



ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

No. 12 of 1967

An Act to Consolidate and Amend the law relating to the Adoption of Children and for purposes connected therewith; and to repeal the Adoption of Children Act, 1925-1965.

[Assented to 6th April, 1967.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Adoption of Children Act, 1966-1967", and shall come into operation on a day to be fixed by proclamation. Short title.

2. This Act is arranged as follows :—

Arrangement.

PART I.—PRELIMINARY, ss. 1-4.

PART II.—JURISDICTION, ss. 5-8.

PART III.—ADOPTIONS UNDER THIS ACT, ss. 9-37—

DIVISION 1.—GENERAL, ss. 9-20 :

DIVISION 2.—CONSENTS TO ADOPTIONS, ss. 21-29 :

DIVISION 3.—EFFECT OF ADOPTION ORDERS, ss. 30-34 :

DIVISION 4.—INTERIM ORDERS, ss. 35-37.

PART IV.—RECOGNITION OF ADOPTIONS, ss. 38-40.

PART V.—OFFENCES, ss. 41-54.

PART VI.—MISCELLANEOUS, ss. 55-72.

THE SCHEDULE.

Repeals,
savings and
transitional
provisions.

3. (1) The Acts set out in the first column of the Schedule to this Act are repealed to the extent indicated in the second column of that Schedule.

(2) Notwithstanding such repeal—

- (a) all regulations made under the repealed Act and in force immediately before the commencement of this Act shall be deemed to have been made under this Act and to have effect as if the necessary powers to make them had been enacted by this Act and as if any reference therein to the Children's Welfare and Public Relief Board or to the chairman thereof were a reference to the Director ;
- (b) such regulations may be amended or revoked by regulations made under this Act ;
- (c) all books, registers and records kept and maintained under or for the purposes of the repealed Act shall, subject to such modifications as are necessary for the purpose, be continued, kept and maintained under or for the purposes of this Act, and all entries therein shall be deemed to have been made under this Act ;
- (d) all certificates and certified copies of and certified extracts from entries in any book, register or record kept and maintained under or for the purposes of the repealed Act and issued pursuant to the repealed Act shall be valid and effectual as if issued pursuant to this Act ;
- (e) an adoption order or any other order or direction made under the repealed Act and in force immediately before the commencement of this Act shall, subject to this Act, continue in force until it expires, is discharged or is otherwise determined according to law ;

and

- (f) an application for an order for the adoption of a child under the repealed Act that was pending immediately before the commencement of this Act may be continued and dealt with, and proceedings incidental to such an application may be instituted, continued and dealt with under the provisions of the repealed Act as if this Act had not come into operation, but an adoption order made in pursuance

of this paragraph shall have effect as if it were made under this Act.

(3) Subject to subsection (4) of this section, the provisions of sections 30 and 31 (excepting subsection (4) of section 31) of this Act apply in relation to an adoption order made under the repealed Act as if this Act had been in force when the order was made and the order had been made under this Act.

(4) In relation to a disposition of property by will or otherwise by a person who, or by persons any of whom, died before the commencement of this Act, an adoption order referred to in subsection (3) of this section has the same effect as if the repealed Act had continued in operation and this Act had not come into force.

(5) A consent in writing to the adoption of a child given by a person before the commencement of this Act in accordance with the repealed Act shall, subject to subsection (6) of this section, for the purposes of proceedings under this Act for the adoption of the child, be deemed to be a sufficient consent of the person who gave the consent.

(6) Where a consent referred to in subsection (5) of this section—

- (a) is not a consent to the adoption of the child by a person or by persons specified therein, the consent shall, for the purposes of this Act, be deemed to be a general consent ;
- (b) is a consent to the adoption of the child by a person or by persons specified therein, that person or those persons shall, for the purposes of this Act, be deemed to be a relative, or relatives, as the case may be, of the child.

4. (1) In this Act, unless the context otherwise requires— **Interpretation.**

“Adopted Children Register” means the Adopted Children Register established and maintained under the repealed Act and continued and kept for the purposes of this Act :

“adoption order” means an order for the adoption of a child under this Act and, where applicable, includes an order for the adoption of a child under the repealed Act :

“charitable organization” means an organization, corporate or unincorporate, formed or carried on primarily or principally for religious, charitable, benevolent or

philanthropic purposes, but does not include an organization formed or carried on for the purpose of trading or securing a pecuniary profit or benefit to its members :

“child” means a person who has not attained the age of twenty-one years, or a person who has attained that age in respect of whom an adoption order is sought or has been made :

“country” includes part of a country :

“court”, in relation to the making of an adoption order or to proceedings relating to an application for an adoption order or in relation to proceedings incidental to such an application, means a court of a kind referred to in section 5 of this Act ; and, where applicable, includes a court or other authority of any other State or of a Territory of the Commonwealth which has jurisdiction to make an order for the adoption of a child in that State or Territory :

“disposition of property” includes the grant or exercise of a power of appointment in respect of property :

“father”, in relation to a child who is illegitimate, means the putative father of the child :

“general consent” means a consent of a kind referred to in subsection (1) of section 22 of this Act :

“guardian”, in relation to a child, includes—

(a) a person having the custody of the child pursuant to an order of a court of competent jurisdiction made under a law of the Commonwealth or of a State or Territory of the Commonwealth ;

and

(b) a person who is or is deemed to be the guardian of the child, to the exclusion of, or in addition to, any parent or other guardian, under a law of the Commonwealth or of a State or Territory of the Commonwealth :

“interim order” means an interim order under Division 4 of Part III of this Act :

“prescribed” means prescribed by this Act or by regulations that have been made under this Act or the repealed Act and are in force :

“principal officer”, in relation to a private adoption agency, means the person specified as the principal officer in the application for its approval as a private adoption agency or the person specified as its principal officer in the latest notice given to the Director by the agency :

“private adoption agency” means a charitable organization for the time being approved as a private adoption agency under Part VI of this Act :

“regulations” means regulations in force under this Act or the repealed Act :

“relative”, in relation to a child, means a grandparent, brother, sister, uncle or aunt of the child, whether the relationship is of the whole blood or half blood or by affinity, and notwithstanding that the relationship is traced through, or to, an illegitimate person or depends upon the adoption of any person :

“Territory of the Commonwealth” includes any Territory under the trusteeship of the Commonwealth :

“the Director” means the person for the time being holding or acting in the office of Director of Social Welfare under the Social Welfare Act, 1926-1965 :

“the repealed Act” means the Adoption of Children Act, 1925-1965.

(2) Where the holder of an office that is established by or under any other Act is referred to in this Act and the holder of that office has power (with or without the approval of some person) to delegate to another person all or any of his powers and functions under that Act—

(a) the powers and functions that may be so delegated shall be deemed to include the powers and functions of the holder of that office under this Act, and any of those powers and functions under this Act may be delegated in the manner provided by that other Act ;

and

(b) in relation to a power or function so delegated, a reference in this Act to the holder of that office shall be read as including a reference to the delegate.

PART II.

PART II.

JURISDICTION.

5. Subject to this Act, a court, constituted of a special magistrate and two justices, one of whom is a woman justice, shall have jurisdiction to hear and determine an application under this Act for an adoption order. Jurisdiction.

PART II.

Cases in which jurisdiction may be exercised.

