

Queensland



ANNO TRICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

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No. 35 of 1986

**An Act to amend the Adoption of Children Act 1964-1981  
and the Adoption of Children Act Amendment Act  
1983 each in certain particulars and the Registration  
of Births, Deaths and Marriages Act 1962-1982 in a  
certain particular**

[ASSENTED TO 5TH SEPTEMBER, 1986]

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:—

PART I—PRELIMINARY

**1. Short title.** This Act may be cited as the *Adoption of Children Acts and Another Act Amendment Act 1986*.

**1A. Commencement.** (1) The provisions of this Part and of Parts III and IV shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) The provisions of Part II or such of them as are specified in the Proclamation shall commence on a day or days to be appointed by Proclamation for the commencement of those provisions.

**2. Arrangement.** This Act is arranged in Parts as follows:—

PART I—PRELIMINARY (ss. 1-2);

PART II—AMENDMENT OF ADOPTION OF CHILDREN ACT 1964-1981 (ss. 3-13);

PART III—AMENDMENT OF ADOPTION OF CHILDREN ACT AMENDMENT ACT 1983 (ss. 14-43);

PART IV—AMENDMENT OF REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1962-1982 (ss. 44-45).

PART II—AMENDMENT OF ADOPTION OF  
CHILDREN ACT 1964-1981

**3. Citation.** (1) In this Part the *Adoption of Children Act 1964-1981* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Adoption of Children Act 1964-1986*.

**4. Amendment of s. 3. Parts.** Section 3 of the Principal Act is amended by inserting after the reference to Part IV the following words:—

“PART IVA—ADOPTION CONTACT REGISTER  
(ss. 39A-39K);”.

**5. Amendment of s. 6. Interpretation.** Section 6 of the Principal Act is amended by—

(a) inserting after the definition “child” the following definition:—

““Children’s Court” means a Children’s Court constituted under the *Children’s Services Act 1965-1982* by a Magistrate of Children’s Courts, a Stipendiary Magistrate or an Acting Stipendiary Magistrate;”;

(b) inserting after the definition “Commonwealth” the following definition:—

“ “Criminal history” in relation to any person means—

(a) convictions of that person for any offence committed in Queensland or elsewhere not being convictions that have been quashed or set aside;

and

(b) charges made against that person in respect of any offence committed in Queensland or elsewhere that have proceeded to final determination, which has resulted—

(i) in respect of an offence committed in Queensland, in the making of a probation order or a community service order under the *Offenders Probation and Parole Act 1980-1983* or legislation repealed by that Act in relation to that person;

or

(ii) in respect of an offence committed elsewhere, in the making of an order of a description similar to that of the order referred to in subparagraph (i) in relation to that person;”;

**6. Amendment of s. 25A. Consent not required in certain circumstances.** Section 25A of the Principal Act is amended by—

(a) in subsection (1), omitting the words “an immigrant child” and substituting the words “a non-citizen child”;

(b) omitting subsection (2) and substituting the following subsection:—

“(2) In subsection (1) the expression “non-citizen child” has the meaning ascribed to it by the *Immigration (Guardianship of Children) Act 1946* of the Commonwealth as amended from time to time.”.

**7. New Part IVA.** The Principal Act is amended by inserting after section 39 the following heading and sections:—

**“PART IVA—ADOPTION CONTACT REGISTER**

**39A. Interpretation.** In this Part, except where a contrary intention appears—

“adoptive parent” means a person who has adopted a person in accordance with the law of Queensland applicable to adoptions at the time when the adoption of the person occurred;

“adopted person” means a person who has been adopted in accordance with the law of Queensland applicable to adoptions at the time when the adoption of the person occurred;

“birth parent”, in relation to an adopted person, means a parent (whether natural or adoptive) of the adopted person whose consent to the adoption of the adopted person was given or dispensed with in accordance with the law of Queensland applicable to adoptions at the time when the adoption of the adopted person occurred;

“register” means the Adoption Contact Register kept pursuant to section 39B;

“relative”, in relation to an adopted person, means a person who has or had at least one parent (whether natural or adoptive) who is or was a birth parent of the adopted person.

**39B. Adoption Contact Register.** (1) The Director shall, in accordance with this Part, keep in such form as he thinks appropriate a register to be called the “Adoption Contact Register”.

(2) The only persons who shall have access to the register shall be—

(a) the Director;  
and

(b) an officer of the Department of Children’s Services authorized in writing by the Director in that behalf.

**39C. Persons entitled to be entered in register.** (1) Subject to subsection (2), the persons who, upon application made in the prescribed form to the Director, are entitled to have the prescribed particulars concerning them entered in the register are—

(a) an adopted person who has attained the age of 18 years;

(b) a birth parent of an adopted person;

(c) a relative of an adopted person, if he is an eligible person under section 39D;  
and

(d) an adoptive parent of an adopted person who has attained the age of 18 years.

(2) In no case shall an applicant under paragraph (b) or (c) of subsection (1) have the entitlement therein referred to unless he satisfies the Director that there is or was an adopted person by reason of whose adoption the applicant’s claimed entitlement has arisen.

(3) In subsection (1) the expression “prescribed particulars” means—

the name of the applicant;

the place of residence of an applicant under paragraph (a), (b) or (c) of subsection (1);

and

such particulars as the Director thinks necessary to insert in the register in relation to a particular entry therein.

**39D. Eligibility of relative.** A relative of an adopted person shall be eligible to have prescribed particulars concerning him entered in the register pursuant to section 39C if he has attained the age of 18 years and satisfies the Director—

- (a) in a case where there are or were two joint birth parents of the adopted person, being birth parents through one or both of whom he is a relative of the adopted person,
  - (i) that both birth parents are dead;  
or
  - (ii) that an order made under section 39J (2) exists in relation to each birth parent;  
or
  - (iii) that one birth parent is dead and an order made under section 39J (2) exists in relation to the other birth parent;
- and
- (b) in a case where there is or was one birth parent of the adopted person, being a birth parent through whom he is a relative of the adopted person,
  - (i) that the birth parent is dead;  
or
  - (ii) that an order made under section 39J (2) exists in relation to the birth parent.

**39E. Further provisions as to register.** (1) Entry of prescribed particulars in the register pursuant to section 39C shall not be made if it is sought to make the entry subject to any condition.

(2) Where prescribed particulars entered in the register pursuant to section 39C alter in any respect within the knowledge of the person whom the particulars concern that person shall be entitled, upon application made in writing to the Director, to have an appropriate alteration made in the register.

(3) Upon—

- (a) the Director being satisfied that a person whose prescribed particulars are entered in the register pursuant to section 39C has died;  
or
- (b) the application in writing made to the Director by a person whose prescribed particulars are entered in the register pursuant to section 39C,

the Director shall cause those particulars to be removed from the register.

(4) Where a reunion has been arranged under section 39G the Director may cause the prescribed particulars entered in the

register pursuant to section 39C concerning any person who participated in the reunion or concerning an adoptive parent of an adopted person who so participated to be removed from the register.

