

# ADOPTION OF CHILDREN ORDINANCE

## ADOPTION OF CHILDREN REGULATIONS

REGULATIONS 1966, No. 10\*

### PART I.—PRELIMINARY.

1. These Regulations may be cited as the Adoption of Children Citation. Regulations.

2. These Regulations shall come into operation on the date of commencement of the Ordinance.

3. These Regulations are divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Regulations 1-5).

Part II.—Private Adoption Agencies (Regulations 6-7).

Part III.—Consents (Regulations 8-9).

Part IV.—Registration of Adoptions and Births (Regulations 10-16).

Part V.—Adoption List (Regulations 17-18).

4. In these Regulations, unless the contrary intention appears—

Definitions.

“adoption list” means a list kept by the Director or by a private adoption agency of persons approved by the Director or the private adoption agency, as the case requires, as fit and proper persons to adopt children;

“adoption order” includes an interim order;

“the Ordinance” means the *Adoption of Children Ordinance 1965*;

“the Register of Births” means the Register of Births kept under the *Registration of Births, Deaths and Marriages Ordinance 1963*.

5.—(1.) A reference in these Regulations to a form by number shall be read as a reference to the form so numbered in the First Schedule to these Regulations. Forms.

(2.) Strict compliance with a Form in the First Schedule to these Regulations is not necessary and substantial compliance is sufficient.

(3.) A Form shall be completed in accordance with any directions contained in that Form.

(4.) Where the citation of the Ordinance is subsequently altered, the citation as altered may be substituted for the citation of that Ordinance in a Form.

### PART II.—PRIVATE ADOPTION AGENCIES.

6.—(1.) An application under section 10 of the Ordinance by a charitable organization for approval as a private adoption agency shall be in writing and shall set out— Application for approval.

(a) the name of the organization;

\* Made under the *Adoption of Children Ordinance 1965* on 1 September, 1966; notified in the *Commonwealth Gazette* on 8 September, 1966 and commenced on 8 October, 1966.

## ADOPTION OF CHILDREN ORDINANCE—

- (b) the objects and purposes, or proposed objects and purposes of the organization;
- (c) the place at which it has its principal office;
- (d) the names and addresses of the persons taking part, or proposing to take part in the management or control of the organization;
- (e) whether it is incorporated and, if so, the manner and date of its incorporation;
- (f) whether it is affiliated with any other body and, if so, details of the body or bodies with which it is affiliated;
- (g) the names and qualifications of persons engaged, and proposed to be engaged, on behalf of the organization in the making of arrangements with a view to the adoption of children; and
- (h) its experience (if any) in making arrangements with a view to the adoption of children.

(2.) An application under the last preceding sub-regulation shall be accompanied by a copy of the rules, or articles and memorandum of incorporation, as the case requires, of the charitable organization and particulars of, and a copy of, any instrument evidencing the trusts, if any, relating to the organization.

Alteration of  
objects, &c.,  
of private  
adoption  
agency.

**7.—(1.)** The principal officer of a private adoption agency shall, within one month after the alteration of—

- (a) the objects or purposes of the private adoption agency;
- (b) the rules or memorandum or articles of the private adoption agency; or
- (c) any trusts relating to the private adoption agency,

give to the Director notice of the alteration, a copy of the instrument evidencing the alteration and a statutory declaration by the principal officer declaring that the copy is a true copy of the instrument of which it purports to be a copy and, in the case of an alteration of the objects, purposes, rules, memorandum or articles of the private adoption agency, that the alteration is authorized, and was made in the manner provided, by the rules, memorandum or articles, as the case may be, of the private adoption agency.

Penalty: Fifty dollars.

(2.) An alteration referred to in the last preceding sub-regulation is of no effect until the provisions of that sub-regulation have been complied with in respect of that alteration and, in the case of an alteration of the objects or purposes of the private adoption agency, unless the alteration is approved by the Director.

## PART III.—CONSENTS.

Form of  
consent under  
Section 27.

**8.** An instrument of consent to the adoption of a child required by section 27 of the Ordinance shall be in accordance with Form 1.

