated

A person whose name is entered on the Reunion and Information Register or who has left a message must notify the Director-General of

- (a) any change in his or her name or address, or
- (b) any change of circumstances known to the person that substantially affects the content of the message.

Note. Under this clause a person whose name is entered on the Register might be required, for example, to notify the Director-General if a person referred to in a message dies or leaves Australia permanently.

26 Leaving and delivery of messages

- (1) A message may be left by a person by leaving it at, or by sending it by post to, an address advised by the Director-General.
- (2) The Director-General is:
 - (a) to deliver the message to the person for whom it has been left on entry of the person's name in the Reunion and Information Register, or
 - (b) if the person's name is not entered in the Register within the period of 25 years (or such longer period as the Director-General may, on application by the person who left the message, allow) after the message is left— is, if reasonably practicable, to return the message to the person who left it.

- (3) The Director-General may deliver a message:
- (a) by delivering it to the person for whom it has been left at the address entered on the register, or
 - (b) if the person for whom it has been left advises the Director-General that he or she wishes to collect the message personally or to authorise another person to collect the message, by delivering it to the person or the other person authorised to collect it.

27 Delivery of messages

The Director-General must not give a person a message that the Director-General has opened and inspected and that the Director-General knows identifies, or believes could be used to identify, the person who left the message, or a relative of the person, unless the person who left the message has given consent (either at the time of leaving the message or at a later time) to the identifying information being given.

28 Document left before the commencement of the Adoption Information Amendment Act 1995

- (1) This clause applies to any document left with the Director-General before the commencement of the amendments to Part 4 of the Act made by the *Adoption Information Amendment Act 1995* by a person whose name was entered on the Reunion Information Register established under the Act as then in force.
- (2) The Director-General may:
- (a) approach the person who left a document to which this clause applies, or
 - (b) take such other action (including opening and inspecting the document) as is reasonable in the circumstances,

to ascertain whether the document should be treated as if it were a message for the purposes of Part 4 of the Act as in force after the commencement of the amendments made to Part 4 by the *Adoption Information Amendment Act 1995*.

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Clause 28 Adoption Information Regulation 1996

Part 5 Reunion and Information Register

- (3) The Director-General is not to treat a document as if it were a message unless the person indicates, or the document or records in relation to the leaving of the document clearly indicate, that the person leaving the document intended it to be delivered to an adopted person, birth parent, adoptive parent or some other specified person.

29 Offence

A person whose name is entered on the Reunion and Information Register must not leave any message for a person concerned in or affected by an adoption with the intention of intimidating, harassing or threatening the person.

Maximum penalty: 5 penalty units.

Part 6 Miscellaneous

30 Advance notice period

- (1) For the purposes of paragraph (a) of the definition of *advance notice period* in section 15B of the Act, the period of 2 months after an application for personal information relating to a person is made is the prescribed period.
- (2) For the purposes of paragraph (b) of the definition of *advance notice period* in section 15B of the Act, a period not greater than 4 months after an application for personal information relating to a person is made may be specified by the Director-General.

31 Requirements for internal review of decision

- (1) Before making a decision under section 35A of the Act, the Director-General:
 - (a) must consider any material submitted by the applicant within 28 days of making the application for review, and
 - (b) may obtain such advice as the Director-General thinks may assist in reviewing the application.
- (2) The advice may include advice from any of the following:
 - (a) a medical practitioner,
 - (b) a person who is a member, or who is eligible for membership, of the Australian Association of Social Workers,
 - (c) a person having knowledge or experience in adoption work,
 - (d) a person who, in the opinion of the Director-General, has other suitable qualifications or experience.
- (3) The Director-General:
 - (a) must, at the request of the applicant, furnish the applicant with copies of all documents relevant to the decision being reviewed, and

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- (b) may give a person referred to in subclause (2) a copy of any document:
 - (i) relevant to the decision being reviewed, or
 - (ii) submitted by the applicant under subclause (1) (a).

32 Repeal of Adoption Information Regulation 1991

- (1) The *Adoption Information Regulation 1991* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Adoption Information Regulation 1991*, had effect under that Regulation continues to have effect under this Regulation.