**39F. Publication of register's existence.** The Director shall, from time to time, publicize in such manner as he thinks appropriate the fact that the register exists, the purpose of the register and a place where inquiry for entry in the register may be made.

**39G. Arrangement of reunions.** (1) Where the Director is satisfied that there are entered in the register pursuant to section 39C prescribed particulars concerning—

- (a) an adopted person;
- (b) a birth parent of that adopted person or a relative of that adopted person;
- and
- (c) an adoptive parent of that adopted person, being the last adoptive parent of that person where that person has been adopted more than once,

the Director shall, subject to this section, arrange a reunion between that adopted person and the birth parent or relative referred to in paragraph (b).

(2) The Director shall not arrange a reunion between an adopted person who had two joint adoptive parents (being the last adoptive parents of that person where that person has been adopted more than once) and any other person unless prescribed particulars concerning both those adoptive parents are entered in the register pursuant to section 39C or the case is one to which section 39H applies.

(3) The Director shall not arrange a reunion between an adopted person who had two joint birth parents and one only of the birth parents unless that birth parent satisfies the Director that the other birth parent is dead or that an order made under section 39J (2) exists in relation to the other birth parent.

(4) The Director shall not arrange a reunion pursuant to subsection (1) unless every person entitled to participate in the reunion has been counselled with respect to the reunion by the Director or by a person authorized by or on behalf of the Director.

**39H. Arrangement of reunions in absence of adoptive parents' particulars.** Notwithstanding the provisions of section 39G (1) the Director shall arrange a reunion between an adopted person and a birth parent or relative as provided by section 39G where prescribed particulars concerning an adoptive parent or concerning two joint adoptive parents are not entered in the register pursuant to section 39C, as required by section 39G (1) and (2) if—

- (a) in a case where the adopted person had two joint adoptive parents (being the last adoptive parents, where the person has been adopted more than once)—
  - (i) the adopted person satisfies the Director that the adoptive parent or parents whose prescribed

particulars are not entered in the register is or are dead or that an order made under section 39J (2) exists in relation to that adoptive parent or those adoptive parents;

or

- (ii) the adoptive parent whose prescribed particulars are entered in the register satisfies the Director that the other adoptive parent is dead or that an order made under section 39J (2) exists in relation to that adoptive parent;
- (b) in a case where the adopted person had one only adoptive parent (being the last adoptive parent, where the person has been adopted more than once) the adopted person satisfies the Director that the adoptive parent is dead or that an order made under section 39J (2) exists in relation to that adoptive parent.

**39i. Modes of reunion.** (1) In arranging a reunion the Director shall cause to be given to each person entitled to participate in the reunion notification of the name and place of residence, last known to the Director, of each other person so entitled and, if the adopted person concerned and one or more of the other such persons desire it, arrange a meeting between all persons entitled to participate in the reunion who desire a meeting.

(2) Subsection (1) shall not be construed to fetter the Director's discretion as to the course he pursues in arranging a meeting or as to the time, place and circumstances of a meeting.

(3) Expenses of attending a meeting arranged by the Director incurred by persons participating in the reunion shall not be the responsibility of the Director.

**39j. Court orders affecting matters within purview of this Part.** (1) An application to the Supreme Court or a Children's Court for an order under this section shall be duly made if—

- (a) being an application for an order in respect of one birth parent of an adopted person, it is made by an applicant who is the other joint birth parent of that person or who is a relative of the adopted person;
- (b) being an application for an order in respect of two joint birth parents of an adopted person, it is made by an applicant who is a relative of the adopted person;
- (c) being an application for an order in respect of an adoptive parent it is made by an applicant who was adopted by the adoptive parent or, where there are two joint adoptive parents, by the adoptive parent other than the one to whom the application relates.

(2) The Supreme Court or a Children's Court may, on an application that, in accordance with subsection (1), is duly made

to it, if it is satisfied on the evidence that an order should be made under this subsection, by its order declare that—

a birth parent or each of two joint birth parents of an adopted person;

or

an adoptive parent or each of the joint adoptive parents of an adopted person—

(a) cannot, after reasonable inquiry, be found;

or

(b) is in such a physical or mental condition as not to be capable of properly considering the question whether prescribed particulars concerning himself should be entered in the register pursuant to section 39C.

(3) When a proceeding for the purposes of subsection (2) has been commenced in a Children's Court, any party to the proceeding or any person likely to be affected by any order made in the proceeding may make application to the Supreme Court for an order that the proceeding be removed into the Supreme Court and, if the order is made, the proceeding shall be thereupon removed from the jurisdiction of the Children's Court accordingly.

Upon such an application the Supreme Court may make or refuse to make the order sought and may make such order as to costs as it thinks fit.

(4) If the Magistrate constituting a Children's Court to which an application is made pursuant to this section considers that the application should more properly or could more conveniently be determined by the Supreme Court, he shall refrain from dealing with the application.

An appeal shall not lie from such a decision.

(5) Any person who feels aggrieved by an order of a Children's Court made under subsection (2) or a refusal by a Children's Court to make an order under that subsection (otherwise than pursuant to subsection (4)) may, notwithstanding the provisions of the *District Courts Act 1967-1982*, appeal to a Judge of the Supreme Court.

Every such appeal shall be by way of re-hearing.

In respect of every such appeal and every order made therein the provisions of Division II of Part IX of the *Justices Act 1886-1985* other than the provisions of section 222 (1) and (3) and of section 223 shall apply with all necessary adaptations and, in particular, for the purposes of such application—

(a) section 222 (2) of that Act shall be construed as if—

(i) the words "or within seven days after obtaining the leave of a Judge to appeal against the decision,



as the case may be," were omitted from subparagraph (a) of paragraph (i);  
and

(ii) paragraphs (iv), (v) and (vi) were omitted;  
and

(b) a reference "clerk of petty sessions" shall be construed as a reference "person having custody of the records of the Children's Court".

**39k. Revocation of order under s. 39J (2).** (1) An order made under section 39J (2) may, on the application of the person in relation to whom it exists, be revoked—

(a) in the case of an order made by the Supreme Court, by that court;  
or

(b) in the case of an order made by a Children's Court, by that court or the Supreme Court,

at any time before a reunion is arranged pursuant to section 39G between an adopted person, of whom the applicant is a birth parent or an adoptive parent, and another person.

(2) The Court empowered by subsection (1) to revoke an order made under section 39J (2) may revoke the order if—

(a) in the case of an order based on the fact that the applicant could not, after reasonable inquiry, be found, it is satisfied on the evidence that his whereabouts are known;  
and

(b) in the case of an order based on the physical or mental condition of the applicant, that the order is no longer justified by reason of a change in that physical or mental condition.

(3) Where the Court revokes an order under subsection (2)—

(a) the order shall cease to exist;

(b) notice in writing of the revocation shall be given forthwith to the Director by the Registrar of the Supreme Court or, as the case may be, the person having custody of the records of the Children's Court in question;  
and

(c) in the case of a revocation granted on the application of a birth parent of an adopted person, the Director shall cause to be removed from the register any prescribed particulars entered therein pursuant to section 39C concerning a relative of the adopted person.