9. For the purposes of section 27 of the Ordinance, an instrument of consent to the adoption of a child shall be signed in the presence of and shall be attested by—

Prescribed  
classes of  
witnesses to  
consents.

- (a) in the case of an instrument signed in Australia—a Commissioner for Declarations under the *Statutory Declarations Act* 1959, a justice of the peace, a barrister or solicitor (other than a barrister or solicitor acting for the applicants), or a social worker approved by the Director; or
- (b) in the case of an instrument signed in another place—an Australian Diplomatic Officer, or an Australian Consular Officer, within the meaning of the *Consular Fees Act* 1955, a judge of a court of that place, a magistrate or justice of the peace of or for that place or a notary public.

#### PART IV.—REGISTRATION OF ADOPTIONS AND BIRTHS.

10.—(1.) A memorandum of an adoption order shall be in accordance with Form 2.

Register of  
Adoptions.

(2.) The Registrar of Births, Deaths and Marriages shall register a memorandum of an adoption order made by the Court under the Ordinance and received by him by entering in the Register of Adoptions such of the particulars in relation to the adoption of the child, ascertained from the memorandum, as he thinks necessary.

(3.) The Registrar of Births, Deaths and Marriages shall register a memorandum or copy of an adoption order made under the law in force in a State or in another Territory of the Commonwealth and received by him by entering in the Register of Adoptions such of the particulars in relation to the adoption of the child, ascertained from the memorandum or copy, as he thinks necessary.

(4.) Where the Registrar of Births, Deaths and Marriages receives a copy of an order, made by the Court under the Ordinance or made under the law of a State or another Territory of the Commonwealth, for the discharge of an adoption order that has been registered in the Register of Adoptions kept by him, he shall register it by entering particulars of the discharge on the page of the Register of Adoptions on which the adoption order was registered.

(5.) The Register of Adoptions or any memorandum or copy of an adoption order, or of an order discharging an adoption order, received by the Registrar of Births, Deaths and Marriages shall not be open for inspection.

(6.) The Registrar of Births, Deaths and Marriages shall not issue a copy of or extract from an entry in the Register of Adoptions or a copy of or extract from a memorandum or copy of an adoption order, or of an order discharging an adoption order, to any person unless the Court so orders or the Registrar of Births, Deaths and Marriages is satisfied that the copy or extract is properly required as evidence in proceedings under the *Matrimonial Causes Act* 1959-1965.

(7.) The Registrar of Births, Deaths and Marriages shall keep an index of the entries in the Register of Adoptions kept by him.

Re-registration  
of birth of  
adopted child.

**11.—(1.)** Where an order for the adoption of a child born in the Territory has been registered in the Register of Adoptions under the last preceding regulation, the Registrar of Births, Deaths and Marriages shall re-register the birth of the child by entering in the Register of Births such of the following particulars as he is able to ascertain from the memorandum or copy of the adoption order:—

- (a) the particulars of the child's name after adoption, sex and date and place of birth;
- (b) particulars of the adopters;
- (c) a notation to the entry, signed and dated by the Registrar of Births, Deaths and Marriages, to the effect that the birth of the child is registered in pursuance of this regulation.

**(2.)** Where an order discharging an adoption order, in respect of a child born in the Territory, has been registered in the Register of Adoptions under the last preceding regulation, the Registrar of Births, Deaths and Marriages shall—

- (a) make a notation on the page in the Register of Births on which the birth of that child has been re-registered in pursuance of the last preceding sub-regulation to the effect that the adoption order has been so discharged; and
- (b) make a further registration of the birth of that child to accord with the order discharging the adoption order.

**(3.)** The notation referred to in either of the last two preceding sub-regulations shall not be included on any copy of, or extract from, an entry in the Register of Births issued by the Registrar of Births, Deaths and Marriages.

**(4.)** Where the Registrar of Births, Deaths and Marriages re-registers the birth of an adopted child under this regulation, he shall write on the page of the Register of Births containing the original entry of the birth a notation, signed and dated by him, to the effect that the birth of the child has been re-registered on another page of the Register of Births, specified in the notation, in pursuance of this regulation.

**(5.)** Where an adoption order relates to a child who has previously been adopted, the Registrar of Births, Deaths and Marriages shall re-register the birth of the child as if the entry relating to the previous adoption of that child were the original entry of the birth of that child.

