

Adoption Legislation Amendment (Overseas Adoption) Act 2013 No 79

[2013-79]



New South Wales

Status Information

Currency of version

Repealed version for 29 October 2013 to 29 October 2013 (accessed 18 July 2024 at 6:24)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 30.10.2013.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Adoption Legislation Amendment (Overseas Adoption) Act 2013 No 79



New South Wales

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.

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.