



Australian Capital Territory

Adoption Regulations

Subordinate Law No. 31 of 1993

TABLE OF PROVISIONS

Regulation

PART I—PRELIMINARY

1. Citation
2. Commencement
3. Interpretation

PART II—THE ADOPTION LIST

4. Adoption list—requests for inclusion

PART III—CONSENTS

5. Form of consent
6. Conditions for signing
7. Primary and secondary witnesses
8. Functions of primary witness
9. Functions of secondary witness

PART IV—ACCESS TO INFORMATION

10. Prescribed information—incest and sexual assault

TABLE OF PROVISIONS—continued

Regulation

PART V—ADOPTION RECORDS

11. Particulars to be given to Director by private adoption agencies following adoption orders
12. Transfer of private agency records to Director
13. Maintenance of records

PART VI—PRIVATE ADOPTION AGENCIES

14. Application for approval
15. Alteration of objects, structure or trusts of private adoption agency
16. Principal officer
17. Persons acting for or on behalf of private adoption agency
18. Adoption of overseas children
19. Residential premises
20. Storage of information
21. Application of Commonwealth Privacy Act

PART VII—REGISTRATION OF ADOPTIONS

22. Register of adoptions
23. Registration
24. Access to information from register of adoptions
25. Re-registration of birth of adopted child
26. Correction of errors in register of adoptions
27. Cancellation of entries in register of adoptions
28. Offences relating to registration
29. Memoranda of orders sent to States and other Territories
30. Notice of decisions
31. Determination of fees

SCHEDULE 1**FORMS****SCHEDULE 2****REGISTERING OFFICERS**



Australian Capital Territory

Adoption Regulations

Subordinate Law No. 31 of 1993¹

The Australian Capital Territory Executive makes the following Regulations under the *Adoption Act 1993*.

Dated 29 July 1993.

WAYNE BERRY
Minister

TERRY CONNOLLY
Minister

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Adoption Regulations.

Commencement

2. (1) Regulation 1 and this regulation commence on the day on which these Regulations are notified in the *Gazette*.

(2) The remaining regulations commence on 31 July 1993.

Interpretation

3. (1) In these Regulations, unless the contrary intention appears—

“Act” means the *Adoption Act 1993*;

“adoption list” means the register kept by the Director under paragraph 15 (a) of the Act;

“adoption record” means—

(a) a document;

(b) a database (however kept); or

(c) a photograph or other pictorial representation of a person;

that contains personal information about a person applying to adopt a child, or a person relinquishing a child for adoption;

“determined fee” means the fee determined under regulation 31 for the purpose of the provision in which the expression occurs;

“primary witness” means a person referred to in subregulation 7 (2);

“register of adoptions” means the register kept under regulation 22;

“secondary witness” means a person referred to in subregulation 7 (3).

(2) A reference in these regulations to a form by number is to be taken to be a reference to the form in the Schedule having that number.

PART II—THE ADOPTION LIST

Adoption list—requests for inclusion

4. For the purposes of subsection 16 (1) of the Act, a request by applicants for inclusion in the adoption list shall state—

(a) in relation to each applicant:

(i) full name;

(ii) usual place of residence;

(iii) occupation;

(iv) date and place of birth;

(v) domicile;

(vi) religion (if any);

(vii) state of health;

(viii) financial circumstances;

- (b) the length of the applicants' relationship;
- (c) in relation to each applicant's children, if any (whether birth children or adopted children):
 - (i) sex and date of birth;
 - (ii) the state of health of any living child;
 - (iii) if any child has died—the date of death;
- (d) the likelihood of any children being born to the applicants in the future;
- (e) whether either applicant has ever been refused an adoption order;
- (f) whether an adoption order or interim order in either applicant's favour has been discharged;
- (g) whether the applicants' names are entered on a list of persons seeking to adopt a child in another State or Territory; and
- (h) if paragraph (g) applies—particulars of the entry on the relevant adoption list.

PART III—CONSENTS

Form of consent

5. For the purposes of section 30 of the Act, an instrument of consent shall be—

- (a) in the case of a general consent—in accordance with Form 1;
- (b) in the case of a limited consent—in accordance with Form 2; and
- (c) accompanied by the statutory declaration referred to in paragraph 6 (b).

Conditions for signing

- 6.** A person shall not sign an instrument of consent unless he or she—
- (a) received a copy of the form of consent no later than 14 days before the date on which the consent is signed;
 - (b) has signed a statutory declaration stating that he or she is the parent or guardian of the child; and
 - (c) has shown the declaration to the primary witness to the signing of the instrument.

