

Queensland



ANNO TRICESIMO

ELIZABETHAE SECUNDAE REGINAE

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No. 42 of 1981

**An Act to amend the Adoption of Children Act 1964–1979  
in certain particulars**

[ASSENTED TO 12TH JUNE, 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title and citation.** (1) This Act may be cited as the *Adoption of Children Act Amendment Act 1981*.

(2) In this Act the *Adoption of Children Act 1964–1979* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Adoption of Children Act 1964–1981*.

**2. Commencement.** (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided in subsection (1), this Act or the provisions thereof specified by Proclamation shall commence on the day or days appointed by Proclamation.

**3. Amendment of s. 16. Discharge of adoption orders.** Section 16 of the Principal Act is amended by, in subsection (4), omitting from paragraph (d) the words “(including the domicile of origin)”.

**4. Repeal of s. 31. Effect of order on domicile.** The Principal Act is amended by repealing section 31.

**5. Amendment of s. 38. Recognition of foreign adoptions.** Section 38 of the Principal Act is amended by—

(a) in subsection (2), omitting provision (b);

(b) in subsection (6), omitting provisions (b) and (c) and substituting the following words:—

“and

(b) that the adoption has not been rescinded.”.

**6. New s. 38A.** The Principal Act is amended by inserting after section 38 the following section:—

“**38A. Director to have limited supervision of adopted children.** (1) Subject to subsections (2) and (3), where—

(a) a child is adopted in a country (other than New Zealand) outside the Commonwealth and the Territories of the Commonwealth, whether or not the adoption is one that pursuant to this Act has the same effect as an adoption order under this Act;

(b) the adoption of that child has been in force for a period not exceeding 12 months;

(c) the adopter or one of the adopters was not, at the time of making the order of adoption in relation to that child, a national or citizen of the country in which the order was made; and

(d) that child is present in Queensland,

the Director may supervise the welfare and interests of that child for a period of 12 months commencing on the date of arrival of the child in Queensland and any person authorized in writing by the Director in that behalf either generally or in any particular case has a right of access to the child at all reasonable times during that period.

(2) Where a child whose welfare and interests may be supervised by the Director pursuant to subsection (1) has, after being adopted but before his arrival in Queensland, been resident in any State (other than Queensland) or in a Territory of the Commonwealth or in New Zealand the period during which the child is subject to the Director's supervision shall be reduced proportionately to the period of its residence in that other State or Territory or in New Zealand.

(3) The Director may exempt any child to whom subsection (1) would otherwise apply from the provisions of that subsection whereupon, for as long as the exemption subsists, that subsection shall not apply in relation to that child."

**7. Amendment of s. 39. Declarations of validity of foreign adoptions.**

Section 39 of the Principal Act is amended by in subsection (3) inserting before the existing provisions the following paragraph:—

"Where an application is made under this section, a copy of the application shall be served, 21 days at the least before the date fixed for the hearing of the application, on the Director who shall be entitled to intervene in and to become a party to the proceedings concerning the application."

**8. New s. 57A.** The Principal Act is amended by inserting after section 57 the following section:—

**"57A. Assistance to adopters and adopted children.** (1) Where an adoption order has been made and it appears to the Director that the welfare or interests of the child to whom the order relates requires that assistance be given to the adopter or adopters (or either of them) in whose favour the order was made or to such child, the Director may in his discretion give such assistance in such form and for such period as he considers appropriate.

(2) The regulations may prescribe in relation to the giving of assistance under subsection (1) and where they do so such assistance shall be given in accordance with the regulations.

(3) When assistance that may be given under subsection (1) involves the expenditure of money by the Director the power conferred by that subsection shall be subject to appropriation by Parliament of moneys for the purpose."

**9. Repeal of and new s. 59B. Disclosure of information authorized in certain cases.** The Principal Act is amended by repealing section 59B and substituting the following section:—

“**59B. Disclosure of information authorized in certain cases.** Notwithstanding the provisions of section 59 or any other provision of this Act, where the Director has entered into working arrangements with—

- (a) the government of a country outside the Commonwealth and the Territories of the Commonwealth; or
- (b) any authority or person in such a country being an authority or person recognized by the Director as having a proper concern with the adoption of children in or from that country,

for the purpose of facilitating the adoption in Queensland of children from that country, the Director or any officer of the Department of Children's Services authorized by the Director in that behalf either generally or in any particular case may give, supply or transmit to such government or a person or authority acting under the authority of such government or, as the case may be, to such authority or person with whom the working arrangements subsist any information, report or document that is to be given, supplied or transmitted by the Director to that government, authority or person under the terms of such working arrangements.”.

**10. Amendment of s. 65. Regulations.** Section 65 of the Principal Act is amended by, in subsection (1), omitting provision (d) and substituting the following provision:—

- “(d) fees payable for the purposes of this Act and waiver of payment of such fees, wholly or in part, by a person authorized in that behalf by the regulations;”.