(4) When a proceeding for the purposes of subsection (1) has been commenced in a Children's Court the provisions of

section 39J (3), (4) and (5) shall apply in relation to it and in relation to a person who feels aggrieved by an order made therein as if the proceeding were one for the purposes of section 39J (2) and as if the order were made under that section.”.

**8. Repeal of and new s. 48.** The Principal Act is amended by repealing section 48 and substituting the following section:—

“**48. Personation.** A person shall not personate or falsely represent himself to be—

(a) a person whose consent to the adoption of a child is required by this Act or by the law of another State or of a Territory of the Commonwealth;

or

(b) a person—

(i) who is authorized by this Act to do anything for any purpose for which this Act provides;

or

(ii) whose act is necessary to attain any purpose for which this Act provides.”.

**9. Repeal of and new s. 53.** The Principal Act is amended by repealing section 53 and substituting the following section:—

“**53. General penalty.** Any person who contravenes or fails to comply with a provision of this Act commits an offence against this Act.

Any person who commits an offence against this Act is liable, except where another penalty is specifically provided, to a penalty not exceeding \$2 000 or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.”.

**10. Amendment of penalty provisions.** Each section of the Principal Act specified in the first column of the following Table is amended in the manner specified in the second column of that Table:—

TABLE

Section Amended	Amendment
Ss. 41 (1), 41 (2), 42, 43, 44, 45, 46, 47, 50	omit the words— “Penalty: \$400 or imprisonment for six months,” in each case.

**11. New s. 59C.** The Principal Act is amended by inserting after section 59B the following section:—

“**59C. Disclosure of criminal histories.** (1) Upon a request signed by the Director or an officer of the Department of Children’s Services authorized in writing by the Director in that

behalf, the Commissioner of Police or a person delegated by the Commissioner for the purpose shall disclose in writing to the Director the criminal history (as shown in the Commissioner's records) of any person specified in the request to be an applicant to become an adoptive parent or a prospective adopter.

(2) The Crown, a member of the Police Force or any other person shall not incur liability, on account of a disclosure of the whole or any part of the criminal history of any person pursuant to the obligation imposed by subsection (1)."

**12. New s. 62A.** The Principal Act is amended by inserting after section 62 the following section:—

**"62A. Engagement of agents.** (1) The Director may enter into contracts for services with such persons having qualifications and experience appropriate to the proper discharge of the contracts as he thinks fit with a view to those persons—

(a) acting as his agents in preparing reports in connection with the making of assessments;

or

(b) acting as counsellors for the purposes of section 39G (4).

(2) Every person with whom the Director enters into a contract under subsection (1) shall be entitled to fees upon a scale from time to time approved by the Minister."

**13. Repeal of and new s. 64.** The Principal Act is amended by repealing section 64 and substituting the following section:—

**"64. Practice and procedure upon applications.** In the absence of a Rule of Court or a sufficient Rule of Court that regulates in any particular the practice and procedure of the Supreme Court upon applications that may be made to the court under any provision of this Act, the Supreme Court may give directions for the purpose of giving full effect to the provisions of this Act in relation to an application made to the court.

All steps taken in accordance with the directions so given shall be deemed to be regular and sufficient."

### PART III—AMENDMENT OF ADOPTION OF CHILDREN ACT AMENDMENT ACT 1983

**14. Citation.** (1) In this Part the *Adoption of Children Act Amendment Act 1983* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Adoption of Children Act Amendment Act 1983-1986*.

**15. Amendment of s. 1. Short title and citation.** Section 1 of the Principal Act is amended by, in subsection (3), omitting the expression "1983" and substituting the expression "1986".

**16. New s. 4A.** The Principal Act is amended by inserting after section 4 the following section:—

**“4A. New s. 5B.** The Principal Act is amended by inserting after section 5A the following section:—

**“5B. Inherent jurisdiction of Supreme Court preserved.** No provision of this Act shall be construed to restrict or prejudice the jurisdiction of the Supreme Court in relation to persons who have not attained the age of 18 years.””.

**17. Amendment of s. 5. Amendment of s. 6. Interpretation.** Section 5 of the Principal Act is amended by—

(a) in paragraph (e), omitting the definition “Special needs child” and substituting the following definition:—

“ “Special needs child”—A child declared by the Director under this Act to be a special needs child; the term includes a mature person to whom section 14A applies, a non-citizen child to whom section 25A (2) applies and a child to whom section 20 (3) applies;”;

(b) omitting paragraph (f) and substituting the following paragraphs:—

“(f) omitting the definition “ “Supreme Court” or “the Court” ” and substituting the following definitions:—

“ “Supreme Court”—Includes a Judge of the Supreme Court;

“The Court”—When used in relation to a matter within the jurisdiction of the Supreme Court and of a Children’s Court, includes each of those Courts and when used in any other case means the Supreme Court;”;

(g) inserting after the definition “The repealed Acts” the following definition:—

“ “The tribunal” means the Adoptions Appeals Tribunal from time to time constituted for the purposes of this Act;”.

**18. Amendment of s. 6. New Part II.** Section 6 of the Principal Act is amended by—

(a) in section 7, provided for therein—

(i) omitting from subsections (3) and (4) the words “the *Adoption of Children Act Amendment Act 1983*” and substituting in each case the words “section 6 of the *Adoption of Children Act Amendment Act 1983-1986*”;

(ii) omitting from subsections (3) and (4) the words “that Act” and substituting in each case the words “that section”;

(iii) adding at the end of the section the following subsection:—

“(5) Where an application to be authorized to adopt a child has been made in accordance with the relevant law before the commencement of section 6 of the *Adoption of Children Act Amendment Act 1983-1986* by a parent, whether natural or adoptive, of the child and the parent’s spouse, then, if the applicants so approve—

- (a) the application shall be treated as an application by the applicant who is the parent’s spouse;
  - (b) any consent given by the child’s other parent, whether natural or adoptive, to the adoption of the child by the applicants jointly shall be deemed to be a consent to the adoption of the child by the applicant who is the parent’s spouse;
- and
- (c) an adoption order may be made in favour of the prospective adopter who is the parent’s spouse, alone.

The term “applicant” or “applicants” in this subsection shall be construed to include an applicant who has become a prospective adopter.”.

(b) in section 7A, provided for therein—

(i) omitting from subsection (1) the word “applicant” and the word “applicants” wherever that word occurs and substituting respectively the words “prospective adopter” and the words “prospective adopters” in each case;

(ii) omitting from subsection (2) the words “an applicant” and substituting the words “a prospective adopter”;

(iii) omitting from subsection (2) the word “applicant” where it secondly occurs and substituting the words “prospective adopter”.

