ADOPTION OF CHILDREN ORDINANCE 1976

No. 42 of 1976

An Ordinance to amend the *Adoption of Children Ordinance*

[Assented to 17 September 1976]

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Adoption of Children Ordinance* 1976. Short title

2. The *Adoption of Children Ordinance* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.* Commencement

4. Section 6 of the Principal Ordinance is amended— Interpretation

(a) by adding at the end of the definition of "the Court" the words "of the Northern Territory of Australia"; and

(b) by inserting after the definition of "the Director" the following definition:

" 'the Master' has the same meaning as it has in the *Northern Territory Supreme Court Act* 1961-1975;".

5. Section 7 of the Principal Ordinance is amended by inserting after "Supreme Court" the words "of the Northern Territory of Australia". Jurisdiction of Supreme Court

6. Section 9 of the Principal Ordinance is amended by omitting "Supreme". Rules of private international law not to apply

7. Section 41(6) of the Principal Ordinance is amended by omitting "Registrar of the Supreme Court" and substituting "Master". Declarations of validity of foreign adoptions

8. The Principal Ordinance is amended by inserting after section 41 in Part IV the following section:

"41A.(1) Where an order has been made pursuant to section 41, the Master shall cause a copy of that order to be forwarded to the Registrar of Births, Deaths and Marriages. Registration of adoption order and of birth

* The date fixed was 4 March 1977 (see *Northern Territory Government Gazette* No. 9 of 4 March 1977, page 338).

"(2) Upon receipt of a copy order forwarded to him in accordance with sub-section (1), the Registrar of Births, Deaths and Marriages shall—

(a) register it, as he sees fit, in a Register of Adoptions kept by him; and

(b) if it relates to a child whose birth is registered in a register kept by him, make such alterations to, or entry in, that register as he sees fit or as may be prescribed.".

Registration of orders

9. Section 51 of the Principal Ordinance is amended—

(a) by omitting "The Registrar of the Supreme Court" and substituting "The Master"; and

(b) by adding at the end thereof the following sub-sections:

"(2) The Register of Adopted Children that was kept under the repealed Ordinances shall be incorporated with, and shall be deemed to be part of, the Register of Adoptions kept under this Ordinance.

"(3) Where, under a law at any time in force in the Northern Territory before the commencement of this Ordinance, an order for the adoption of a person was made by a court and a record of that order is held in the Northern Territory, the Registrar of Births, Deaths and Marriages may, in his discretion, require the person having the custody or control of the records of the court making the order to forward to him a copy of, or a memorandum relating to, the order and of any order for the discharge of the order.

"(4) Upon receipt of a document forwarded to him in pursuance of sub-section (3), the Registrar of Births, Deaths and Marriages may, in his discretion—

(a) register it, as he sees fit, in the Register of Adoptions kept under this Ordinance; and

(b) if it relates to a child whose birth is registered in a register kept by him, make such alerations to, or entry in, that register as he sees fit or as may be prescribed.

"(5) For the purposes of this section, the Registrar of Births, Deaths and Marriages may make such enquiries as he thinks fit to satisfy himself that an adoption order was made or discharged.

"(6) The person having in his custody or control the records relating to an adoption order shall comply with a requirement of the Registrar made under sub-section (3) and shall assist the Registrar of Births, Deaths and Marriages in his reasonable enquiries made pursuant to sub-section (5).

"(7) Where, by virtue of the operation of sub-section (2), the Register of Adoptions contains a registration made under the repealed Ordinances, of an adoption, the Registrar of Births, Deaths and Marriages may, in his discretion, if the adoption relates to a person whose birth is registered in a register kept by him, make such alterations to, or entry in, that register as he sees fit or as may be prescribed.".

Sending of memoranda or order to States and other Territories

10. Section 52 of the Principal Ordinance is amended—

(a) by omitting "Registrar of the Court" and substituting "Master"; and

(b) by omitting "the Registrar shall" and substituting "the Master shall".