6. (1) A court shall not make an order under this Act for the adoption of a child unless—

(a) at the time of the filing in the court of the application for the order the applicant, or (in the case of joint applicants) each of the applicants, was resident or domiciled in the State ;

and

(b) the child was present in the court at such time or times during the hearing of the application as required by the court and is present in the State at the time when the adoption order is made.

(2) For the purposes of subsection (1) of this section, where the court is satisfied that an applicant was resident or domiciled in the State on a date within twenty-one days before the date on which an application was filed in the court, the court may, in the absence of evidence to the contrary, presume that the applicant was resident or domiciled in the State at the time of the filing of the application in the court.

Adoption order not to be made if previously refused except in exceptional circumstances.

7. A court shall not, unless it is satisfied that there are exceptional circumstances which warrant its doing so, make an order under this Act in favour of any person or persons for the adoption of a child if that court or any other court in the State or any court in any other State or in a Territory of the Commonwealth has previously refused to make an order for the adoption of that child by that person or those persons.

Rules of private international law not to apply.

8. The jurisdiction or power of a court to make an adoption order is not dependent on any fact or circumstance not expressly specified in this Act.

PART III.

PART III.

ADOPTIONS UNDER THIS ACT.

DIVISION I.

DIVISION I—GENERAL.

Welfare and interests of child to be paramount.

9. For all purposes of this Part, the welfare and interests of the child concerned shall be regarded as the paramount consideration.

Who may be adopted.

10. (1) Subject to this Act, a court may make an order under this Act for the adoption of a person who—

(a) had not attained the age of twenty-one years before the date on which the application was filed in the court ;

or

(b) has been brought up, maintained and educated by the applicant or by either or both of the applicants, or by the applicant and a deceased spouse of the applicant, as his or their child under a *de facto* adoption.

(2) An order may be made under this Act for the adoption of a child notwithstanding that the child has, whether before or after the commencement of this Act, and whether in this State or elsewhere, previously been adopted.

11. (1) Except as provided in this section, an adoption order shall not be made otherwise than in favour of a husband and wife jointly.

Persons in whose favour adoption orders may be made.

(2) Subject to subsections (3), (4) and (6) of this section, where the court is satisfied that exceptional circumstances make it desirable so to do, the court may make an adoption order in favour of one person.

(3) Except as provided in subsection (4) of this section, the court shall not make an adoption order in favour of one person if that person is married and is not living separately and apart from his or her spouse.

(4) Where a person is a natural parent of a child or a parent of a child by adoption, the spouse of such person may, solely or jointly with such person, make an application to a court under this Act for an order for the adoption of the child and an order may be made by the court for the adoption of the child by such spouse or jointly by such spouse and such person, as the case may be.

(5) When an order is made under subsection (4) of this section for the adoption of the child by the spouse or jointly by the spouse and such person, the spouse shall be deemed to be a parent of the child jointly with such person as if the child had been born to them in lawful wedlock, but notwithstanding anything contained in section 30 of this Act—

- (a) the child does not cease to be a child of the person referred to in subsection (4) of this section and such person does not cease to be a parent of the child ;
- (b) the relationship between the child and such person is not determined ;
- (c) if such person were the guardian of the child the order does not have the effect of terminating such guardianship ;

and

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(d) if the child were the adopted child of such person, the order does not have the effect of terminating such adoption.

(6) The court shall not make an adoption order under this Act in favour of one person if that person is married except with the consent of his or her spouse.

(7) The consent of a spouse as required by subsection (6) of this section shall be given in evidence before the court and such evidence shall be given in private and the applicant shall not then be present.

**Age of
adopters.**

12. A court shall not make an order under this Act for the adoption of a child in favour of a person who or persons either of whom—

(a) has not attained the age of twenty-one years ;

or

(b) being a male person, is less than eighteen years older than the child, or, being a female person, is less than sixteen years older than the child,

unless such person or either of such persons is a natural parent of the child or the court considers that there are exceptional circumstances that justify the making of the adoption order.

**Court to be
satisfied as
to certain
matters.**

13. (1) A court shall not make an order under this Act for the adoption of a child unless after considering such report (if any) concerning the proposed adoption as may, under subsection (2) of section 16 of this Act, be made to the court by the Director or some other officer of the Department of Social Welfare, and any other evidence before the court, the court is satisfied that—

(a) the applicant or (in the case of joint applicants) each of the applicants is of good repute and is a fit and proper person to have the care and custody of a child and to fulfil the responsibilities of a parent of a child ;

(b) the applicant or (in the case of joint applicants) each of the applicants is a suitable person to adopt that child, having regard to all relevant matters, including the age, state of health, education (if any) and religious upbringing or convictions (if any) of the child and of the applicant or applicants, and any wishes that have been expressed by a parent or

guardian of the child, in an instrument of consent to the adoption of the child, with respect to the religious upbringing of the child ;

and

(c) the welfare and interests of the child will be promoted by the adoption.

(2) Subsection (1) of this section shall not apply in relation to an order, under subsection (1) of section 10 of this Act, for the adoption of a child who has attained the age of twenty-one years before the date of the making of the order, but the court shall not make an adoption order in such a case unless, after considering such report (if any) concerning the proposed adoption as may, under subsection (2) of section 16 of this Act, be made to the court by the Director or some other officer of the Department of Social Welfare, and any other evidence before the court, the court is satisfied that the applicant (or each of the applicants) is of good repute and that exceptional circumstances make it desirable that the child should be adopted.

(3) A report on behalf of the Director may be made by a person thereunto authorized in writing either generally or in a particular case, by the Director.

14. (1) Subject to this Act, a court may make an adoption order under this Act upon application in writing in the appropriate form prescribed.

Procedure governing applications for adoption orders and matters incidental thereto.

(2) Before the court hears an application for an adoption order, the applicant or applicants shall file in the court a statement signed by the applicant or by each of the applicants, as the case may be, setting out such matters as are prescribed.

(3) Where any person or persons intends or intend to make an application for an order for the adoption of a child and that person desires or those persons desire that the application be dealt with in such a way that—

(a) the identities of the child and of the parents and guardians of the child are not to be disclosed to the applicant or applicants ;

(b) the identity or identities of the applicant or applicants is not or are not to be disclosed to any parent or guardian of the child ;

or

(c) the identities of the child and of the parents or guardians of the child and of the applicant or applicants are not to be disclosed to one another,

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the application shall be made in such prescribed form and manner as are appropriate.

(4) Where an application for an adoption order is made pursuant to subsection (3) of this section—

(a) the court shall, on the completion of the hearing, seal in an envelope all papers used in connection with the application which contain any information as to the identities of the child and of the parents and guardians of the child and deliver the envelope to the Director who shall have the custody thereof and no person shall thereafter be permitted to inspect any of such papers except by leave of a Judge or the Master of the Supreme Court ;

(b) an abridged copy of the order made as nearly as practicable in the prescribed form shall be handed by the court to the applicant or applicants, and no person shall be entitled to have or inspect a full copy of such order except by leave of a Judge or the Master of the Supreme Court ;

and

(c) no entry shall be made in the Adopted Children Register giving information as to the identities of the former parents or guardians of the child.

Notice of
application
for adoption
order.

15. (1) A court shall not make an order under this Act for the adoption of a child unless the applicant or the applicants for the adoption order has or have given notice of the application in accordance with the regulations—

(a) to each person whose consent to the adoption of the child is required under section 21 of this Act but whose consent has not been given ;

and

(b) to each person (not being a person whose consent is so required) with whom the child resides or who has the care or custody of the child.