**(6.)** Where the birth of a child has been re-registered in the Register of Births in pursuance of this regulation, the Registrar of Births, Deaths and Marriages shall not issue to that child or to another person a copy of, or an extract from, the original entry of the birth of that child unless the Registrar of Births, Deaths and Marriages is satisfied that the copy or extract is properly required as evidence of a fact of which a copy of, or extract from, the entry of the birth of that child made in pursuance of this regulation would not be evidence.

Correction of  
errors, &c.,  
in Register of  
Adoptions.

**12.—(1.)** Where the Registrar of Births, Deaths and Marriages is satisfied that the Register of Adoptions kept by him contains an error or misstatement in, or an omission from, any particulars entered in it in pursuance of these Regulations, he may correct the Register by causing the true

particulars or the particulars omitted from the Register, as the case may be, to be entered in the Register on the page of the Register containing the entry to which those last-mentioned particulars relate.

(2.) Where the Registrar of Births, Deaths and Marriages makes a correction in the Register of Adoptions under the last preceding sub-regulation, he shall sign his name immediately under the correction and write the date on which the correction was made.

**13.—(1.)** Where the Registrar of Births, Deaths and Marriages is satisfied that an entry in the Register of Adoptions kept by him is false, he may cancel the entry by writing in the margin of the entry the words "Cancelled under regulation 13 of the Adoption of Children Regulations", signing his name immediately under those words and adding the date on which the entry was cancelled.

*Cancellation of entries in Register of Adoptions.*

(2.) The Registrar of Births, Deaths and Marriages shall not cancel an entry in the Register of Adoptions kept by him—

- (a) if any error or mis-statement in, or omission from the Register can be corrected under the last preceding regulation; or
- (b) unless the Attorney-General, or a person authorized by the Attorney-General, has approved, by writing under his hand, the cancellation of the entry.

**14.—(1.)** A person shall not—

- (a) destroy, deface or damage the Register of Adoptions; or
- (b) obtain the re-registration of the birth of an adopted child otherwise than in accordance with these Regulations.

*Offences relating to registration.*

**12.)** The Registrar of Births, Deaths and Marriages shall not—

- (a) omit or refuse, without reasonable cause, to register in the Register of Adoptions in accordance with this Part an adoption order or an order discharging an adoption order;
- (b) omit, or refuse, without reasonable cause, to re-register in the Register of Births in accordance with this Part the birth of an adopted child who was born in the Territory; or
- (c) enter any particulars in the Register of Adoptions if those particulars are, to his knowledge, false or misleading in a material particular.

Penalty: Fifty dollars.

**15.—(1.)** A memorandum of an order for the adoption of a child whose birth the Registrar of the Court has reason to believe is registered in a State or in another Territory of the Commonwealth shall be in accordance with Form 2.

*Memoranda of orders sent to States and other Territories.*

(2.) The prescribed officer of a State or of a Territory of the Commonwealth specified in the first column of the Second Schedule to these Regulations to whom a memorandum of an order, or copy of the discharge of an order, for the adoption of a child born in that State or Territory is to be sent under section 57 of the Ordinance is the officer of that State or Territory specified in the second column of that Schedule opposite to the name of that State or Territory.

**16.** The fee for the issue of a copy of or extract from an entry in the Register of Adoptions or of a copy of an order registered in that Register is Two dollars.

*Fee for copy, &c., of entry in Register, &c.*

## PART IV.—ADOPTION LIST.

Application to  
have names  
entered in  
adoption list.

**17.** An application by a married couple to have their names entered in an adoption list shall be in writing and shall set out—

- (a) the full name of each of the applicants, their address and occupations;
- (b) the age and state of health of each of the applicants;
- (c) their religion, if any;
- (d) the sex, age and state of health of any child (whether natural or adopted) of the applicants and the likelihood of any children being born to them in the future;
- (e) particulars of the financial circumstances of the applicants;
- (f) whether either of the applicants has adopted any children (whether in the Territory or elsewhere);
- (g) whether either of the applicants has been refused an application for the adoption of a child (whether in the Territory or elsewhere); and
- (h) the country of birth of each of the applicants.