(c) in section 8, provided for therein—

(i) omitting the word “tribunal”, where it occurs in the note appearing in and at the beginning of the section, and substituting the words “**Appeals Tribunal**”;

(ii) inserting after the word “Adoptions”, where it occurs in subsection (1), the word “Appeals”;

(iii) omitting subsections (2), (3), (4) and (5) and substituting the following subsections:—

“(2) The tribunal shall be constituted by three members of whom one shall be the chairman appointed under subsection (3) and two shall be persons appointed to the panel referred to in subsection (3) and selected by the chairman for the purpose of disposing of a particular matter to be heard by the tribunal.

(3) The Governor in Council may, upon the recommendation of the Minister, by notification published in the Gazette—

- (a) appoint a person to be chairman of the tribunal;  
and
- (b) appoint persons, in a number nominated from time to time by the Minister, to constitute a panel of persons to be selected as members of the tribunal.

A person shall not be appointed under this subsection unless he possesses knowledge or experience appropriate to the proper discharge of his functions as a member of the tribunal.

(4) Neither the chairman of the tribunal nor any person appointed to the panel referred to in subsection (3) shall be an officer of the Department of Children's Services or a person who in the discharge of his duties is accountable to the Director.

If any person holding an appointment referred to in subsection (3) is an officer of the Public Service of Queensland, he may hold the appointment and act as chairman or member of the tribunal in addition to any office held by him in the Public Service.

(5) An appointment made under subsection (3) shall be for such period as is specified by the Governor in Council in the appointment.

Every appointee shall be eligible for re-appointment.”.

(d) in section 8A, provided for therein—

(i) omitting subsection (1) and substituting the following subsections:—

“(1) The jurisdiction of the tribunal is to hear and determine, subject to this Act, appeals duly made to it in accordance with this Act from assessments and in the exercise of its jurisdiction the tribunal—

- (a) may affirm the assessment;
- (b) may refer the assessment to the Director for reconsideration, having regard to matters specified by the tribunal;
- (c) may set aside the assessment and substitute the tribunal's favourable assessment, which shall be deemed to be the assessment of the Director;

or

- (d) may, where the tribunal has exercised its jurisdiction under paragraph (c) and the appellant's or appellants' application to become an adoptive parent or adoptive parents relates to a child who is a relative of the appellant or, in the case of two appellants, either of them, and subject to subsection (2) order the Director to make an adoption order or an interim order in

respect of the child in favour of the appellant or, as the case may be, the appellants,

and the tribunal is hereby invested with the necessary jurisdiction accordingly.

(2) In the exercise of its jurisdiction under subsection (1) the tribunal is bound by the same prohibitions, restrictions and requirements as bind the Director in the discharge of his functions or duties or the exercise of his powers under this Act and, where necessary, the provisions of this Act shall be construed as if a reference therein to the Director includes a reference to the tribunal.

(3) Where the tribunal has exercised its jurisdiction under paragraph (d) of subsection (1) no provision of this Act shall apply so as to hinder the Director in giving effect to the tribunal's order."

(ii) renumbering subsection (2) as subsection (4) and omitting from that subsection the words "subject to the making by the Director of a further assessment pursuant to section 14" and substituting the words "without prejudice to the operation of section 14 where it is appropriate";

(iii) omitting subsection (3):

(e) in section 9, provided for therein—

(i) inserting after the word "applicant" where it occurs in subsection (1) the words "or a prospective adopter";

(ii) inserting after the word "applicant" where it occurs in subsection (2) the words "or prospective adopter";

(iii) omitting subsection (4) and substituting the following subsection:—

"(4) In disposing of an appeal duly instituted to it the tribunal may inform itself on all relevant matters in such manner as it thinks fit, without being bound by rules of evidence, and receive evidence orally or in writing, on oath, affirmation or by declaration."

**19. Repeal of and new s. 8. Amendment of s. 11. Who may be adopted.** The Principal Act is amended by repealing section 8 and substituting the following section:—

**"8. Amendment of s. 11. Who may be adopted.** Section 11 of the Principal Act is amended by, in subsection (1), omitting paragraph (b) and substituting the following paragraph:—

"(b) has been brought up, maintained and educated by the prospective adopter or prospective adopters or by the prospective adopter and a deceased spouse of the prospective adopter and has generally been treated by him or them as his or their child."

**20. Amendment of s. 9. Repeal of and new s. 12. Persons in whose favour adoption orders may be made.** Section 9 of the Principal Act is

amended by, in section 12, provided for therein, omitting subsection (5) and substituting the following subsection:—

“(5) An adoption order shall not be made in favour of a prospective adopter or of prospective adopters either of whom is a relative of the child concerned unless the Director is satisfied that, in the circumstances of the case, the welfare and interests of the child would be better served by such an order than by an order for guardianship or custody made by a court of competent jurisdiction in relation to the child.”.

**21. Amendment of s. 10. Repeal of and new s. 13. Age of adopters.** Section 10 of the Principal Act is amended by, in section 13, provided for therein—

(a) omitting the words “an applicant” and substituting the words “a prospective adopter”;

(b) omitting the word “applicants” and substituting the words “prospective adopters”;

(c) omitting the word “applicant” where it twice occurs in paragraph (c) and substituting in each case the words “prospective adopter”;

(d) inserting in paragraph (f) before the words “the Director” the words “in any case,”.

**22. Amendment of s. 11. New ss. 13A to 13C.** Section 11 of the Principal Act is amended by—

(a) in section 13A, provided for therein—

(i) omitting subsection (1) and substituting the following subsection:—

“(1) A person who wishes to adopt a child shall make in the prescribed form an application to become an adoptive parent and to have his name entered in the appropriate adoption list and shall lodge the application with the Director.”;

(ii) omitting subsection (3) and substituting the following subsection:—

“(3) A person who duly makes and lodges an application shall be entitled to have his name entered in the adoption list appropriate to his application but if—

(a) he should prove to be ineligible as prescribed to have his name entered in the adoption list;

or

(b) he should fail to comply with the prescribed procedural requirements,

his name shall be forthwith removed from the adoption list.”;

(iii) adding at the end thereof the following subsection:—

“(4) Applicants or prospective adopters referred to in section 7 (3) or (4) shall continue to be subject to criteria of eligibility



to have their names entered or remain in the adoption list that were applied to them by the Director immediately before the commencement of section 11 of the *Adoption of Children Act Amendment Act 1983-1986* and shall not be affected by any prescribed criterion of eligibility that was not applicable to them at that time.”.

(b) in section 13B, provided for therein—

(i) omitting from subsection (2) the words “to adopt a child in respect of whom he is a relative” and substituting the words “to become an adoptive parent of a child of whom he is a relative”;

(ii) omitting from subsection (2) the words “to adopt a child” where they secondly occur and substituting the words “to become an adoptive parent of a child”;

(iii) omitting subsection (5);

(iv) omitting from subsection (6) the first paragraph;

(v) omitting from subsection (7) the word “best”;

(vi) adding at the end of subsection (7) the words “or where the applicant due to be assessed so approves or, in the case of joint applicants due to be assessed, both of them so approve”;

(c) repealing section 13C, provided for therein, and substituting the following section:—

“**13C. Matters to be regarded for assessment.** Subject to section 14B (2), in making an assessment under section 13B the Director shall have regard to—

(a) all matters prescribed as matters to be regarded in making an assessment in respect of applicants whose names are included in the adoption list that includes the name of the applicant to be assessed;  
and

(b) in the case of an assessment in respect of an applicant whose name is included in an adoption list referred to in provision (a) or (c) of section 17 (2), any wishes expressed by a parent or guardian of the child sought to be adopted in an instrument of consent to the adoption of the child with respect to the religious upbringing of the child.”;

(d) adding at the end of the section the following section:—

“**13D. Prospective adopters.** (1) An applicant in respect of whom—

(a) the Director has made a favourable assessment under section 13B (1);

or

(b) the tribunal has made a favourable assessment on appeal.

shall in relation to his application become and in this Act is referred to as a "prospective adopter".