(2) The court may, upon application by or on behalf of the applicant or applicants, or by or on behalf of the Director, dispense with the giving of a notice under subsection (1) of this section.

(3) Where it appears to the court to be necessary in the interests of justice so to do, the court may direct that notice of an application for an adoption order be given to any person.

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16. (1) The court to which an application is made under this Act by any person other than the Director shall cause notice of the application to be given to the Director at least three weeks before the hearing of the application.

Notice of application for adoption order to be given to Director.

(2) The Director or some other officer of the Department of Social Welfare authorized in that behalf in writing by the Director may, before the conclusion of the hearing of any application for an adoption order, make a report in writing to the court concerning the proposed adoption and may appear at the hearing of any application made to a court under this Act and any proceedings relating to the application and may tender evidence, and may call, examine and cross-examine witnesses and address the court before which the application is heard or the proceedings are held on the whole of the evidence.

17. Where an application is made to a court for an adoption order or for an order to dispense with the consent of any person, the court may permit such persons as the court thinks fit to be joined as parties to the proceedings for the purpose of opposing the application.

Parties.

18. Before making an adoption order under this Act, the court—

Powers of court.

- (a) may compel the attendance before it of any witness, and for that purpose may issue and cause to be served upon the witness a summons in the prescribed form ;
- (b) shall take evidence, *viva voce* upon oath or affirmation, or by affidavit sworn before any commissioner for taking affidavits in the Supreme Court, or by declaration made before any justice, in proof of or concerning any fact, matter, or thing required by this Act or by the court to be proved ;

and

- (c) may require to be produced to the court a certificate of a legally qualified medical practitioner as to the results of a general medical examination of the child sought to be adopted, the applicant or applicants for the adoption order, the spouse of the applicant, or any of them, if such certificate was made at any time within three months before the hearing of the application, or may require any such examination to be made and the certificate of the legally qualified medical practitioner by whom the examination is made to be produced to the court.

PART III.

DIVISION I.

Care of
child after
refusal of
application.

19. Where the court refuses an application for an order for the adoption of a child, the court may, if the child is not under the guardianship of the Minister of Social Welfare or the Director, make such order for the care and custody of the child as it thinks fit.

Discharge of
adoption
orders.

20. (1) The Supreme Court may make an order discharging an order made under this Act or under the repealed Act for the adoption of a child if it is satisfied that—

(a) the child has not attained the age of twenty-one years ;

and

(b) the adoption order, or any consent for the purposes of the adoption order, was obtained by fraud, duress, or other improper means,

or that there is some other exceptional reason why, subject to the welfare and interests of the child, the adoption order should be discharged.

(2) The Supreme Court shall not make an order under this section if it appears to the Court that the making of the order would be prejudicial to the welfare and interests of the child.

(3) Where the Supreme Court makes an order discharging an adoption order that was made in reliance upon a general consent given under this Act or under the repealed Act, then, unless the Court otherwise orders, the general consent remains in operation for the purposes of any further application for the adoption of the child.

(4) Where the Supreme Court makes an order under this section, it may, at the same time or subsequently, make such consequential or ancillary orders as it thinks necessary in the interests of justice or the welfare and interests of the child, including orders relating to—

(a) the name of the child ;

(b) the ownership of property ;

(c) the custody or guardianship of the child ;

and

(d) the domicile (including the domicile of origin) of the child.

(5) Upon the making of an order under this section discharging an order for the adoption of a child, but subject to any order made under subsection (4) of this section and to

subsection (4) of section 30 of this Act, the rights, privileges, duties, liabilities and relationships of the child and of all other persons shall be the same as if the adoption order had not been made, but without prejudice to—

(a) anything lawfully done ;

(b) the consequences or anything unlawfully done ;

or

(c) any right or interest that became vested in any person, whilst the adoption order was in force.

DIVISION 2—CONSENTS TO ADOPTIONS.

DIVISION 2.

21. (1) Subject to this Division, a court shall not make an order under this Act for the adoption of a child unless consent (not being a consent that has been revoked) to the adoption has been given by the appropriate person or persons ascertained in accordance with the succeeding provisions of this section, or the court is satisfied that there is no such appropriate person.

Consents of
parents and
guardians
required.

(2) In the case of a legitimate child who has not previously been adopted, the appropriate persons are every person who is a parent or guardian of the child.

(3) In the case of an illegitimate child who has not previously been adopted, the appropriate persons are every person who is the mother or a guardian of the child.

(4) In the case of a child who has previously been adopted, the appropriate persons are every person who is an adoptive parent or a guardian of the child.

(5) The consent of a person under this section is not required if that person is the applicant, or one of the applicants, for the adoption order.

(6) This section does not apply in the case of a child who has attained the age of twenty-one years before the making of the adoption order.

22. (1) Subject to subsection (2) of this section, a consent for the purposes of section 21 of this Act, shall be expressed as a consent to the adoption of the child by any person or persons on whose application for an order for the adoption of the child an adoption order may be made under this Act in respect of the child, and every such consent shall be a valid consent notwithstanding that an application in respect of the adoption of

The giving
of consents.

PART III.
DIVISION II.

the child has not been made or contemplated or, if an application has been made, that the person who gave the consent does not know the identity of the applicant or applicants.

(2) Where the applicant is a parent or relative of the child or (in the case of joint applicants) at least one of the applicants is a parent or relative of the child, a consent for the purposes of section 21 of this Act may be a consent to the adoption of the child by the applicant or applicants only.

(3) Where a consent of the kind referred to in subsection (1) of this section has been relied on in an application for an adoption order in respect of a child, but the application has been refused by the court, the consent remains in operation for the purposes of any further application for the adoption of the child.

Consents given under law of another State or a Territory of the Commonwealth.

23. Where an application is made under this Act by a person for an adoption order in respect of a child, a consent to the adoption of the child given by a person in accordance with the law of another State or of a Territory of the Commonwealth that would be a valid and effective consent under that law if the application had been made in that State or Territory under that law shall, subject to section 7 of this Act, be regarded as a valid and effective consent for the purpose of the application made under this Act.

Revocation of consent.

24. (1) A consent to the adoption of a child given for the purposes of this Act by a person other than the child may be revoked by notice in writing served on the Director before—

(a) the expiration of thirty days after the day on which the instrument of consent was signed ;

or

(b) the day on which an order for the adoption of the child is made,

whichever is the earlier, but may not otherwise be revoked.

(2) Service of a notice on the Director under subsection (1) of this section shall be effected by delivering it to him personally or by sending it by registered post to him at his office in Adelaide.

Form of consents.

25. (1) Subject to this section, a consent to the adoption of a child for the purposes of the preceding provisions of this Division shall be evidenced by an instrument of consent substantially in accordance with the appropriate form prescribed signed by the person giving the consent and attested in accordance with the regulations.

(2) A consent referred to in subsection (2) of section 22 of this Act has no force or effect unless it is attested by the Director or a person authorized in writing by the Director to attest that consent or generally to attest such consents.

26. (1) A court shall not make an adoption order in reliance on a consent given or purporting to have been given by a person (other than the child in respect of whom the adoption order is sought) if it appears to the court that—

Defective consents.