Primary and secondary witnesses

7. (1) For the purposes of section 30 of the Act, an instrument of consent shall be signed in the presence of, and shall be attested by, a primary witness and a secondary witness.

- (2) A primary witness shall be—
- (a) in the case of an instrument signed in Australia—
 - (i) a Commissioner for Declarations under the *Statutory Declarations Act 1959* of the Commonwealth;
 - (ii) a justice of the peace;
 - (iii) a barrister or solicitor (other than a barrister or solicitor acting for the applicants); or
 - (iv) a social worker approved by the Director; or
 - (b) in the case of an instrument signed in a foreign country—
 - (i) an Australian Diplomatic Officer, or an Australian Consular Officer, within the meaning of the *Consular Fees Act 1955* of the Commonwealth;
 - (ii) a judge of a court of that country;
 - (iii) a magistrate or justice of the peace of or for that country; or
 - (iv) a notary public.
- (3) A secondary witness shall be—
- (a) in the case of an instrument signed in Australia—a person prescribed by regulation 4 of the *Statutory Declarations Regulations* of the Commonwealth; or
 - (b) in the case of an instrument signed in a foreign country—a person referred to in paragraph (2) (b).

Functions of primary witness

8. The primary witness to the signing of an instrument of consent shall not attest to that signing unless he or she—

- (a) has informed the person signing the instrument about the legal implications of adoption and the legal consequences of signing the instrument; and
- (b) is satisfied that the person understands those consequences and implications.

Functions of secondary witness

9. The secondary witness to the signing of an instrument of consent shall not attest to that signing unless he or she is satisfied that—

- (a) the primary witness has adequately performed his or her functions under paragraph 8 (a); and
- (b) the person signing the instrument of consent understands the legal implications of adoption and the legal consequences of signing the instrument.

PART IV—ACCESS TO INFORMATION

Prescribed information—incest and sexual assault

10. Information that discloses or indicates that an adopted child was conceived as a result of—

- (a) an incestuous relationship; or
- (b) a sexual assault on his or her birth mother;

is prescribed for the purposes of the definition of “information” in section 58 of the Act.

PART V—ADOPTION RECORDS

Particulars to be given to Director by private adoption agencies following adoption orders

11. For the purposes of paragraph 61 (2) (b) of the Act, the prescribed particulars are as follows:

- (a) in relation to the adopted child:
 - (i) full name prior to the adoption;
 - (ii) sex;
 - (iii) date of birth;
 - (iv) place of birth;
 - (v) father’s full name;
 - (vi) mother’s full name;
 - (vii) mother’s maiden name (if applicable);
 - (viii) mother’s name at date of birth of the child;
 - (ix) full name following adoption;

- (b) in relation to each adoptive parent:
 - (i) full name;
 - (ii) place of residence;
 - (iii) occupation;
 - (iv) date of birth;
 - (v) place of birth;
 - (vi) domicile;
 - (vii) religion (if any);
 - (viii) if married—date and place of marriage;
 - (ix) if not married—whether single or in a *de facto* relationship;
- (c) in relation to each child (if any) of each adoptive parent (whether birth children or adopted children):
 - (i) sex;
 - (ii) date of birth;
 - (iii) state of health of each living child;
 - (iv) if a child has died—date of death;
- (d) in relation to each birth parent:
 - (i) full name;
 - (ii) date of birth;
 - (iii) date on which consent is signed;
 - (iv) whether consent is general or limited;
 - (v) details of any express wishes contained in the consent;
- (e) in relation to the primary witness and secondary witness to the signing of the instrument of consent:
 - (i) full name;
 - (ii) capacity in which the instrument is witnessed;
- (f) in relation to the person who provides the report to the court under paragraph 19 (1) (a) of the Act:
 - (i) full name;
 - (ii) qualifications;
 - (iii) relevant experience;

- (iv) business address.

Transfer of private agency records to Director

12. If a private adoption agency—

- (a) ceases to exist; or
- (b) has its approval revoked under section 85 of the Act;

the person who was the last principal officer of the agency shall not, without reasonable excuse, fail to furnish to the Director all adoption records kept by the agency.

Penalty: \$500.

Maintenance of records

13. (1) For the purposes of subsection 61 (4) of the Act, adoption records created by or furnished to the Director shall be retained permanently by the Territory.

(2) All adoption records held by the Director or a private adoption agency shall be kept in a lockable, fire-resistant steel cabinet.

