

**2** Section eight of the Principal Act is amended—Powers of  
Minister.

- (a) by omitting from paragraph (b) of subsection (7) the words “forty thousand dollars” and substituting therefor the words “one hundred thousand dollars”; and
- (b) by omitting from that paragraph the words “one hundred thousand dollars” and substituting therefor the words “three hundred thousand dollars”.

**3** Section eleven of the Principal Act is amended by omitting subsections (2), (3), and (4) and substituting therefor the following subsections:—Financial  
provisions.

“(2) Any payments required to be made by the Minister in pursuance of a guarantee given by him under section eight shall be made out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly).

“(3) Except as otherwise provided in this section moneys that are required for the purposes of this Part shall be paid out of the Loan Fund.”.

**4** The provisions of the Principal Act specified in the schedule are repealed.Repeal of  
obsolete  
enactments.

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**THE SCHEDULE.**

(Section 4.)

**PROVISIONS OF THE PRINCIPAL ACT REPEALED.**

Section two.

In section three, the definition of “Rural Industries Board”.

Subsection (2) of section seven.

Subsection (2) of section twelve.

Subsection (3) of section thirteen.

The first and second schedules.

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**ADOPTION OF CHILDREN.**


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**No. 38 of 1972.**
**AN ACT to amend the *Adoption of Children Act*  
1968. [7 December 1972.]**

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Adoption of Children Act* 1972.

Short title and  
citation.

(2) The *Adoption of Children Act* 1968 is in this Act referred to as the Principal Act.

Court to be satisfied as to certain matters.

**2** Section fifteen of the Principal Act is amended by omitting from subsection (3) thereof the word "thirty" and substituting therefor the word "sixty".

Revocation of consents.

**3** Section twenty-three of the Principal Act is amended by adding at the end thereof the following subsections:—

"(4) Where the Director terminates his guardianship of a child under paragraph (g) of subsection (1) of section twenty-nine, the consent to the adoption of that child is, by force of this subsection, revoked.

"(5) The revocation of a consent to the adoption of a child under subsection (1) or subsection (4) of this section is not a bar to the giving of a subsequent consent by the person giving the consent so revoked or by any other person who is an appropriate person within the meaning of section twenty-one."

Guardianship of child awaiting adoption.

**4** Section twenty-nine of the Principal Act is amended—

(a) by omitting from the end of paragraph (e) of subsection (1) thereof the word "or"; and

(b) by inserting after paragraph (f) of that subsection the following paragraphs:—

"(g) the Director, instead of applying or continuing an application for an adoption order, by writing under his hand releases the child to the natural parents or to one of the natural parents of the child; or

"(h) the Director ceases to be the guardian of the child under section twenty-nine A."

**5** After section twenty-nine of the Principal Act the following section is inserted in Division II of Part IV:—

Transmission of consents to adoption to and from other States and Territories.

"29A—(1) Where the Director receives from an officer in another State of the Commonwealth or a Territory whose powers, functions, and duties correspond with those of the Director under this Act a notice that application will be made in that State or Territory under provisions corresponding with this Act for the adoption of a child who is under the guardianship of the Director by virtue of the provisions of subsection (1) of section twenty-nine and a request that the Director renounce guardianship of the child, subject to subsection (2) of this section the Director may, if he thinks it in the best interests of the child to do so, in writing under his hand renounce his guardianship of the child.

"(2) The Director shall not renounce guardianship of a child under subsection (1) of this section unless—

(a) the consent to adoption of that child given under this Act by virtue of which the Director is guardian of the child is no longer revocable; or

(b) the consent to the adoption of the child has been dispensed with by an order under section twenty-seven,

and the officer of the other State or Territory referred to in subsection (1) of this section has expressed in writing to the Director his willingness to accept guardianship of that child.

“(3) After signing an instrument of renunciation under subsection (1) of this section, the Director shall forthwith send it by registered post to the officer of the other State or Territory from whom the notice referred to in that subsection was received, together with the consent to adoption (in any case in which that consent has not been dispensed with by an order under section twenty-seven) executed in this State in respect of the child by virtue of which the Director is the guardian of the child.

“(4) On the posting of an instrument of renunciation together with the consent to adoption of the child (if any) affected thereby the Director ceases to be the guardian of that child for the purposes of this Act.

“(5) Where application is to be made under this Act for the adoption of a child who, pursuant to provisions of another State of the Commonwealth or of a Territory corresponding with the provisions of this Part, is under the guardianship of an officer in that State or Territory whose powers, functions, and duties correspond with those of the Director under this Act, the Director may notify that officer of the intended application and request him to renounce his guardianship of the child and to forward to the Director, for use in the proceedings on the application, the consent to adoption (if any) executed in that State or Territory in respect of that child.

“(6) On receiving an instrument renouncing the guardianship of a child in consequence of a request under subsection (5) of this section, the Director, by force of this section, becomes and is the guardian of that child in all respects as if the consent to adoption (if any) executed in that State or Territory and forwarded with the instrument of renunciation were a consent properly executed in this State on the day the consent purports to have been signed.

“(7) Where an application is to be made under this Act for the adoption of a child who, pursuant to provisions of another State of the Commonwealth or of a Territory corresponding with the provisions of this Part, is under the guardianship of an officer in that State or Territory whose powers, functions, and duties correspond with those of the Director under this Act, but the consent to adoption has been dispensed with under a provision corresponding with section twenty-seven, the requirement of a consent to adoption under this Part is deemed to have been dispensed with under that section.”.

**6** Section thirty-eight of the Principal Act is amended—

- (a) by inserting, after the word “ Territory ” (first occurring), the words “ or in New Zealand ”;
- (b) by inserting, after the word “ Territory ” (second occurring), the words “ or country ”; and
- (c) by inserting, after the word “ Territory ” (third occurring), the words “ or country ”.

Recognition of  
Australian  
adoptions.

Recognition  
of foreign  
adoptions.

**7** Section thirty-nine of the Principal Act is amended by inserting, after subsection (2) thereof, the following subsections:—

“(2A) The Governor may proclaim a country to be a country to which subsection (2B) of this section applies.

“(2B) An adoption under the law of a country which has been proclaimed as a country to which this subsection applies shall be conclusively presumed to comply with the conditions specified in paragraphs (c) and (d) of subsection (2) of this section.

“(2C) The production of a document, purporting to be—

- (a) an order; or
- (b) a record of an order,

of an adoption—

- (c) made by a court or judicial or other public authority; or
- (d) recorded in a public records office outside the Commonwealth or its Territories,

or of a certified copy or a certified extract of such an order or record certified under the hand of the registrar or other appropriate officer of such court or judicial or other public authority or such public records office, is sufficient evidence, in the absence of proof to the contrary—

- (e) that the adoption was made in that country and is effective according to the law of that country;
- (f) that the adoption has not been rescinded; and
- (g) that in relation to the adoption, the condition referred to in paragraph (b) of subsection (2) of this section is satisfied.”.

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

**8** Section fifty-six of the Principal Act is amended by adding, at the end thereof, the following subsection:—

“(2) Where under this Act an adoption order or an order for the discharge of an adoption order has been made, and the Registrar-General has reason to believe that the birth of the person adopted under the order is registered in a country other than the Commonwealth or its Territories, he shall, upon the application in writing of the person or persons in whose favour the order was made or of the person adopted under the order, 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 an officer in that country in any case where an officer in that country has been prescribed for that purpose.”.