

AUSTRALIAN CAPITAL TERRITORY.

No. 2 of 1940.

AN ORDINANCE

To amend the Adoption of Children Ordinance 1938.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1939*, as follows:—

1.—(1.) This Ordinance may be cited as the *Adoption of Children Ordinance 1940*. Short title and citation.

(2.) The *Adoption of Children Ordinance 1938* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Adoption of Children Ordinance 1938-1940*.

2. Section two of the Principal Ordinance is amended—

(a) by inserting, after the definition of “infant”, the following definition:—

Definitions.

“‘Register of Births’ means a Register of Births kept in pursuance of the *Registration of Births, Deaths and Marriages Ordinance 1929-1938*;” and

(b) by inserting, after the definition of “the Court”, the following definition:—

“‘the Principal Registrar’ means the Principal Registrar of Births, Deaths and Marriages appointed under the *Registration of Births, Deaths and Marriages Ordinance 1929-1938*.”

Restrictions
on making
adoption
orders.

3. Section four of the Principal Ordinance is amended by adding at the end of sub-section (1.) the following proviso:—

“: Provided further that the Court may make an adoption order in any case where the applicant is less than twenty-one years, but not less than fifteen years, older than the infant, if the Court is satisfied that in the circumstances of the case the making of the order will be in the best interests of the infant.”.

4. Section seven of the Principal Ordinance is repealed and the following section inserted in its stead:—

Particulars
to be
forwarded to
Principal
Registrar.

“7.—(1.) A copy of every adoption order containing particulars as to the name in full of the infant, any authorized alteration in its surname, the sex of the infant, the place and date of its birth, the names of its natural parents and the names, addresses and occupations of its adopter or adopters shall be forwarded by the Clerk of the Court to the Principal Registrar.

(2.) On receipt of a copy of an adoption order, the Principal Registrar shall cause to be entered in a register to be kept by him and called the ‘Register of Adopted Children’ particulars relating to the adopted infant in accordance with Form A in the Schedule to this Ordinance.

(3.) Where an adoption order authorizes two spouses jointly to adopt an infant, the spouses shall be respectively referred to in the Register of Adopted Children as the father and the mother of the infant.

(4.) Where an adoption order authorizes one person only to adopt an infant, that person shall be referred to in the Register of Adopted Children as the father or the mother (as the case requires) of the infant.

(5.) The surname to be entered in the Register of Adopted Children as the surname of an infant, the subject of an adoption order, shall be the surname of the adopter:

Provided that, where the Court authorizes a surname, other than that of the adopter, as the surname of the infant, that surname shall be entered.”.

5. After section seven of the Principal Ordinance the following sections are inserted:—

Notation
“adopted” in
Register of
Births.

“7A. Where the Principal Registrar is satisfied that the birth of any infant, the subject of an adoption order, has been registered in a Register of Births, he shall cause the word ‘Adopted’ to be marked in the margin of the Register opposite the entry relating to the infant.

Indexes.

“7B. The Principal Registrar shall cause to be kept an index of the Register of Adopted Children and such other indexes and

registers as are necessary to trace the connexion between any entry in a Register of Births marked with the word 'Adopted' and the corresponding entry in the Register of Adopted Children.

"7C. The entries in the Register of Adopted Children and in all indexes and registers kept in connexion therewith shall not be open to public inspection and no copy or extract purporting to be a copy of, or extract from, any such entry shall be furnished to any person except in pursuance of an order made by a Court of competent jurisdiction.

No public inspection of Register of Adopted Children.

"7D. —(1.) No entry in the Register of Births marked with the word 'Adopted' shall be open to public inspection.

Birth certificates relating to adopted children.

(2.) Where a copy of, or extract from, an entry in the Register of Births marked with the word 'Adopted' is requested by a member of the public, the copy or extract furnished shall contain such particulars as are contained in the corresponding entry in the Register of Adopted Children and the copy or extract shall be deemed to be a copy of, or extract from, an entry in a Register of Births given in pursuance of the *Registration of Births, Deaths and Marriages Ordinance 1929-1938*.

"7E. Where an adoption order relates to an infant in respect of which a previous adoption order has been made, the Principal Registrar shall cause a fresh entry to be made in the Register of Adopted Children in substitution for the entry previously made in respect of the infant.

Variation of adoption order.

"7F.—(1.) The Minister may make arrangements with the Minister administering any other Territory of the Commonwealth or administering any law of a State relating to the adoption of children for the transmission to, or by him, as the case requires, of a copy of any adoption order concerning a child born in the Territory and adopted under the law of the other Territory or State or born in the other Territory or State and adopted under this Ordinance.

Adoption orders made in a Territory or a State.

(2.) Where a copy of an adoption order made in any other Territory of the Commonwealth or State is received in pursuance of an arrangement made under sub-section (1.) of this section, it shall be forwarded to the Principal Registrar who shall deal with the copy as if it were a copy of an adoption order made in the Territory."

6. Section eight of the Principal Ordinance is repealed and the following section inserted in its stead:—

"8. The surname of an adopted infant shall be the surname of its adopter:

Alteration of name of adopted child.

Provided that, if the Court so orders on application made to it, the surname of the adopted infant, shall be the surname by which it has been generally known."

The Schedule.

7. After section sixteen of the Principal Ordinance the following Schedule is inserted:—

"THE SCHEDULE.

Section 7.

FORM A.

**AUSTRALIAN CAPITAL TERRITORY.
Adoption of Children Ordinance 1938-1940.
REGISTER OF ADOPTED CHILDREN.**

1.	2.	3.	4.	5.	6.	7.	8.	
Number of Entry.	Date and place of Birth of Infant.	Full Christian Name or Names of Infant.	Surname of Infant.	Sex of Infant.	Full Christian Name or Surname, also Address and Occupation of Father and Mother of Infant.	Date of Entry.	Signature of Principal Registrar.	Remarks.

Dated this fourteenth day of February, 1940.

GOWRIE

Governor-General.

By His Excellency's Command,

H. S. FOLL

Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.