- (a) the consent was not given in accordance with this Act ;
- (b) the consent was obtained by fraud, duress or other improper means ;
- (c) the consent was revoked at a time when it had not become irrevocable ;
- (d) the instrument of consent has been altered in a material particular without authority ;
- (e) the person giving or purporting to give the consent was not, on the date of the instrument of consent, in a fit condition to give the consent or did not understand the nature of the consent ;

or

- (f) in the case of the consent of a mother to the adoption of her child, the instrument of consent was signed before the birth of the child.

(2) The court shall not make an adoption order in reliance on an instrument of consent signed by the mother of the child on, or within five days after, the day on which the child was born unless the court is satisfied, on the certificate of a legally qualified medical practitioner or of a person who is a registered nurse within the meaning of the Nurses Registration Act, 1920-1966, or by other adequate evidence, that, at the time the instrument of consent was signed, the mother was in a fit condition to give it.

27. (1) A court may, on application by or on behalf of the Director, or by or on behalf of an applicant for an adoption order, by order dispense with the consent of a person (other than the child) to the adoption of a child where it appears to the court—

Court may dispense with consents.

- (a) that the person cannot, after reasonable inquiry, be found or identified ;
- (b) that the person is in such a physical or mental condition as not to be capable of properly considering the question whether he should give his consent ;

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(c) that the person has abandoned, deserted or persistently neglected or ill-treated the child ;

(d) that the person has, for a period of not less than one year, failed, without reasonable cause, to discharge the obligations of a parent or guardian, as the case may be, of the child ;

or

(e) that there are other circumstances by reason of which the consent may properly be dispensed with.

(2) In order to facilitate the making of arrangements with a view to the adoption of a child, the court may, on application by or on behalf of the Director, make an order under this section dispensing with the consent of a person whose consent is required to the adoption of the child before an application for an adoption order has been made in respect of the child, and any such order under this section has effect for the purposes of any application for an adoption order that may subsequently be made under this Act.

(3) An order made by virtue of subsection (2) of this section may, on the application of the Director or of the person whose consent was dispensed with, be revoked by the court at any time before the making of an adoption order in respect of the child.

**Consent of
child.**

28. (1) Subject to this Division, an order for the adoption of a child who has attained the age of twelve years shall not be made by a court unless the child has consented to the adoption or the court is satisfied that there are special reasons, related to the welfare and interests of the child, why the order should be made notwithstanding that the child has not consented to the adoption or that his consent has not been sought.

(2) For the purpose of being satisfied as to any matter mentioned in subsection (1) of this section, the court shall question the child in private, and no parent or guardian of the child, or any applicant for the adoption order, shall then be present.

(3) The court may, before or after so questioning the child, exercise any of the powers conferred on a court by section 35 of this Act, and may, after the exercise of any such power, again question the child as provided in subsection (2) of this section.

PART III.
DIVISION II.

Guardianship
of child
awaiting
adoption.

29. (1) Subject to this section, where every person whose consent to the adoption of a child is required under section 21 of this Act has consented to the adoption of the child by means of a general consent or his consent has been dispensed with under this Act, the Director shall be the guardian of the child for all purposes (other than the purposes of section 21 of this Act) to the exclusion of all other persons until—

- (a) an adoption order is made in respect of the child ;
 - (b) in the case where a person has so consented to the adoption, the instrument of consent is lawfully revoked ;
 - (c) a court of competent jurisdiction, by order, makes other provision for the guardianship of the child ;
- or
- (d) the child becomes a State child within the meaning of the Social Welfare Act, 1926-1965.

(2) Subsection (1) of this section does not apply to a State child within the meaning of the Social Welfare Act, 1926-1965, except to the extent necessary for the purposes of paragraph (d) of that subsection.

(3) The Director may, upon such terms and conditions as he thinks fit, place any child of whom he is the guardian by virtue of subsection (1) of this section in the care of any person whom he considers suitable and who has agreed to have the child in his care.

(4) The fact that the Director is the guardian of a child under this section does not affect the liability of any person to make adequate provision for the maintenance of the child.

DIVISION 3—EFFECT OF ADOPTION ORDERS.

DIVISION III.

30. (1) For the purposes of the laws of this State, but subject to this Act and to the provisions of any law of this State that expressly distinguishes in any way between adopted children and children other than adopted children, upon the making of an adoption order—

General
effect of
adoption
orders.

- (a) the adopted child becomes a child of the adopter or adopters, and the adopter becomes a parent, or the adopters become the parents, of the child as if the child had been born to the adopter or adopters in lawful wedlock ;
- (b) the adopted child ceases to be a child of any person who was a parent (whether a natural parent or a parent by adoption) of the child before the making of the adoption order, and any such person ceases to be a parent of the child ;

(c) the relationship to one another of all persons (including the adopted child and an adoptive parent or former parent or former adoptive parent of the adopted child) shall be determined on the basis of the foregoing provisions of this subsection, so far as they are relevant ;

(d) any existing guardianship of the adopted child, except as provided in subsection (5) of this section, ceases to have effect ;

and

(e) any previous adoption of the child (whether effected under the law of this State or otherwise) ceases to have effect.

(2) The provisions of subsection (1) of this section do not have effect so as to deprive an adopted child of any vested or contingent proprietary right acquired by the child before the making of the adoption order.

(3) Where—

(a) one of the natural parents of a legitimate child, or one of the adoptive parents of an adopted child, has died ;

(b) the surviving parent remarries ;

and

(c) the child is adopted by the surviving parent's spouse or by the surviving parent and that parent's spouse,

any property of any collateral or lineal next-of-kin of the deceased parent who dies intestate shall, notwithstanding subsection (1) of this section, devolve in all respects as if the child had not been so adopted.

(4) Notwithstanding subsection (1) of this section, for the purposes of any law of this State relating to a sexual offence, being a law for the purposes of which the relationship between persons is relevant, an adoption order, or the discharge of an adoption order, does not cause the cessation of any relationship that would have existed if the adoption order, or the discharging order, as the case may be, had not been made, and any such relationship shall be deemed to exist in addition to any relationship that exists by virtue of the application of that subsection in relation to that adoption order or by virtue of the discharge of that adoption order.

(5) Where—

(a) immediately before the making of an adoption order the child in respect of whom the adoption order is sought

was a State child within the meaning of the Social Welfare Act, 1926-1965 ;

and

(b) the guardianship of the child was accordingly vested in the Minister of Social Welfare under that Act,

the guardianship of the child so vested in that Minister shall cease to have effect and the child shall cease to be a State child within the meaning of that Act on the making of the adoption order unless before the adoption order is made, the Minister of Social Welfare has, at the request of the applicant or applicants for the adoption order, agreed with the applicant or applicants that the guardianship of the child so vested in that Minister shall not cease to have effect on the making of the adoption order, in which case that Minister shall after the making of the adoption order continue to be the guardian of the child and, for the purposes of the Social Welfare Act, 1926-1965, the child shall, until he ceases to be a State child under that Act, continue to be a State child and the provisions of that Act shall apply and have effect accordingly.

31. (1) The provisions of subsection (1) of section 30 of this Act have effect in relation to dispositions of property, whether by will or otherwise, and whether made before or after the commencement of this Act, except that—

Effect of order as to disposition of property, etc.

(a) those provisions do not affect a disposition of property by a person who, or by persons any of whom, died before the commencement of this Act ;

and

(b) those provisions do not affect a disposition of property that has taken effect in possession before the commencement of this Act.