Application for  
transfer from  
list in a State  
or another  
Territory.

**18.** An application by a married couple—

- (a) who wish to have their names entered in the adoption list;
- (b) whose names are on the list of adopters kept by an officer of a State or another Territory of the Commonwealth; and
- (c) who have ceased to be resident in that State or other Territory and have become residents of the Australian Capital Territory,

shall be in writing and shall, in addition to setting out the particulars referred to in the last preceding regulation, identify the list of adopters in that State or other Territory and set out their previous address in that State or other Territory.

## THE SCHEDULES

## FIRST SCHEDULE

## FORM 1

Regulation 8

## AUSTRALIAN CAPITAL TERRITORY

*Adoption of Children Ordinance 1965*

## CONSENT OF PARENT OR GUARDIAN TO ADOPTION

In the Supreme Court  
of the Australian Capital Territory

No. 19

In the matter of an  
application for the  
adoption of

**1 (or We)** [full name and address of each person consenting and the capacity in which each person's consent is required] hereby consent to the adoption of [name in which the birth of the child to be adopted is registered] born [date and place of birth] by any person or persons in accordance with the law of the Australian Capital Territory (or by [full names and address of a particular person or persons, being a person who is, or persons one of whom is, a relative of the child]).

FIRST SCHEDULE—continued

I (or We) have read (or there has been read to me (or us)) the explanation set out below of the effect of an adoption order.

Dated this                      day of                      , 19                      .

[Signature(s) of person(s) consenting]

In the presence of: [Signature, address and occupation of witness]

EFFECT OF ADOPTION ORDER

Upon the making of an adoption order—

- (a) the child is deemed for all purposes and as regards all relationships to become a legitimate child of the adoptive parents;
- (b) rights of guardianship and existing relationships in respect of the child cease except for the purpose of determining forbidden relationships in connexion with marriage and the crime of incest;
- (c) rights in respect of property and succession to property are determined according to the relationships created by the adoption, but property rights acquired before the adoption are not affected;
- (d) the domicile of the child becomes the domicile of the adoptive parents, but the child's race, nationality and citizenship are not affected; and
- (e) an affiliation or maintenance order, or an agreement, made before the adoption order, by which the putative father of the child is to make payments for the maintenance of the child ceases to have any further effect (except as to arrears owing) unless the adopter is the mother of the child and is a single woman.

FORM 2

Regulations 10 and 15

AUSTRALIAN CAPITAL TERRITORY

Adoption of Children Ordinance 1965

MEMORANDUM OF ADOPTION ORDER

No.                      of 19  
In the Supreme Court  
of the Australian Capital Territory

Date of Court's order  
of adoption: the  
day  
of                      , 19                     

Particulars of Adopted Child	Particulars of Adopting Parents
Full name before adoption	Full name of adopting father
Sex	His occupation
Date of birth	His address
Place of birth	His place of birth
Father's full name	His age at date of birth of adopted child
Mother's full name	Full name of adopting mother
Mother's full maiden name	Her occupation
Mother's surname at date of birth of adopted child	Her address
Full name of child after adoption	Her place of birth
	Her age at date of birth of adopted child
	When and where married
	Previous issue of marriage—
	(a) living (names and ages):
	(b) deceased:                      males,                      females

Dated the                      day of                      , 19                     

Registrar of the Supreme Court

## SECOND SCHEDULE

Regulation 15

## REGISTERING OFFICERS

State or Territory	Registering Officer
New South Wales .. .. .	Registrar General
Victoria .. .. .	Government Statist
Queensland .. .. .	Registrar-General
South Australia .. .. .	Principal Registrar of Births, Deaths and Marriages
Western Australia .. .. .	Registrar-General
Tasmania .. .. .	Registrar-General
The Northern Territory of Australia ..	Registrar of Births, Deaths and Marriages
Norfolk Island .. .. .	Registrar of Births, Deaths and Marriages
Papua and New Guinea .. .. .	Registrar General
Cocos (Keeling) Islands .. .. .	Registrar-General of Births, Deaths and Marriages
Christmas Island .. .. .	Registrar-General of Births, Deaths and Marriages