(2) The Director shall cause an appropriate notation to be made in an adoption list against the name of each person named therein who has become a prospective adopter."

**23. Amendment of s. 12. Repeal of and new s. 14.** Section 12 of the Principal Act is amended in section 14, provided for therein, by—

(a) omitting subsection (1) and substituting the following subsection:—

"(1) Where, before the Director makes an adoption order in favour of any prospective adopter or prospective adopters whose name or names is or are included in an adoption list referred to in provision (b) or (d) of section 17 (2), in his opinion such time has elapsed since the making of an assessment in respect of the prospective adopter or prospective adopters pursuant to section 13B or since the making of an interim order in favour of the prospective adopter or prospective adopters that it is desirable that an assessment should be made pursuant to this subsection, he shall make an assessment of whether—

(a) the prospective adopter or each of the prospective adopters is, at the time the assessment is made, of good repute and a fit and proper person to become an adoptive parent;

and

(b) where there is a child available at the material time for placement, the welfare and interests of the child will be promoted by making an adoption order in favour of the prospective adopter or prospective adopters,

and he shall not make the adoption order unless the assessment last made is favourable in all respects.

Where the prospective adopters are a married couple, the Director may make one assessment in relation to both of them."

(b) omitting subsection (3) and substituting the following subsection:—

"(3) For the purposes of an assessment to be made in respect of a prospective adopter the Director shall, subject to section 14B (2), have regard to all matters prescribed by section 13C as if the assessment to be made were an assessment under section 13B."

**24. Amendment of s. 13. New ss. 14A and 14B.** Section 13 of the Principal Act is amended by—

(a) omitting the note appearing in and at the beginning of the section and substituting the note "New ss. 14A, 14B and 14C.";

(b) in section 14A, provided for therein—

(i) numbering the existing provisions as subsection (1);

(ii) omitting the words “for the making of an adoption order” and substituting the words “by any person to become an adoptive parent”;

(iii) omitting all words from and including the expression “(a)” to and including the words “the order,” and substituting the following words:—

“(a) there exist exceptional circumstances that justify the making of the order;

and

(b) the welfare and interests of the child to be adopted will be promoted by making the order in favour of the applicant”;

(iv) adding at the end of the subsection the following paragraph:—

“Where a joint application has been made by a married couple the Director may make one assessment in relation to both applicants.”;

(v) adding at the end of the section the following subsections:—

“(2) An applicant in respect of whom—

(a) the Director has made a favourable assessment under subsection (1);

or

(b) the tribunal has made a favourable assessment on appeal,

shall in relation to his application become and in this Act is referred to as a “prospective adopter”.

(3) The Director shall cause an appropriate notation to be made in an adoption list against the name of each person named therein who has become a prospective adopter.”;

(c) renumbering section 14B, provided for therein, as section 14C and—

(i) omitting from the note appearing in and at the beginning of the section the word “unfavourable”;

(ii) omitting subsection (1) thereof and substituting the following subsection:—

“(1) The Director shall give written notification of an assessment made under section 14 or 14A to the person in respect of whom it was made or, in the case of an assessment made in respect of a married couple, to that couple and in the case of an assessment unfavourable to the person or married couple

shall specify in the notification the grounds on which the assessment is based:

Provided that if the Director has been requested not to specify any particular ground or grounds in a notification by—

(a) in the case of a notification to a married couple, one of them;

or

(b) in the case of a notification to one person only who is a spouse, that person or the other spouse,

the Director is not required by this subsection to specify that ground or those grounds in the notification.”.

(d) inserting after section 14A, provided for therein, the following section:—

**“14B. Criminal histories to be disclosed.** (1) With a view to enabling a proper assessment being made in respect of him an applicant to become an adoptive parent or a prospective adopter shall, from time to time upon the request of the Director or a person authorized in writing by the Director in that behalf, disclose to the Director or such person his criminal history to such extent and in respect of such matters, as, in the opinion of the Director, is necessary to enable a proper assessment to be made.

(2) For the purpose of making an assessment in respect of any person the Director may have regard to the criminal history (if any) of the person.

(3) If the Director is of opinion that the criminal history of a person in respect of whom an assessment is being made shows—

(a) in the case of a person whose name is in an adoption list referred to in provision (b) or (d) of section 17 (2), that he is not a fit and proper person to become an adoptive parent;

or

(b) in the case of a person whose name is in an adoption list referred to in provision (a) or (c) of section 17 (2), that the welfare and interests of the child will not be promoted by making an adoption order in favour of that person,

the Director may make the assessment on the basis of the criminal history alone.

(4) The Director shall not be precluded from making an assessment in respect of any person on the basis of his criminal

history alone or on bases that include that of his criminal history by reason that—

- (a) there has previously been made an assessment in respect of that person on the basis of his criminal history alone;
- or
- (b) an assessment made in respect of that person on the basis of his criminal history alone has been set aside on appeal.”.

**25. Amendment of s. 14. Repeal of and new s. 17.** Section 14 of the Principal Act is amended by, in section 17, provided for therein—

(a) omitting from subsection (4) the words “the *Adoption of Children Act Amendment Act 1983*” and substituting the words “section 14 of the *Adoption of Children Act Amendment Act 1983-1986*”;

(b) omitting from subsection (4) the words “that Act” and substituting the words “that section”.

**26. Repeal of and new s. 15. Repeal of and new s. 18.** The Principal Act is amended by repealing section 15 and substituting the following section:—

“**15. Repeal of and new s. 18.** The Principal Act is amended by repealing section 18 and substituting the following section:—

“**18. General Children’s Adoption List to be ordinarily observed.** In making arrangements with a view to the adoption of a child in respect of whom a general consent has been given or dispensed with and who is not a special needs child and, in particular, in determining which prospective adopter or prospective adopters he will approve in the case of such a child the Director shall have regard to—

- (a) the order of names in the list referred to in provision (d) of section 17 (2) except where he is of the opinion that the welfare and interests of the child require that the list or the order of names therein be departed from;
- and
- (b) any wishes that have been expressed by a parent or guardian of the child in the instrument of consent to the adoption of the child with respect to the religious upbringing of the child.”.