PART VI—PRIVATE ADOPTION AGENCIES

Application for approval

14. (1) An application under section 81 of the Act by a charitable organisation for approval as a private adoption agency shall be in writing setting out the following information:

- (a) the name of the organisation;
- (b) the objects and purposes, or proposed objects and purposes, of the organisation;
- (c) the place at which the organisation has its principal office;
- (d) the facilities available at the principal office of the organisation, and in particular the availability of confidential interviewing rooms;
- (e) the full name and address of each person taking part, or proposing to take part, in the management or control of the organisation;
- (f) the full name and address of the person appointed as the principal officer of the organisation;
- (g) if the organisation is incorporated—the manner and date of its incorporation;

- (h) the proposed method of financing the agency, including a financial statement and budget estimate;
- (j) details of the organisation's affiliation with any body delivering child and family welfare services (including services for the care of a child for the period before his or her placement for adoption or the period after a child is removed from a failed adoption placement);
- (k) the structure, membership and interests of the committee of the organisation responsible for—
 - (i) making recommendations on applications for approval as persons suitable to adopt a child; and
 - (ii) conducting negotiations and making arrangements with a view to the placement of children for adoption;
- (m) the method of keeping adoption records and the arrangements made for the safekeeping of the records;
- (n) the numbers, qualifications, experience and duties of persons engaged, or proposed to be engaged, on behalf of the organisation to make arrangements for the adoption of children;
- (o) the arrangements envisaged for training staff of the organisation;
- (p) if the agency intends to organise adoptions of children from foreign countries—what arrangements have been made for that purpose between the organisation and any relevant authorities and organisations in the foreign countries;
- (q) the organisation's reasons for wishing to make arrangements for the adoption of children;
- (r) any experience of the organisation in making arrangements for the adoption of children or related child and family welfare services.
- (2) An application under subregulation (1) shall be accompanied by—
 - (a) if the organisation is incorporated—a copy of its rules, or its articles and memorandum of association; and
 - (b) particulars of any instrument evidencing trusts relating to the organisation, together with a copy of any such instrument.

Alteration of objects, structure or trusts of private adoption agency

15. (1) This regulation applies where any alteration affecting the functions of a private adoption agency in relation to adoptions, or its status as a charitable organisation, occurs in—

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

(2) Where this regulation applies, the principal officer of the relevant agency shall give the Director—

- (a) notice of the alteration;
- (b) a copy of the instrument evidencing the alteration;
- (c) a statutory declaration verifying the authenticity of the copy; and
- (d) in the case of an alteration of the objects, purposes, rules, memorandum or articles of association of the agency—a notice that the alteration—
 - (i) is authorised; and
 - (ii) was made in the manner provided by the rules, memorandum or articles, as the case may be, of the agency.

Principal officer

16. A private adoption agency shall not appoint a person as principal officer of the agency unless the person—

- (a) has obtained a tertiary qualification in social work, or in an appropriate social science, approved by the Director;
- (b) has 5 years' experience in providing child and family welfare services relevant to the adoption of children; and
- (c) agrees to undertake any course of training that, in the opinion of the Director, is necessary to enable the principal officer to carry out the duties of his or her position.

Persons acting for or on behalf of private adoption agency

17. A private adoption agency shall not permit a person to conduct negotiations or make arrangements in relation to the adoption of children for or on behalf of the agency unless the person—

- (a) has completed a course in social work approved by the Director; and

- (b) has completed 5 years' practical experience in social work, of which at least 3 years is relevant to the adoption of children.

Adoption of overseas children

18. A private adoption agency shall not conduct negotiations or make arrangements in relation to the adoption of a child brought from a foreign country for the purpose of adoption in the Territory unless the requirements of subsection 20 (2) of the Act have been complied with.

Residential premises

19. A private adoption agency shall not be conducted from premises normally used for residential purposes.

Storage of information

20. A private adoption agency shall ensure that its adoption records are protected by reasonable security safeguards against—

- (a) loss;
- (b) unauthorised access, use, modification or disclosure; and
- (c) other misuse.

Application of Commonwealth Privacy Act

21. A private adoption agency shall not do an act, or engage in a practice, that would, if it were an agency for the purposes of the *Privacy Act 1988* of the Commonwealth, breach an Information Privacy Principle within the meaning of that Act.

Penalty: \$500.

PART VII—REGISTRATION OF ADOPTIONS

Register of adoptions

22. (1) The Registrar of Births, Deaths and Marriages shall keep a register of adoptions for the purposes of the Act and these Regulations.

