

[Act 1995 No 61]



New South Wales

Adoption Information Amendment Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to give effect to certain of the recommendations made by the New South Wales Law Reform Commission in their report entitled “*Review of the Adoption Information Act 1990*” and to make other modifications to clarify its operation. The Bill amends the *Adoption Information Act 1990*:

- (a) to provide for administrative arrangements for obtaining access to birth certificates and prescribed information to be rationalised and simplified by enabling the regulations:
 - to prescribe a person other than the Principal Registrar to exercise any function under a provision of the Act relating to access to birth certificates and prescribed information that is currently exercised by the Principal Registrar, and
 - to provide for access to birth certificates and prescribed information to be gained without further inquiry by an information source if authorised to do so by the Director-General,
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- (b) to make provision for a Reunion and Information Register that will incorporate the existing Reunion Information Register and that will facilitate the exchange of messages between persons concerned in or affected by an adoption,
- (c) to establish an advance notice system to delay release of identifying information under the Act for a fixed period at the request of a person who could be identified by it,
- (d) to repeal provisions of the Act providing for the closure, without consideration by Parliament, of the Contact Veto Register,
- (e) to expand the discretionary powers of the Director-General in relation to limiting access to information to a person who would otherwise be entitled to it and releasing information to which no entitlement is given under the Act,
- (f) to clarify provisions relating to the entitlement of birth fathers to receive information under the Act,
- (g) to enable birth parents to obtain certain non-identifying information under the Act concerning a child under 18 years of age without first obtaining a birth certificate,
- (h) to clarify the entitlement of relatives of deceased birth parents and adopted children to receive information under the Act,
- (i) to enable information to be obtained from the Supreme Court without first obtaining information from other sources,
- (j) to provide for internal review of decisions made by the Director-General under the Act,
- (k) to enable persons directed to do so by the Guardianship Board to exercise entitlements under the Act on behalf of disabled persons,
- (l) to make other changes of a minor, consequential or ancillary nature.

The Bill also amends the *Guardianship Act 1987* to enable the Guardianship Board to give certain directions relating to the exercise of entitlements under the *Adoption Information Act 1990* on behalf of disabled persons.

A detailed explanation of each amendment is set out in the Bill after the amendment concerned.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 gives effect to the amendments to the *Adoption Information Act 1990* set out in Schedule 1.

Clause 4 gives effect to the amendments to the *Guardianship Act 1987* set out in Schedule 2.

Clause 5 makes it clear that the explanatory notes contained in the Bill do not form part of the proposed Act.