**27. Repeal of and new s. 16. Amendment of s. 20. Giving of consents.** The Principal Act is amended by repealing section 16 and substituting the following section:—

“**16. Repeal of and new s. 20.** The Principal Act is amended by repealing section 20 and substituting the following section:—

“**20. Giving of consents.** (1) Subject to this section, a consent for the purposes of section 19 shall be expressed as

a consent to the adoption of the child by any prospective adopter or prospective adopters whose name or names is or are included in the adoption list that includes the names of applicants to become adoptive parents of such a child.

(2) Where an applicant to become an adoptive parent or, in the case of applicants who are a married couple, at least one of them is a relative of the child, a consent for the purposes of section 19 may be a consent to the adoption of the child by the applicant or applicants only.

(3) Where the child is a child in care within the meaning of the *Children's Services Act 1965-1982* a consent for the purposes of section 19 may be a consent to the adoption of the child by a particular applicant to become an adoptive parent or particular applicants to become adoptive parents (being a married couple) only."

**28. New s. 16A.** The Principal Act is amended by inserting after section 16 the following section:—

**"16A. Amendment of s. 23. Form of consents.** Section 23 of the Principal Act is amended by, in subsection (2), inserting after the words "subsection (2)" the words "or (3)"."

**29. Amendment of s. 17. Amendment of s. 25. Court may dispense with consents.** Section 17 of the Principal Act is amended by—

(a) omitting paragraph (a);

(b) in paragraph (b) (i)—

(i) omitting the words "or the tribunal" and substituting the words "or a Children's Court";

(ii) omitting the words "or tribunal";

(c) in paragraph (b) (ii), omitting the words "or tribunal's";

(d) in paragraph (c), omitting the words "or tribunal";

(e) omitting paragraph (d) and substituting the following paragraph:—

"(d) in subsection (2), omitting the words "an application for an adoption order has been made in respect of the child" and substituting the words "an application to become an adoptive parent of the child has been lodged with the Director";

(f) in paragraph (e).

(i) omitting from subsection (2A), provided for therein, the words "or tribunal";

(ii) inserting in subsection (2A), provided for therein, after the words "the Director" in paragraph (a) the words "or tribunal";

(g) omitting paragraph (f) and substituting the following paragraph:—

“(f) omitting subsection (3) and substituting the following subsection:—

“(3) An order made under subsection (2) may, on the application of the Director or the person whose consent was dispensed with, be revoked—

(a) in the case of an order made by the Supreme Court, by that court;

or

(b) in the case of an order made by a Children’s Court, by that court or the Supreme Court,

at any time before the making of an adoption order in respect of the child to whom the court order relates.””

**30. Repeal of and new s. 18. Amendment of s. 26. Consent of child.**

The Principal Act is amended by repealing section 18 and substituting the following section:—

“**18. Amendment of s. 26. Consent of child.** Section 26 of the Principal Act is amended by omitting the words “the Court” where they firstly occur and substituting the words “the Supreme Court or a Children’s Court”.

**31. Repeal of and new s. 19. New s. 26A.** The Principal Act is amended by repealing section 19 and substituting the following section:—

“**19. New s. 26A.** The Principal Act is amended by inserting after section 26 the following section:—

“**26A. Provisions concerning Court’s jurisdiction:**

**Appeals.** (1) When a proceeding for the purposes of section 25 or 26 has been commenced in a Children’s Court, any party to the proceeding or any person likely to be affected by any order made in the proceeding may make application to the Supreme Court for an order that the proceeding be removed into the Supreme Court and, if the order is made, the proceeding shall be thereupon removed from the jurisdiction of the Children’s Court accordingly.

Upon such an application the Supreme Court may make or refuse to make the order sought and may make such order as to costs as it thinks fit.

(2) If the Magistrate constituting a Children’s Court to which an application is made pursuant to section 25 or 26 considers that the application should more properly or could more conveniently be determined by the Supreme Court, he shall refrain from dealing with the application.

An appeal shall not lie from such a decision.

(3) Any person who feels aggrieved by an order of a Children’s Court made under section 25 or 26 or a refusal by a Children’s Court to make an order under section 25

or 26 (otherwise than pursuant to subsection (2)) may, notwithstanding the provisions of the *District Courts Act 1967-1982*, appeal to a Judge of the Supreme Court.

Every such appeal shall be by way of re-hearing.

In respect of every such appeal and every order made therein the provisions of Division II of Part IX of the *Justices Act 1886-1985* other than the provisions of section 222 (1) and (3) and of section 223 shall apply with all necessary adaptations and, in particular, for the purposes of such application—

(a) section 222 (2) of that Act shall be construed as if—

(i) the words “or within seven days after obtaining the leave of a Judge to appeal against the decision, as the case may be,” were omitted from subparagraph (a) of paragraph (i);  
and

(ii) paragraphs (iv), (v) and (vi) were omitted;  
and

(b) a reference “clerk of petty sessions” shall be construed as a reference “person having custody of the records of the Children’s Court”.”

**32. Amendment of s. 21. New s. 27A.** Section 21 of the Principal Act is amended by, in section 27A, provided for therein—

(a) adding at the end of subsection (3) the words “other than such a person whose whereabouts are unknown to the Director after reasonable enquiries have been made”;

(b) in subsection (7),

(i) omitting the words “the *Adoption of Children Act Amendment Act 1983*” and substituting the words “section 21 of the *Adoption of Children Act Amendment Act 1983-1986*”;

(ii) omitting the words “that Act” wherever they occur and substituting in each case the words “that section”.

**33. Amendment of s. 23. Amendment of s. 28. General effect of adoption orders.** Section 23 of the Principal Act is amended by, in subsection (1A), provided for therein, inserting after the words “of the child” where they firstly occur the words “whether adopted by that person or jointly by that person and that parent”.

**34. Amendment of s. 24. Amendment of s. 33. Making of interim orders.** Section 24 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

“(a) omitting subsection (1) and substituting the following subsection:—

“(1) Notwithstanding that the Director or the tribunal has made assessments under this Act that are favourable to



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any prospective adopter or prospective adopters he may, instead of making an adoption order, make an interim order for the custody of the child in favour of the prospective adopter or prospective adopters.””.

**35. Amendment of s. 27. Amendment of s. 45. Restrictions on publication of identity of parties.** Section 27 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

“(a) in subsection (1), omitting the words “(whether to the Director or to the Court)” and substituting the words “(whether to the Director or to any court or the tribunal) other than an application under Part IVA”.

**36. Amendment of s. 28. Repeal of and new s. 49.** Section 28 of the Principal Act is amended by repealing section 49, provided for therein, and substituting the following section:—

**“49. Presenting forged documents.** A person shall not present or cause to be presented to the Director or to any person acting on behalf of the Director or to any court or the tribunal a document purporting to be signed by a particular person, which document—

(a) is required by this Act in connexion with any application or other matter under this Act;

or

(b) might affect any application or other matter under this Act,

knowing that the signature to the document is forged or was obtained by fraud or duress.”.

**37. Amendment of s. 29. New s. 50A.** Section 29 of the Principal Act is amended by, in section 50A, provided for therein, omitting all words from and including “commits” to the end of the section and substituting the following words:—

“or to any person with a view to inducing that person to make an application under Part IVA, commits an offence against this Act.”.