(2) The register of adoptions kept by the Registrar of Births, Deaths and Marriages under paragraph 56 (a) of the *Adoption of Children Act 1965* before the commencement of section 3 of the *Adoption Act 1993* is to be taken to form part of the register of adoptions kept under subregulation (1).

(3) The Registrar of Births, Deaths and Marriages shall keep an index of the entries in the register of adoptions.

Registration

23. (1) A memorandum of an adoption order shall be in accordance with Form 3.

(2) The Registrar of Births, Deaths and Marriages shall register a memorandum of an adoption order by entering particulars of the adoption in the register of adoptions.

(3) Where the Registrar of Births, Deaths and Marriages receives a memorandum or copy of an adoption order made under a law in force in a State or in another Territory, he or she shall register it by entering particulars of the adoption in the register of adoptions.

(4) Where the Registrar of Births, Deaths and Marriages receives a copy of an order, made under the Act or made under a law of a State or another Territory, for the discharge of an adoption order that has been registered in the register of adoptions, he or she 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 Registrar of Births, Deaths and Marriages shall register a copy of an adoption order declared by the Court under section 57 of the Act to be an adoption to which section 55 of the Act applies by entering the relevant particulars in the register of adoptions.

Access to information from register of adoptions

24. (1) The Registrar of Births, Deaths and Marriages shall only allow a person to have access to the register of adoptions or to any memorandum or copy of an adoption order or an order discharging an adoption order—

- (a) in accordance with an order of the Court;
- (b) if the Registrar is satisfied that the access is properly required for the purpose of providing evidence in proceedings under the *Family Law Act 1975* of the Commonwealth; or
- (c) pursuant to this regulation.

(2) On application in accordance with subregulation (3) by an adopted person born in a foreign country or by an adoptive parent of such an adopted person, the Registrar of Births, Deaths and Marriages shall issue the applicant with a certificate in the form of an entry in the register of births.

(3) An application under subregulation (2) shall—

- (a) state any information required by the Registrar of Births, Deaths and Marriages for the purpose of issuing the certificate; and

(b) be accompanied by the determined fee.

(4) In this regulation—

“access”, in relation to the register of adoptions or a memorandum or copy of an adoption order or an order discharging an adoption order, includes—

- (a) inspection of the register or such a memorandum or copy;
- (b) in the case of the register—provision of an extract from the register; and
- (c) in the case of a memorandum of an order or a copy of a memorandum of an order—provision of a copy of, or an extract from, such a memorandum or copy.

Re-registration of birth of adopted child

25. (1) Where an order for the adoption of a child born in the Territory has been registered in the register of adoptions, the Registrar of Births, Deaths and Marriages shall re-register the birth of the child by entering in the register of births—

- (a) particulars, ascertained from the memorandum or copy of the adoption order—
 - (i) of the child’s name after adoption;
 - (ii) of the sex, date and place of birth of the child; and
 - (iii) of the adoptive parents or parent; and
- (b) a notation to the entry, signed and dated by the Registrar, to the effect that the birth of the child is registered under this regulation.

(2) Where, in respect of a child born in the Territory, an order discharging an adoption order has been registered in the register of adoptions, the Registrar of Births, Deaths and Marriages shall—

- (a) make a notation accordingly on the page in the register of births on which the birth of that child has been re-registered under subregulation (1); and
- (b) re-register the birth of that child accordingly.

(3) The notation referred to in subregulation (1) or (2) 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 or she shall sign and date a notation, written on the page of the register of births which contains the original entry of the birth, to the effect that the birth of the child has been re-registered under this regulation on a specified page of the register.

(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) This regulation has effect, in relation to an adoption order, or an order discharging an adoption order, made under the repealed laws and in force on 31 July 1993 as if the relevant order had been made under the Act.

Correction of errors in register of adoptions

26. (1) Where the Registrar of Births, Deaths and Marriages is satisfied that the register of adoptions contains an error or mis-statement in, or an omission from, any particulars entered under these Regulations, he or she shall correct the register accordingly.

(2) Where the Registrar of Births, Deaths and Marriages corrects an entry in the register of adoptions under subregulation (1), he or she shall sign his or her name immediately under the correction and write the date on which the correction was made.

