



New South Wales

Adoption Information Amendment Regulation 1998

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*.

FAYE LO PO', M.P.,
Minister for Community Services

Explanatory note

The object of this Regulation is to amend the *Adoption Information Regulation 1996* so as:

- (a) to prescribe the Director-General of the Department of Community Services as the primary information source for the purposes of section 10 (1) and (2) and Parts 2A and 3 of the Act so that the Director-General (instead of the Registrar of Births, Deaths and Marriages) will be responsible for supplying original birth certificates for persons whose births are registered under the *Births, Deaths and Marriages Registration Act 1995* and amended birth certificates,
- (b) to provide for the Director-General to issue supply authorities that authorise information sources to supply certain other birth certificates and prescribed information.

The Regulation also makes it clear that clause 22 of the *Adoption Information Regulation 1996* does not require the Supreme Court to ascertain whether a birth certificate or prescribed information relating to a person is affected by an advance notice registration and whether there is a contact veto relating to the person.

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Explanatory note

This Regulation is made under the *Adoption Information Act 1990*, including paragraph (b) of the definition of ***primary information source*** in section 4 and sections 10 (4), 12A and 41 (the general regulation-making power, in particular section 41 (3)).

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1 Name of Regulation

This Regulation is the *Adoption Information Amendment Regulation 1998*.

2 Amendment of Adoption Information Regulation 1996

The *Adoption Information Regulation 1996* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 12 General guidelines under section 13 for release of birth certificate and prescribed information

Insert after subclause (1):

- (1A) Subclause (1) does not apply to the supply of a birth certificate or prescribed information by an information source if that supply is authorised by, and is in accordance with any conditions of, a supply authority issued by the Director-General under Part 4A.

[2] Part 3A

Insert after clause 19:

Part 3A Primary information source

19A Primary information source

For the purposes of paragraph (b) of the definition of *primary information source* in section 4 of the Act, the Director-General is prescribed as the primary information source for the purposes of section 10 (1) and (2) and Parts 2A and 3 of the Act.

19B Applications for supply of original birth certificates and amended birth certificates

An application made to the primary information source under section 10 (1) (a) or (2) of the Act for an original birth certificate or amended birth certificate of an adopted person is to be accompanied by:

- (a) proof (to the satisfaction of the primary information source) of the applicant's identity and relationship to the adopted person and such other particulars as may be required by the primary information source, and

- (b) the fee or charge (if any) payable for issue of the birth certificate.

[3] Clause 22 Supply of birth certificate or prescribed information

Insert “(other than the Supreme Court)” after “information source” where firstly occurring.

[4] Clause 22 (2)

Insert at the end of clause 22:

- (2) Subclause (1) does not apply to the supply of an amended birth certificate or prescribed information by an information source if that supply is authorised by, and is in accordance with any conditions of, a supply authority issued by the Director-General under Part 4A.

[5] Part 4A

Insert after Part 4:

Part 4A Supply authorities

23A Director-General to issue supply authority

The Director-General may issue a supply authority authorising an information source to supply a birth certificate or any prescribed information that a person is entitled to receive under Part 2 of the Act to the person.

23B Application for issue of supply authority

An application for issue of a supply authority under clause 23A is to be made in a form approved by the Director-General and is to be accompanied by:

- (a) proof (to the satisfaction of the Director-General) of the applicant’s identity and relationship to the adopted person and such other particulars as may be required by the Director-General, and

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Schedule 1 Amendments

- (b) the fee or charge (if any) payable for issue of the supply authority.

23C Issue of supply authority

A supply authority authorising the supply of a birth certificate of an adopted person or any prescribed information issued under clause 23A is to be in writing and is to include the following:

- (a) details of whether issue of the supply authority is affected by an advance notice registration,

Note. See paragraph (c) of the definition of *personal information* in section 15B of the Act.

- (b) if any contact veto is entered in the Contact Veto Register in relation to the adopted person—details of the contact veto,
- (c) details of any conditions imposed by the Director-General on supply of the birth certificate or prescribed information.

23D Supply authority to accompany application for supply of birth certificate

An application to an information source under section 10 (1) (b) of the Act for supply of an original birth certificate is to be accompanied by a supply authority issued under clause 23A.