**38. Amendment of s. 30. Repeal of and new s. 58.** Section 30 of the Principal Act is amended by repealing section 58, provided for therein, and substituting the following section:—

**“58. Hearings to be in camera.** An application made under this Act to any court or the tribunal shall be heard in camera and a person—

(a) who is neither a party to the proceedings nor a representative of a party to the proceedings;

or

- (b) who claims to represent a party to the proceedings in a case where representation is excluded by this Act,

shall be excluded from the hearing unless the court or tribunal otherwise permits.”.

**39. Repeal of and new s. 31. Amendment of s. 59. Secrecy provisions.**

The Principal Act is amended by repealing section 31 and substituting the following section:—

“**31. Repeal of and new s. 59.** The Principal Act is amended by repealing section 59 and substituting the following section:—

“**59. Confidentiality.** (1) Every officer of the Department of Children’s Services engaged in giving effect to this Act and every person engaged by the Director in giving effect to this Act shall, as soon as is practicable after the commencement of section 31 of the *Adoption of Children Act Amendment Act 1983-1986* or, if he first becomes a person of that description after the commencement of that section, within seven days after he becomes a person of that description, take and subscribe the prescribed oath of confidentiality or make the prescribed affirmation of confidentiality and abide by his oath or affirmation.

An oath or affirmation referred to in this subsection may be administered or, as the case may be, taken by any justice of the peace.

(2) Except where it is otherwise prescribed by this Act, the records of the Director or of the tribunal relating to any matter or proceeding under this Act or under the law of Queensland applicable to adoptions at any time or any proceeding with respect to a child available for adoption shall not be open to inspection by any person other than—

- (a) an officer of the Department of Children’s Services, in the ordinary discharge of his duties;
- (b) any other person engaged in giving effect to this Act, in the ordinary discharge of the duties of his engagement;
- (c) any person authorized by the Director (in the case of his records) or the chairman of the tribunal (in the case of the tribunal’s records) for the purpose of conducting a bona fide research programme where that person has given to the Director or, as the case may be, the chairman an undertaking in writing to preserve the identity of and confidentiality in relation to individual persons to whom the records relate;

or

- (d) in the case of a record of the tribunal, a party to the proceeding before the tribunal to which the record relates.

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(3) An officer of the Department of Children's Services, or other person engaged in giving effect to this Act shall not disclose or be required to disclose to any person, court or tribunal information that—

- (a) is likely to allow identification, by the natural parents of a person who has been adopted, of that person or his whereabouts;
  - (b) is likely to allow identification, by the natural parents of a person who has been adopted, of the adoptive parents of that person or their whereabouts;
  - (c) is likely to allow identification, by the adoptive parents of a person who has been adopted, of the natural or adoptive parents of that person or their whereabouts;
- or
- (d) is likely to allow identification, by a person who has been adopted, of his natural parents or their whereabouts,

except where this Act otherwise permits, expressly or impliedly, or where such identification is unavoidably incidental to the adoption of the person who has been adopted.

In this subsection the expression "adoptive parents" has the meaning assigned to it in Part IVA.

(4) An officer of the Department of Children's Services or any other person engaged in giving effect to this Act shall not disclose to any person—

- (a) information that to his knowledge is contained in the records of the Director or the tribunal;
- or
- (b) information that has come to his knowledge in connexion with his giving effect to this Act,

except—

- (c) where the disclosure is to facilitate giving effect to this Act and does not constitute a contravention of subsection (3);
- (d) where the Director is satisfied that the disclosure is for a reasonable purpose in the circumstances and does not constitute a contravention of subsection (3);
- (e) where the disclosure is made under the authority of an order of the Supreme Court made in exercise of jurisdiction, which is hereby conferred upon the court, to make such an order upon the application of the Director if the court is satisfied that the disclosure proposed is necessary in the interests of

the health of any person or in furtherance of medical research;

or

- (f) where the disclosure is to the Supreme Court for the purposes of a proceeding under section 16.

This subsection applies to a person referred to in subsection (2) (c) as if he were an officer of the Department of Children's Services.

(5) Subsections (3) and (4) do not operate so as to prejudice the entitlement of any person referred to in subsection (2) to access to records of the Director or the tribunal.

(6) A person who—

- (a) permits access to the records of the Director or the tribunal to any person except one authorized by this Act to have such access;

or

- (b) not being authorized by this Act to have access to the records of the Director or the tribunal or to a particular part thereof, inspects any part of those records or, as the case may be, that part or attempts so to do;

or

- (c) makes a disclosure that is in contravention of this section,

commits an offence against this Act.

(7) A court shall not convict a person of an offence defined in paragraph (c) of subsection (5) if it is satisfied that the disclosure consists in a publication to which section 45 (1) is expressed by section 45 (2) not to apply.” ”.

**40. Repeal of and new s. 32. Amendment of s. 59A.** The Principal Act is amended by repealing section 32 and substituting the following section:—

**“32. Amendment of s. 59A. Protection of persons in administering Act.** Section 59A of the Principal Act is amended by—

(a) omitting from the note appearing in and at the beginning of the section the words “in administering Act”;

(b) omitting the words “engaged in giving effect to this Act who for that purpose” and substituting the words “who for any purpose of this Act”;

(c) inserting after the word “Director” the words “or the tribunal”;

(d) omitting the words “adopt a child” and substituting the words “become an adoptive parent”.”.

**41. Amendment of s. 33. Repeal of and new s. 63.** Section 33 of the Principal Act is amended by repealing section 63, provided for therein, and substituting the following section:—

“**63. Parties to applications under Act.** (1) Where an application is made to the Court under section 16, 25, 26, 39J (2) or 39K (1) the Court may permit such persons as it thinks fit to be joined as parties to the proceedings for the purpose of opposing the application.

(2) Where the Court, pursuant to subsection (1), permits a person to be joined as a party to proceedings, the Court may, subject to subsection (3), make such order as to costs and security for costs, by way of interlocutory order or otherwise, as it thinks fit which costs and security, when ordered by a Children’s Court, shall be upon a scale applicable to costs awarded by Magistrates Courts constituted under the *Magistrates Courts Act 1921-1982*.

(3) Where a person permitted to be joined as a party to proceedings upon an application made under section 25 (1), 26 or 39J (2) is the person in respect of whom or of whose consent the order is sought, the court concerned shall not make an order as to costs against that person irrespective of the outcome of the application.”