Cancellation of entries in register of adoptions

27. (1) Where the Registrar of Births, Deaths and Marriages is satisfied that an entry in the register of adoptions is false, he or she shall cancel the entry by writing in the margin of the entry the words "Cancelled under regulation 27 of the Adoption Regulations", signing his or her name immediately under those words and writing the date on which the entry was cancelled.

(2) The Registrar of Births, Deaths and Marriages shall not cancel an entry in the register of adoptions—

- (a) if the entry can be corrected under regulation 26; or
- (b) unless the Attorney-General, or a person authorised by the Attorney-General, has approved, in writing, the cancellation of the entry.

Offences relating to registration

28. (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.

Penalty: \$500.

(2) 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 or her knowledge, false or misleading in a material particular.

Memoranda of orders sent to States and other Territories

29. (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 3.

(2) The prescribed officer of a State or of a Territory specified in Column 1 of Schedule 2 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 105 of the Act is the officer of that State or Territory specified in Column 2 of that Schedule opposite the name of that State or Territory.

Notice of decisions

30. (1) Where the Director makes a decision—

- (a) refusing to approve a tertiary qualification in social work, or in an appropriate social science under paragraph 16 (a); or
- (b) refusing to approve a course in social work under paragraph 17 (a);

he or she shall, within 30 days after the date of the decision, cause notice in writing of the decision to be given to the person affected by the decision.

- (2) A notice under subregulation (1) shall—
- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, application may be made to the Administrative Appeals Tribunal for review of the decision to which the notice relates; and
 - (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 26 of that Act.
- (3) The validity of a decision referred to in subregulation (1) shall not be taken to be affected by a failure to comply with subregulation (2).

Determination of fees

31. (1) The Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of these Regulations.

(2) A determination under subregulation (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

SCHEDULE 1
FORMS

FORM 1

Paragraph 5 (a)

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

GENERAL CONSENT OF PARENT OR GUARDIAN TO ADOPTION

I [full name and address of person consenting and the capacity in which the person's consent is required] hereby consent, subject to the desires or wishes expressed below, 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.

I received this form no later than 14 days ago.

[*I have read/*There has been read to me] the explanation set out below of the effect of an adoption order.

I have received information on the legal implications of adoption and I understand the legal consequences of signing this consent for the adoption of my child.

Religious upbringing

*I desire that my child be brought up in the [name of religion].

*I do not desire to express a wish with respect to the religious upbringing of my child.

Racial or ethnic background of adoptive parents

*I desire that my child [*be/*not be] brought up by a proposed adoptive parent, or proposed adoptive parents with the following racial or ethnic background: [specify].

*I do not wish to express a wish with respect to the racial or ethnic background of the proposed adoptive parent, or proposed adoptive parents, of my child.

Single adoptive parent

*I desire that my child [*be/*not be] brought up by a single person.

*I do not desire to express a wish with respect to whether or not my child is brought up by a single person.

Date:

Signature:

Attestation of primary witness

1. I have informed [name of person signing the instrument] about the legal implications of adoption and the legal consequences of signing the instrument.

2. I am satisfied that [name of person signing the instrument] understands the legal implications of adoption and the legal consequences of signing this instrument.

3. I have witnessed [name] sign this instrument.

Date:

SCHEDULE 1—continued

Signed:

Capacity under subregulation 7 (2) of the Adoption Regulations in which instrument is witnessed:

Attestation of secondary witness

1. [*Name primary witness*] has adequately informed [*name of person signing the instrument*] about the legal implications of adoption and the legal consequences of signing the instrument.
2. I am satisfied that [*name of person signing the instrument*] understands the legal implications of adoption and the legal consequences of signing this instrument.
3. I have witnessed [*name*] sign this instrument.

Date:

Signature of secondary witness:

Capacity under subregulation 7 (3) of the Adoption Regulations in which instrument is witnessed:

Dated:

* Strike out where inapplicable

EFFECT OF ADOPTION ORDER

Upon the making of an adoption order—

- (a) the adopted child becomes in contemplation of law a child of the adoptive parents, and the adoptive parents become in contemplation of law the parents of the child as if the child had been born to the adoptive parents;
- (b) the adopted child ceases to be a child of the birth parents or of any person who was an adoptive parent before the making of the adoption order, and any such person ceases to be a parent of the child;
- (c) any existing appointment of a person as guardian of the adopted child ceases to have effect;
- (d) any previous adoption of the child (whether under a law of the Territory or otherwise) ceases to have effect;
- (e) for the purposes of any law of the Territory relating to an offence of child sexual abuse, the adoption order will not affect the liability of the birth parents for prosecution for an offence occurring before or after the adoption;
- (f) 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 commencement of the Act or under subsection 48 (1) of the Act are not affected;
- (g) the child acquires the domicile of the adoptive parents, but the child's race, nationality and citizenship are not affected; and
- (h) a maintenance order, or an agreement, made before the adoption order, by which the alleged birth 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).