(2) The provisions of subsection (1) of section 30 of this Act do not apply in relation to an agreement or instrument (not being a disposition of property) made or executed before the commencement of this Act.

(3) Where—

(a) before the commencement of this Act, a person made, by an instrument other than a will, a disposition of property ;

(b) the disposition had not taken effect in possession before the commencement of this Act ;

and

(c) it did not appear from the instrument that it was the intention of that person to include adopted children as objects of the disposition,

PART III.

DIVISION III.

that person may, notwithstanding that the instrument could not, apart from this subsection, be revoked or varied, by a like instrument vary the first-mentioned instrument to exclude adopted children (whether adopted under this Act or otherwise) from participation in any right, benefit or privilege under the instrument.

(4) In relation to a disposition of property by a person who, or by persons any of whom, died before the commencement of this Act, an adoption order made under this Act has the same effect as if the repealed Act had continued in force and the adoption order had been made under that Act.

(5) Nothing in section 30 of this Act or in this section affects the operation of any provision in a will or other instrument (whether made or coming into operation before or after the commencement of this Act) distinguishing between adopted children and children other than adopted children.

Names of
adopted
child.

32. (1) Subject to subsection (2) of this section, upon the making of an adoption order, the adopted child shall have as his surname the surname of the adoptive parent or adoptive parents and shall have as his forename or forenames such name or names as the court, in the adoption order, approves on the application of the adoptive parent or parents.

(2) Where, before the making of the adoption order, the adopted child has been generally known by a particular surname, the court, on the application of the adoptive parent or adoptive parents, may, in the adoption order, order that the child shall have that name as his surname.

(3) Nothing in this section prevents the changing of any name of an adopted child, after the making of the adoption order, in accordance with the law of the State.

Effect of
order on
domicile.

33. (1) Subject to subsection (2) of this section, upon the making of an adoption order, the adopted child acquires the domicile of the adoptive parent or parents at the date of the adoption order and the child's domicile thereafter shall be determined as if the child had been born in lawful wedlock to that parent or those parents.

(2) The domicile acquired, upon the making of the order, by the child under subsection (1) of this section shall be deemed to be also the child's domicile of origin.

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34. (1) Notwithstanding any other provision of this Act, a trustee or personal representative may, subject to this section, convey, transfer or distribute real or personal property to or among the persons appearing to be entitled to the property without having ascertained whether or not an adoption has been effected, or an adoption order has been made, by virtue of which a person is or is not entitled to an interest in the property.

Adoption order not to affect the distribution of property by trustees or personal representatives unless notice given.

(2) A trustee or personal representative who conveys, transfers or distributes real or personal property in the manner referred to in subsection (1) of this section shall not be liable to a person claiming directly or indirectly by virtue of an adoption or an adoption order unless the trustee or personal representative has notice of the claim before the time of the conveyance, transfer or distribution.

(3) Nothing in this section prejudices the right of a person to follow property into the hands of a person, other than a purchaser for value, who has received it.

DIVISION 4.—INTERIM ORDERS.

DIVISION IV.

35. (1) Where an application has been made to a court under this Act for an order for the adoption of a child, the court may postpone the determination of the application and make an interim order for the custody of the child in favour of the applicant or applicants.

Making of interim orders.

(2) An interim order may be made subject to such terms and conditions relating to the maintenance, education and welfare of the child as the court thinks fit.

(3) The court shall not make an interim order in respect of a child in favour of any person or persons unless the court could lawfully make an order for the adoption of that child by that person or those persons.

(4) While an interim order remains in force in respect of a child, the person or persons in whose favour the order is made is or are entitled to the care and custody of the child.

(5) The court shall not make an interim order in respect of a child who is a State child within the meaning of the Social Welfare Act, 1926-1965.

36. (1) Subject to this Division, an interim order remains in force for such period, not exceeding one year, as the court specifies in the order and for such further periods, if any, as the court may, from time to time, order.

Duration of interim orders.

PART III.

DIVISION IV.

(2) An interim order shall not be in force for periods exceeding in the aggregate two years.

Discharge
of interim
orders.

37. (1) A court may, at any time, make an order discharging an interim order made under this Division or discharging a direction given under section 8 of the repealed Act and may make such further order for the care and control of the child in respect of whom the interim order was made or the direction was given as the court thinks fit.

(2) An interim order or a direction given under section 8 of the repealed Act ceases to have effect upon the making of an adoption order in respect of the child, whether made in this State or in another State or in a Territory of the Commonwealth.

PART IV.

PART IV.

RECOGNITION OF ADOPTIONS.

Recognition
of
Australian
adoptions.

38. For the purposes of the laws of this State, the adoption of a person (whether before or after the commencement of this Act) in another State or in a Territory of the Commonwealth in accordance with the law of that other State or Territory has, so long as it has not been rescinded under the law in force in that other State or Territory, the same effect as if it were an order for the adoption of that person made in this State on the date on which such adoption became effective, and has no other effect.

Recognition
of foreign
adoptions.

39. (1) For the purposes of the laws of this State, the adoption of a person (whether before or after the commencement of this Act) in a country outside the Commonwealth and the Territories of the Commonwealth, being an adoption to which this section applies, has, so long as it has not been rescinded under the law of that country, the same effect as if it were an order for adoption of that person made in this State on the date on which such adoption became effective, and has no other effect.

(2) This section applies to an adoption in a country if—

- (a) the adoption was effective according to the law of that country ;
- (b) at the time at which the legal steps that resulted in the adoption were commenced, the adopter, or each of the adopters, was resident or domiciled in that country ;

(c) in consequence of the adoption, the adopter or adopters had, or would (if the adopted person had been a young child) have had, immediately following the adoption, according to the law of that country, a right superior to that of any natural parent of the adopted person in respect of the custody of the adopted person ;

and

(d) under the law of that country the adopter or adopters were, by the adoption, placed generally in relation to the adopted person in the position of a parent or parents.

(3) The Governor may, from time to time, by proclamation, declare that all or any adoptions under the law of a particular country outside the Commonwealth and the Territories of the Commonwealth and specified in the proclamation shall be conclusively presumed to comply with the conditions specified in paragraphs (c) and (d) of subsection (2) of this section.

(4) On and after the making of such declaration and until such declaration is cancelled by a subsequent proclamation, which the Governor is hereby empowered to make, effect shall be given to the declaration in accordance with the tenor thereof.

(5) Notwithstanding the foregoing provisions of this section any court or other tribunal acting judicially (including the Supreme Court dealing with an application under section 40 of this Act) may refuse to recognize an adoption as being an adoption to which this section applies if it appears to the court or tribunal that the procedure followed, or the law applied, in connection with the adoption involved a denial of natural justice or did not comply with the requirements of substantial justice.

(6) Where, in any proceedings before a court or other tribunal (including proceedings under section 40 of this Act), the question arises whether an adoption is one to which this section applies, it shall be presumed, unless the contrary appears from the evidence, that the adoption complies with the conditions specified in subsection (2) of this section and has not been rescinded.

(7) Except as provided in this section, the adoption of a person (whether before or after the commencement of this Act) in a country outside the Commonwealth and the Territories of the Commonwealth does not have effect for the purposes of the laws of this State.

(8) Nothing in this section affects any right that was acquired by, or became vested in, a person before the commencement of this Act.

