



New South Wales

Adoption Amendment (Same Sex Couples) Bill 2010 (No 2)

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This public bill which originated in the Legislative Assembly, has passed and is now ready for presentation to the Legislative Council for its concurrence.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2010*



New South Wales

Adoption Amendment (Same Sex Couples) Bill 2010 (No 2)

Act No , 2010

An Act to amend the *Adoption Act 2000* to enable couples of the same sex to adopt children and to make related amendments to the *Anti-Discrimination Act 1977* and certain other legislation.

EXAMINED

Assistant Speaker

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Adoption Amendment (Same Sex Couples) Act 2010</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

Schedule 1	Amendment of Adoption Act 2000 No 75	1
[1]	Section 23 Jurisdiction	2
	Omit the note at the end of section 23 (1). Insert instead:	3
	Note. <i>Couple</i> is defined in the Dictionary to mean 2 persons who are married to each other or who are de facto partners of each other (<i>de facto partner</i> is defined in section 21C (1) of the <i>Interpretation Act 1987</i> and refers to persons whether of the same sex or a different sex). The effect of the making of an adoption order is described in Part 11 of this Chapter.	4 5 6 7 8 9
[2]	Section 137 Access to adoption information by relatives and others after death of adopted person or birth parent	10 11
	Omit section 137 (6).	12
[3]	Dictionary, definition of “couple”	13
	Omit the definition. Insert instead:	14
	<i>couple</i> means 2 persons who:	15
	(a) are married to each other, or	16
	(b) are de facto partners of each other.	17
	Note. <i>Married</i> is defined elsewhere in this Dictionary and <i>de facto partner</i> is defined in section 21C (1) of the <i>Interpretation Act 1987</i> as follows:	18 19 20
	For the purposes of any Act or instrument, a person is the <i>de facto partner</i> of another person (whether of the same sex or a different sex) if:	21 22
	(a) the person is in a registered relationship or interstate registered relationship with the other person within the meaning of the <i>Relationships Register Act 2010</i> , or	23 24 25
	(b) the person is in a de facto relationship with the other person.	26
[4]	Dictionary, definition of “de facto relationship”	27
	Omit the definition.	28
[5]	Dictionary, definition of “spouse”	29
	Omit the definition. Insert instead:	30
	<i>spouse</i> of a person means:	31
	(a) a person to whom the person is married, or	32
	(b) the person’s de facto partner.	33
	Note. <i>Married</i> is defined elsewhere in this Dictionary and <i>de facto partner</i> is defined in section 21C (1) of the <i>Interpretation Act 1987</i> .	34 35

[6] Dictionary, definition of “step parent”

Omit the definition. Insert instead:

step parent means, in relation to a particular person, another person who:

- (a) is not a birth parent or adoptive parent of the particular person, and
- (b) is married to the particular person’s birth parent or adoptive parent or is the de facto partner of the birth parent or adoptive parent.

Note. *Married* is defined elsewhere in this Dictionary and *de facto partner* is defined in section 21C (1) of the *Interpretation Act 1987*.

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Schedule 2	Amendment of other legislation	1
2.1	Anti-Discrimination Act 1977 No 48	2
	Section 59A	3
	Insert after section 59:	4
	59A Adoption services	5
	(1) Nothing in this Act affects any policy or practice of an organisation or person providing adoption services under the <i>Adoption Act 2000</i> or anything done to give effect to any such policy or practice.	6 7 8 9
	Note. Section 8 (1) (a) of the <i>Adoption Act 2000</i> requires decision makers to follow the principle that, in making a decision about the adoption of a child, the best interests of the child, both in childhood and in later life, must be the paramount consideration.	10 11 12 13
	(2) Subsection (1) does not apply to discrimination against any child who is or may be adopted.	14 15
2.2	Adoption Regulation 2003	16
	Clause 43 Prescribed particulars and information	17
	Omit clause 43 (1) (b) (iv)–(ix). Insert instead:	18
	(iv) the full name of the child’s adoptive parent or parents (including, if applicable, the original surname of the child’s adoptive mother),	19 20 21
	(v) the occupation of the child’s adoptive parent or parents,	22 23
	(vi) the age and place of birth of the child’s adoptive parent or parents,	24 25
2.3	Births, Deaths and Marriages Registration Regulation 2006	26
	Clause 6 Registration of adoptions	27
	Omit clause 6 (b)–(e). Insert instead:	28
	(b) the full name of the child’s adoptive parent or parents (including, if applicable, the original surname of the child’s adoptive mother),	29 30 31
	(c) the occupation and usual place of residence of the child’s adoptive parent or parents,	32 33

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Schedule 2 Amendment of other legislation

(d) the date of birth (or age) and place of birth of the child's
adoptive parent or parents,

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