**42. Repeal of and new s. 34. Amendment of s. 65. Regulations.** The Principal Act is amended by repealing section 34 and substituting the following section:—

“**34. Amendment of s. 65. Regulations.** Section 65 of the Principal Act is amended in subsection (1) by—

(a) inserting after provision (b) the following provision:—

“(ba) matters to be regarded in making assessments under this Act;”;

(b) adding at the end of provision (c) the words “and the verification of such forms by means of a statutory declaration under and in accordance with the *Oaths Act 1867-1981*”;

(c) omitting provision (d) and substituting the following provision:—

“(d) fees payable for the purposes of this Act and waiver of the payment of such fees, wholly or partly; fees and expenses payable to witnesses called by the tribunal in proceedings before it;”;

(d) omitting from provision (e) the words “Adoption List” and substituting the words “adoption lists and the eligibility of persons to have their names entered or remain in those lists, notification to the Director of changes in circumstances that

might affect such eligibility and removal of names from those lists as prescribed in the event of—

- (i) the withdrawal or lapsing of an application to become an adoptive parent;
- or
- (ii) the Director's having reasonable cause to believe that any applicant or applicants does not or do not intend to proceed with an application made under this Act";
- (e) adding at the end of provision (f) the words "or to the register kept by the Registrar-General intituled "RECORD OF CHILDREN whose Births have been registered in the State of Queensland and who have been transferred under Deed of Adoption";
- (f) omitting from provision (h) the words "the Adopted Children Register" and substituting the words "either of the registers referred to in provision (f)";
- (g) omitting provision (i) and substituting the following provision:—
  - "(i) the making, correction or cancellation of entries relating to persons who have been adopted in the registers of births kept under the law of Queensland; access by the Director or an officer of the Department of Children's Services authorised by the Director in that behalf to those entries in respect of prescribed classes of adopted persons and furnishing by the Director of certificates concerning the entry of birth of persons in those prescribed classes of adopted persons;";
  - (h) in provision (j), omitting the words "fifty pounds" and substituting the expression "\$1 000"."

**43. Amendment of s. 36. New second schedule.** Section 36 of the Principal Act is amended by omitting the Second Schedule (including the heading thereto), provided for therein, and substituting the following heading and schedule:—

"The Second Schedule [s. 8]

PROVISIONS CONCERNING THE ADOPTIONS APPEALS  
TRIBUNAL

**1. Tenure of office.** The appointment of the chairman of the tribunal and of a person to the panel of persons from whom may be selected a member of the tribunal—

- (a) shall commence on the date specified in the notification by which it is made;
- and
- (b) shall, unless it is sooner terminated by vacation of the office in question as prescribed, continue until

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the expiration of the period for which he was appointed.

**2. Acting chairman.** The Governor in Council may upon the recommendation of the Minister, by notification published in the Gazette, appoint a person whose name is on the panel referred to in clause 1 of this schedule to act as chairman of the tribunal during the absence, incapacity or unavailability of the tribunal's chairman.

Any such appointment may be for a definite or indefinite period (however expressed in the notification of appointment) and shall commence as prescribed by clause 1 of this schedule with respect to appointments referred to therein and may be revoked by the Governor in Council upon the recommendation of the Minister at any time.

For so long as an appointee acts as chairman he shall have the functions and duties and may exercise the powers of the chairman.

**3. Vacating office.** The office of an appointee referred to in clause 1 or 2 of this schedule shall become vacant if the appointee—

- (a) attains the age of 65 years or sooner dies;
- (b) resigns his office by writing given to the Minister;
- (c) becomes bankrupt, compounds with his creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;
- (d) is convicted in Queensland of an indictable offence or is convicted elsewhere than in Queensland in respect of an Act or omission that if done or made in Queensland would have constituted an indictable offence;
- (e) is removed from office as such appointee by the Governor in Council by notification published in the Gazette on the ground of mental or physical incapacity to discharge the duties of a member of the tribunal or of conduct that in the opinion of the Governor in Council shows him to be unfit to be a member of the tribunal.

**4. Casual vacancies.** If a casual vacancy occurs in the office of an appointee referred to in clause 1 or 2 of this schedule during his term of appointment another person may be appointed to fill the vacancy.

Notwithstanding any other provision of this Act, the appointment of a person to fill a casual vacancy shall be for the balance of the term of appointment of his predecessor.

The office of an appointee to a casual vacancy is liable to be vacated as prescribed by clause 3 of this schedule.

**5. Sittings of tribunal.** The tribunal shall sit at such times and places as are appointed by the chairman by notice given to the persons who are to constitute the tribunal at the sittings.

**6. Conduct of tribunal's proceedings.** (1) The chairman shall preside at every sitting of the tribunal.

(2) A proceeding before the tribunal shall be instituted and conducted in accordance with this Act, so far as it so provides, or, where this Act does not so provide or does not sufficiently so provide, in accordance with directions given by the chairman either generally or in a particular case.

**7. Appearance before tribunal.** Persons concerned in any proceeding before the tribunal may appear in person and not otherwise:

Provided that the Director may appear in person or by his nominee who shall not be either counsel or solicitor.

**8. Decision of tribunal.** A decision of the tribunal shall be that of the majority of its members, shall be given in writing and shall be furnished through the registrar of the tribunal.

**9. Preliminary conferences.** (1) Before the matter of any proceeding instituted in the tribunal proceeds to a hearing a preliminary conference, presided over by the registrar of the tribunal, shall be held between the parties to the proceeding with a view to—

establishing the issues between the parties;  
expediting the hearing of the matter by the tribunal;

or

assisting in the settlement of the matter.

(2) The registrar of the tribunal shall cause to be done all acts and things that are directed to giving effect to all matters arising from the preliminary conference or that are required by the regulations to be done consequent upon a preliminary conference.

**10. Entitlements of tribunal members.** (1) Persons who constitute a tribunal shall be entitled to such fees and remunerations for attending at sittings of the tribunal as the Governor in Council from time to time approves:

Provided that if the person is an officer of the Public Service of Queensland he shall not be entitled to any fee or remuneration for attending at sittings of the tribunal during his ordinary hours of work.

(2) Persons who constitute a tribunal shall be entitled to be reimbursed such out-of-pocket expenses necessarily incurred by them in performing the duties of a tribunal member as are approved by the chairman.

**11. Report by chairman.** The chairman of the tribunal shall from time to time—

(a) report to the Minister when requested by the Minister with respect to the operations of the tribunal;



and

- (b) report to the Minister with respect to such matters as the chairman thinks fit concerning the administration of this Act in respect of matters that are the concern of the tribunal.

**12. Registrar.** (1) There shall be a registrar of the tribunal who shall have such functions and duties and may exercise such powers as are prescribed.

(2) Every appointment as registrar of the tribunal shall be made by the Governor in Council upon the recommendation of the Minister by notification published in the Gazette.

(3) The registrar shall not be an officer of the Department of Children's Services or be a person who in the discharge of his duties is accountable to the Director.

(4) If an officer of the Public Service of Queensland is appointed as registrar of the tribunal he may hold that office in addition to any office held by him in the Public Service."

#### PART IV—AMENDMENT OF REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1962-1982

**44. Citation.** (1) In this Part the *Registration of Births, Deaths and Marriages Act 1962-1982* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Registration of Births, Deaths and Marriages Act 1962-1986*.

**45. Amendment of s. 22. Searches and copies.** Section 22 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:—

"(4) Nothing in this section shall derogate from any regulation made under *The Adoption of Children Act of 1964* or that Act as amended from time to time."