Declarations
of validity
of foreign
adoptions.

40. (1) A person specified in subsection (2) of this section may apply to the Supreme Court for an order declaring that an adoption of a person was effected (whether before or after the commencement of this Act) under the law of a country outside the Commonwealth and the Territories of the Commonwealth, and that the adoption is one to which section 39 of this Act applies, and the Court may hear and determine the application and, if it thinks fit, make an order accordingly.

(2) The persons who may make an application under subsection (1) of this section in relation to an adoption are the adopted child or a guardian of the adopted child, the adoptive parent or either or both of the adoptive parents, or a person tracing a relationship, by virtue of the adoption, through or to the adopted child or a guardian of any such person.

(3) Where an application is made under this section, the Court shall, if it appears to the Court that the Director has not received notice thereof, direct that notice thereof be given to the Director and may—

- (a) direct that notice of the application be given to such persons (including the Attorney-General) as the Court thinks fit ;
- (b) direct that a person be made a party to the application ;
- or
- (c) permit a person having an interest in the matter to intervene in, and become a party to, the proceedings.

(4) Where the Court makes an order upon the application, it may include in the order such particulars in relation to the adoption, the adopted child and the adoptive parent or parents as the Court finds to be established.

(5) In relation to any proceedings under this section, the Court may make such orders as to costs and security for costs, whether by way of interlocutory order or otherwise, as the Court thinks just.

(6) For the purposes of the laws of this State, an order under this section binds the Crown in right of the State, whether or not notice was given to the Attorney-General, and any person who was—

- (a) a party to the proceedings for the order or a person claiming through such a party ;

or

- (b) a person to whom notice of the application for the order was given or a person claiming through such a person,

but does not affect—

- (c) the rights of any other person ;

or

- (d) an earlier judgment, order or decree of any court of competent jurisdiction whatsoever.

(7) In any proceedings in any court in this State, the production of a copy of an order under this section, certified by the Master of the Supreme Court, to be a true copy, shall—

- (a) where the proceedings relate to a person referred to in paragraph (a) or (b) of subsection (6) of this section, be conclusive evidence ;

and

- (b) where the proceedings relate to the rights of any other person, be evidence,

that an adoption was effected in accordance with the particulars contained in the order and that the adoption is one to which section 39 of this Act applies.

PART V.

PART V.

OFFENCES.

41. This Part does not apply in respect of acts occurring outside this State but, except to the extent to which the contrary intention appears, does apply in respect of acts done in this State in relation to the adoption or the proposed adoption of children in, and to children adopted or to be adopted in, another State or a Territory of the Commonwealth, or a country outside the Commonwealth and the Territories of the Commonwealth.

Territorial application of Part.

42. A person who was the father or mother or a guardian of a child but has, by reason of the adoption of the child, ceased to be the father or mother or guardian of the child shall not take, lead, entice or decoy the child away, or detain the child, with intent to deprive the adopter or adopters of possession of the child.

Taking away etc., of adopted child by natural parent.

Penalty : Four hundred dollars or imprisonment for six months.

PART V.

Harbouring
child taken
from
adopters.

43. A person shall not receive or harbour a child on behalf of a person who, to his knowledge, has taken, led, enticed or decoyed the child away, or is detaining the child, in contravention of section 42 of this Act.

Penalty : Four hundred dollars or imprisonment for six months.

Payments in
consideration
of adoptions,
etc.

44. (1) Subject to this section, a person who (whether before or after the birth of the child concerned) makes, gives or receives, or agrees or offers to make, give or receive, a payment or reward for or in consideration of or in relation to—

- (a) the adoption or proposed adoption of a child ;
- (b) the giving of consent, or the signing of an instrument of consent, to the adoption of a child ;
- (c) the transfer of possession or custody of a child with a view to the adoption of the child ;

or

- (d) the conduct of negotiations or the making of arrangements with a view to the adoption of a child,

is guilty of an offence against this Act and liable on conviction to a penalty not exceeding Four hundred dollars or imprisonment not exceeding six months.

(2) The references in subsection (1) of this section to the adoption or proposed adoption of a child shall be read as including references to the adoption or proposed adoption of a child under the law of any place (whether in or outside the Commonwealth and the Territories of the Commonwealth).

(3) Subsection (1) of this section does not apply to or in relation to either of the following payments or rewards in connection with an adoption or a proposed adoption under this Act—

- (a) a payment made by the adopter or adopters, with the approval of the Director, in respect of the hospital and medical expenses reasonably incurred in connection with the birth of the child or the ante-natal or post-natal care and treatment of the mother of the child or of the child ;

or

- (b) any other payment or reward authorized in writing by the Director or by a court.

(4) Subsection (1) of this section does not apply to or in relation to a payment or reward in connection with an adoption or proposed adoption under the law of another State or of a Territory of the Commonwealth or of a country outside the

Commonwealth and the Territories of the Commonwealth if the making of the payment or the giving of the reward, or any agreement so to do would have been lawful if it had taken place in that State or Territory or country.

45. (1) Subject to this section, a person who publishes, or causes to be published, in a newspaper or periodical, or by means of broadcasting, television or public exhibition, any advertisement, news item or other matter indicating (whether or not in relation to a particular child, born or unborn) that—

Restriction on advertising, etc.

- (a) a parent or guardian of a child wishes to have the child adopted ;
- (b) a person wishes to adopt a child ;
- or
- (c) a person is willing to make arrangements with a view to the adoption of a child,

is guilty of an offence against this Act and liable on conviction to a penalty not exceeding Four hundred dollars or imprisonment not exceeding six months.

(2) Subsection (1) of this section does not apply in relation to an advertisement or other matter that has been authorized or approved by the Director.

46. (1) Subject to this section, a person who publishes or causes to be published, in a newspaper or periodical, or by means of broadcasting or television or public exhibition, in relation to any application under this Act or under a law of another State or of a Territory of the Commonwealth for the adoption of a child or for the discharge of an order for the adoption of a child, or in relation to the proceedings on any such application, the name of the applicant or applicants or of the child, the father or mother or a guardian of the child, or, where applicable, the name of the adopter or adopters of the child, or any matter reasonably likely to enable any of those persons to be identified is guilty of an offence against this Act and liable on conviction to a penalty not exceeding Four hundred dollars or imprisonment not exceeding six months.

Restriction on publication of identity of parties.

(2) Subsection (1) of this section does not apply to the publication of any matter with the authority of the court to which the application was made.

47. (1) Subject to subsections (2) and (3) of this section any person who, without being authorized in writing for the purpose by or on behalf of the Director, conducts or attempts to conduct any negotiation, or makes or attempts to make any arrangement with a parent or guardian of a child for or towards or with

Penalty for making unauthorized arrangements for adoptions.

a view to the adoption of the child or transfers or causes to be transferred the possession, custody or control of a child to some other person or persons with a view to the adoption of the child by such person or persons is guilty of an offence against this Act and liable on conviction to a penalty not exceeding Four hundred dollars or imprisonment not exceeding six months.

(2) The provisions of subsection (1) of this section do not apply to any negotiations or arrangements made by or on behalf of a parent, guardian or relative of a child for the adoption of the child by a parent or relative of the child or to any negotiations or arrangements made by the principal officer of a private adoption agency, or a person authorized in writing by such a principal officer to act on his behalf, with a view to the adoption of a child by any other person.