SCHEDULE 1—continued

FORM 2

Paragraph 5 (b)

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

LIMITED CONSENT OF PARENT OR GUARDIAN TO ADOPTION

I [full name and address of person consenting and the capacity in which the 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—

- *(a) [full name and address of a particular person who is a relative of the child];
- *(b) [full name and address of a person who has been appointed as a guardian of the child by order of a court];
- *(c) [full name and address of a person in whose custody the child has been placed by the Director in accordance with a law of the Territory];
- *(d) [full name and address of a person who is not a parent of the child but has lived with the parent of the child in a heterosexual relationship for a period of not less than 3 years].

I received this form no later than 14 days ago.

[*I have read/*There has been read to me] the explanation set out below of the effect of an adoption order.

I have received information on the legal implications of adoption and I understand the legal consequences of signing this consent for the adoption of my child.

Religious upbringing

*I desire that my child be brought up in the [name of religion].

*I do not desire to express a wish with respect to the religious upbringing of my child.

Date:

Signature:

Attestation of primary witness

1. I have informed [name of person signing the instrument] about the legal implications of adoption and the legal consequences of signing the instrument.
2. I am satisfied that [name of person signing the instrument] understands the legal implications of adoption and the legal consequences of signing this instrument.
3. I have witnessed [name] sign this instrument.

Date:

Signed:

Capacity under subregulation 7 (2) of the Adoption Regulations in which instrument is witnessed:

Attestation of secondary witness

1. [Name primary witness] has adequately informed [name of person signing the instrument] about the legal implications of adoption and the legal consequences of signing the instrument.
2. I am satisfied that [name of person signing the instrument] understands the legal implications of adoption and the legal consequences of signing this instrument.
3. I have witnessed [name] sign this instrument.

Date:

Signature of secondary witness:

SCHEDULE 1—continued

Capacity under subregulation 7 (3) of the Adoption Regulations in which instrument is witnessed:

Dated:

* Strike out where inapplicable

EFFECT OF ADOPTION ORDER

Upon the making of an adoption order—

- (a) the adopted child becomes in contemplation of law a child of the adoptive parents, and the adoptive parents become in contemplation of law the parents of the child as if the child had been born to the adoptive parents;
- (b) the adopted child ceases to be a child of the birth parents or of any person who was an adoptive parent before the making of the adoption order, and any such person ceases to be a parent of the child;
- (c) where the order is made in favour of a person referred to in subsection 18 (2) of the Act—the relationship of the child with the parent referred to in that subsection is not affected;
- (d) any existing appointment of a person as guardian of the adopted child ceases to have effect;
- (e) any previous adoption of the child (whether under a law of the Territory or otherwise) ceases to have effect;
- (f) for the purposes of any law of the Territory relating to an offence of child sexual abuse, the adoption order will not affect the liability of the birth parents for prosecution for an offence occurring before or after the adoption;
- (g) 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 commencement of the Act or under subsection 48 (1) of the Act are not affected;
- (h) the child acquires the domicile of the adoptive parents, but the child's race, nationality and citizenship are not affected; and
- (j) a maintenance order, or an agreement, made before the adoption order, by which the alleged birth 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).

FORM 3 Subregulations 23 (1) and 29 (1)
AUSTRALIAN CAPITAL TERRITORY
Adoption Act 1993
MEMORANDUM OF ADOPTION ORDER

No. of [year]
Date of adoption order:

In the Supreme Court
of the Australian Capital Territory

Particulars of Adopted Child

Full name before adoption
Sex
Date of birth.....
Place of birth.....
Father's full name
Mother's full name.....
Mother's full maiden name.....
Mother's surname at date of birth of adopted child
Full name of child after adoption

Particulars of Adopting Parents

Full name of adopting father.....
Occupation.....
Address.....
Place of birth.....
Age at date of birth of adopted child.....
Full name of adopting mother.....
Occupation.....
Address.....
Place of birth.....
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.....

* Strike out where inapplicable

Date:

,

Registrar of the Supreme Court

SCHEDULE 2
REGISTERING OFFICERS

Subregulation 29 (2)

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

NOTE

1. Notified in the ACT Gazette on 30 July 1993.