(3) The Director may in writing, generally or in any special case, and subject to such terms and conditions as are approved by the Minister, authorize any person or persons approved by the Minister to conduct any negotiation or make any arrangement with a parent or guardian of a child for or towards or with a view to the adoption of the child, or to transfer the possession, custody or control of a child to some other person or persons with a view to the adoption of the child by such person or persons.

False
statements
in
applications,
etc.

48. A person shall not, whether orally or in writing, wilfully make a false statement for the purposes of or in connection with a proposed adoption or any other matter under this Act.

Penalty : Four hundred dollars or imprisonment for six months.

Personation.

49. A person shall not personate or falsely represent himself to be a person whose consent to the adoption of a child is required by this Act or by the law of another State or of a Territory of the Commonwealth.

Penalty : Four hundred dollars or imprisonment for six months.

Presenting
forged
consent.

50. A person shall not present, or cause to be presented, to any court in connection with an application for an order for the adoption of a child under this Act a document purporting to be an instrument of consent to the adoption signed by a person whose consent to the adoption is required by this Act knowing that the signature to the document is or was forged or obtained by fraud or duress.

Penalty : Four hundred dollars or imprisonment for six months.

Improperly
witnessing
consent.

51. A person shall not subscribe his name as a witness to the signature of a person to an instrument of consent to the adoption

of a child (whether under this Act or under the law of another State or of a Territory of the Commonwealth) unless—

- (a) he is satisfied that the person signing the instrument is a parent or guardian of the child ;
- (b) he takes such steps as are prescribed to satisfy himself that the person signing the instrument understands the effect of the consent ;

and

- (c) the instrument bears the date on which he subscribes his name as a witness.

Penalty : Four hundred dollars or imprisonment for six months.

52. Proceedings for an offence against this Act shall not be commenced except with the written consent of the Minister. Authority to prosecute.

53. Any person guilty of an offence against this Act for which no penalty is expressly provided shall be liable to a penalty of not more than Four hundred dollars or to imprisonment for a term of not more than six months. General penalty.

54. Proceedings for any offence against this Act shall be disposed of summarily. Summary proceedings.

PART VI.

PART VI.

MISCELLANEOUS.

55. The Adopted Children Register established and maintained under the repealed Act shall, subject to this Act, be continued and kept by the Principal Registrar of Births, Deaths and Marriages who shall cause such entries as are prescribed to be made therein. Adopted Children Register.

56. (1) Every court in this State which makes an adoption order shall cause a memorandum, in accordance with the appropriate form prescribed of such adoption order to be sent to the Principal Registrar of Births, Deaths and Marriages. Registration adoption orders.

(2) The Master of the Supreme Court shall cause a copy of every order discharging an adoption order to be sent to the Principal Registrar of Births, Deaths and Marriages.

(3) On receipt of a memorandum referred to in subsection (1) of this section or of a copy of an order referred to in subsection (2) of this section, the Principal Registrar of Births, Deaths and Marriages shall—

- (a) register it, as prescribed, in the Adopted Children Register ;

and

- (b) if it relates to a child whose birth is registered in the register of births kept by him, make such alterations to or entries in the appropriate registers as are prescribed.

Sending of memoranda of orders to other States and to Territories of the Commonwealth.

57. Where an order for the adoption of a child or an order discharging such an order is made and the Principal Registrar of Births, Deaths and Marriages has reason to believe that the birth of the child is registered in another State or in a Territory of the Commonwealth, he shall, as soon as practicable, cause a memorandum, in accordance with the prescribed form, of the adoption order, or a copy of the discharging order, as the case may be, certified in writing by him to be a true memorandum or copy, to be sent to such officer of that State or Territory having functions in relation to the registration of births as is prescribed.

Particulars of orders received from other States.

58. Where the Principal Registrar of Births, Deaths and Marriages receives, in relation to a child whose birth is registered in this State, a memorandum or copy of an adoption order made under the law in force in another State or in a Territory of the Commonwealth, or of an order discharging such an order, certified in writing to be a true memorandum or copy by a person authorized so to certify under the law of that State or Territory, he shall—

- (a) register it, as prescribed, in the Adopted Children Register ;

and

- (b) make such alteration to, or entries in, the appropriate registers of births as are prescribed.

Application for approval of adoption agency.

59. A charitable organization carrying on, or desiring to carry on, the activity of conducting negotiations and making arrangements with a view to the adoption of children may apply in writing to the Director for approval as a private adoption agency.

Director may grant or refuse application.

60. (1) The Director—

- (a) may grant or refuse an application made under section 59 of this Act ;

and

- (b) shall give notice in writing served personally or by registered post of his decision to the person specified in the application as the principal officer of the organization.

(2) Without limiting the generality of subsection (1) of this section, the Director shall refuse an application if it appears to him that the applicant is not a charitable organization or is not suited to carrying on the activity of conducting negotiations and making arrangements with a view to the adoption of children, having regard to all relevant considerations, including the qualifications, experience, character and number of the persons taking part, or proposing to take part, in the management or control of the organization, or engaged or proposed to be engaged, on behalf of the organization, in the conducting of such negotiations or the making of such arrangements.

(3) Every approval of a charitable organization as a private adoption agency shall be subject to such conditions and requirements as may be prescribed, and to such additional conditions and requirements as the Director, in any particular case, thinks fit and specifies in the notice given to its principal officer under subsection (1) of this section.

61. (1) Before making an application under section 59 of this Act, a charitable organization shall appoint a person resident in South Australia to be its principal officer in South Australia for the purposes of this Act in the event of the granting of the application.

Principal
officer of
private
adoption
agency.

(2) If the application is granted, the private adoption agency shall, within seven days after the occurrence of a vacancy in the office of principal officer, appoint a person resident in South Australia to fill the vacancy and give notice in writing to the Director of the appointment.

(3) An application under section 59 of this Act shall specify the name of the principal officer, and the address of the principal office in South Australia, of the charitable organization making the application.

(4) For the purposes of subsection (2) of this section, the office of principal officer shall be deemed to become vacant if the person holding the office ceases to be resident in South Australia.

(5) Anything done or omitted by the principal officer of a private adoption agency, or with his approval, shall, for the purposes of this Part and any regulations relating to private adoption agencies but without prejudice to any personal liability of the principal officer, be deemed to be done or omitted by the private adoption agency.

PART VI.

Revocation
or suspension
of approval.

62. (1) The Director may, at any time, revoke or suspend the approval of a charitable organization as a private adoption agency under this Part—

- (a) at the request of the agency ;
- (b) on the ground that the agency is no longer suited to carrying on the activity of conducting negotiations and making arrangements with a view to the adoption of children, having regard to all relevant considerations, including the matters referred to in subsection (2) of section 60 of this Act ;

or

- (c) on the ground that the agency or any of its officers has contravened, or failed to comply with, a provision of this Act that is applicable to it or him or any additional condition or requirement referred to in subsection (3) of section 60 of this Act or subsection (3) of section 63 of this Act.

(2) Where the Director has revoked or suspended the approval of a private adoption agency under the provisions of subsection (1) of this section, he shall give notice in writing served personally or by registered post on the principal officer of the private adoption agency of such revocation or suspension.

Appeal against
refusal, re-
vocation or
suspension.

63. (1) Where the Director—

- (a) refuses an application of an organization under section 60 of this Act ;
- (b) approves of such an application subject to additional conditions or requirements referred to in subsection (3) of section 60 of this Act ;

or

- (c) revokes or suspends the approval of a charitable organization as a private adoption agency in accordance with the provisions of section 62 of this Act,

the organization may appeal to the Supreme Court against the decision of the Director.

(2) Notice in writing of intention to appeal and the general grounds of the appeal shall be given on behalf of the organization to the Master of the Supreme Court and the Director within twenty-one days after the service of notice of the decision.

(3) On the hearing of an appeal under this section, the Supreme Court shall review the decision of the Director and may order that the decision of the Director be confirmed, or may order that the organization be approved as a private adoption agency subject to such conditions and requirements as may be prescribed and to such additional conditions and requirements as the Supreme Court thinks fit and specifies in its order, or may annul the revocation or suspension of the approval of the organization as a private adoption agency.

64. (1) The Director shall cause to be published in the *Gazette* notice of the approval of any charitable organization as a private adoption agency under this Part and of the revocation or suspension and of the annulment of the revocation or suspension of any such approval.

Notice of approval to be published in *Gazette*.

(2) Every such notice shall specify the address of the principal office of the agency concerned and the full name of the principal officer of the agency.

65. (1) An application under this Act shall not be heard in open court and persons who are not parties to the proceedings and their counsel, solicitors and representatives shall, except as otherwise directed by the court and subject to section 16 of this Act, be excluded during the hearing of such an application.

Hearing to be *in camera*.

(2) The court may, at the hearing of an application under this Act—

(a) order a child to leave the room or other place in which the court is hearing the application at any time during the hearing if it is of opinion that such a direction should be given in the interests of the child ;

and

(b) order any person to leave that room or other place during the examination of a witness.

66. A report to the court under section 16 of this Act, or any part of such a report, shall not be made available to any person, including a party to the proceedings unless, upon application made by that person to a judge of the Supreme Court, the judge is satisfied, having regard to all relevant matters, that the report or part of the report ought to be made available to that person and has made an order that it be made available accordingly.

Contents of report not to be disclosed.

PART VI.

Restriction on inspection of records.

67. Except as provided by the regulations, the records of any proceedings under this Act shall not be open to inspection.

Costs.

68. In proceedings in any court under this Act, the court may, subject to the regulations, make such orders as to costs and security for costs, whether by way of interlocutory order or otherwise, as the court thinks just.

Proof of adoptions.

69. In proceedings in any court in this State—

(a) a document purporting to be either the original or a certified copy of or a certified extract from an order effecting an adoption (whether made in this State or elsewhere);

or

(b) a certified copy of an entry in any public official record of the adoption of children (whether kept in this State or elsewhere) or a certificate or extract giving particulars of such an entry and purporting to be signed by the person having the custody of such record,

shall be *prima facie* evidence of the making of the order and of the facts stated therein.

Judicial notice of signatures.

70. (1) In proceedings under this Act, or affecting any matter under this Act, judicial notice shall be taken of the signature of a person who holds or has held or is acting or has acted in any of the following Offices, that is to say—

(a) the office of Director of Social Welfare under the Social Welfare Act, 1926-1965;

(b) the office of Chairman, Children's Welfare and Public Relief Board, under the Maintenance Act, 1926-1963;

and

(c) any office in another State or in a Territory of the Commonwealth corresponding with the office of Director of Social Welfare,

appearing on a document and of the fact that, at the time the document was signed by him, he held, or was acting in, that office.

(2) In proceedings under this Act, or affecting any matters under this Act, judicial notice shall also be taken of the signature of a person to whom any of the powers, functions or duties of the Director have been delegated (whether under this Act or otherwise).

71. The power to make rules of court conferred by the Supreme Court Act, 1935-1965, on Judges of the Supreme Court shall be deemed to include power to make rules for regulating the exercise of the jurisdiction conferred by this Act on the Supreme Court.

Rules of Court.

72. The Governor may make such regulations, not inconsistent with this Act, as may be necessary or convenient for the purpose of carrying out or giving effect to this Act or the objects thereof, including (but without limiting the generality of the foregoing) regulations prescribing or making provision for—

Regulations.

- (a) matters of practice, procedure or evidence in or in connection with proceedings under this Act before a court which has jurisdiction to make adoption orders ;
- (b) the respective forms to be used for purposes of this Act ;
- (c) the mode of registering, and keeping proper registers of, orders made under this Act ;
- (d) fees to be paid in respect of proceedings and orders for the adoption of children and in respect of any matter provided for by or under this Act, and the waiving of any such fees ;
- (e) the form and manner in which any application for an adoption order is to be made and dealt with where the applicant or applicants desires or desire that the application be dealt with in such a way that—
 - (i) the identities of the child and of the parents and guardians of the child are not to be disclosed to the applicant or applicants ;
 - (ii) the identity or identities of the applicant or applicants is not or are not to be disclosed to any parent or guardian of the child ;or
 - (iii) the identities of the child and of the parents or guardians of the child and of the applicant or applicants are not to be disclosed to one another ;
- (f) the practice and procedure to be followed in obtaining and giving notice of any consent required for the purposes of this Act ;
- (g) the payment of witnesses' expenses in connection with proceedings under this Act ;

- (h) the prohibition or regulation of access to the Adopted Children Register ;
 - (i) matters to be included in or excluded from the Adopted Children Register, and the correction, alteration or cancellation of any entries therein ;
 - (j) the furnishing of copies of, or extracts from, matters included in the Adopted Children Register ;
 - (k) the making, correction, alteration or cancellation of entries relating to adopted children in the registers of births kept under the law of this State ;
 - (l) the conduct of private adoption agencies and the conditions and requirements to be observed, and facilities to be provided, by private adoption agencies, including conditions and requirements with respect to the qualifications and experience necessary for persons acting for or employed by private adoption agencies ;
 - (m) the keeping of registers by the Director of persons approved by him as fit and proper persons to adopt children and the order in which persons whose names are included in any such list may be selected to be applicants for adoption orders ;
 - (n) the making of appeals against the exclusion of the name of any person from any such register and the conferring of jurisdiction on any special magistrate or court to hear and determine those appeals ;
 - (o) all matters which ought to be prescribed or provided for in order to carry out the objects of, or to give effect to, this Act ;
 - (p) all other matters and things arising under and consistent with this Act, not expressly provided for ;
- and
- (q) penalties, not exceeding One hundred dollars in each case, for offences under, or breaches of, the regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

THE SCHEDULE.

ACTS REPEALED.

Section 3.

First Column. Short title of Act.	Second Column. Extent of Repeal.
Adoption of Children Act, 1925	The whole
Adoption of Children Act Amendment Act, 1931	The whole
Statute Law Revision Act, 1934	So much of the Second Schedule thereto as refers to or affects the Adoption of Children Act Amendment Act, 1931.
Statute Law Revision Act, 1936	So much of the Second Schedule thereto as refers to or affects the Adoption of Children Act, 1925.
Adoption of Children Act Amendment Act, 1940	The whole
Adoption of Children Act Amendment Act, 1943	The whole
Maintenance Act Amendment Act, 1965 . . .	So much of the Schedule thereto as refers to or affects the Adoption of Children Act, 1925-1943 (including the new citation "Adoption of Children Act, 1925-1965" appearing in the Second Column of that Schedule).