

ADOPTION LEGISLATION AMENDMENT ACT

ANALYSIS OF CONTENTS

PART 1—PRELIMINARY

1. Short title
2. Commencement

PART 2—AMENDMENT OF THE ADOPTION OF CHILDREN ACT AMENDMENT ACT 1990

3. Citation
4. Amendment of s. 2. Commencement

PART 3—AMENDMENT OF THE ADOPTION OF CHILDREN ACT 1964-1990

5. Citation
6. Repeal of s. 39AA and substitution of new section:
39AA. Objections
7. Amendment of s. 39B. Disclosure of certain information
8. Amendment of s. 39C. Entitlement to certain records etc.
9. Amendment of s. 39D. Offence to contact etc.
10. Repeal of s. 39F. Crown etc. not liable

Queensland



ANNO QUADRAGESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 2 of 1991

**An Act to amend certain Acts in relation to the adoption of
children, and for related purposes**

[ASSENTED TO 28TH FEBRUARY, 1991]

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 1—PRELIMINARY

1. Short title. This Act may be cited as the *Adoption Legislation Amendment Act 1991*.

2. Commencement. (1) Subject to subsection (2), this Act commences on the day on which it is assented to for and on behalf of Her Majesty.

(2) Sections 7, 8, 9 and 10 commence immediately after the commencement of section 18 of the *Adoption of Children Act Amendment Act 1990*.

PART 2—AMENDMENT OF THE ADOPTION OF CHILDREN ACT AMENDMENT ACT 1990

3. Citation. (1) In this Part, the *Adoption of Children Act Amendment Act 1990* 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 1990-1991*.

4. Amendment of s. 2. Commencement. Section 2 of the Principal Act is amended, in subsection (3), by omitting "1 March, 1991" and substituting "1 June 1991".

PART 3—AMENDMENT OF THE ADOPTION OF CHILDREN ACT 1964-1990

5. Citation. (1) In this Part, the *Adoption of Children Act 1964-1990* 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 1964-1991*.

6. Repeal of s. 39AA and substitution of new section. (1) The Principal Act is amended by repealing section 39AA of the Principal Act and substituting the following section:—

"39AA. Objections. (1) This section does not apply in relation to an adoption that happens on or after 1 June 1991.

(2) A birth parent of an adopted person, or an adopted person who is at least 17 years and 6 months old, may—

(a) object to contact being made with the person by a specified person or class of persons;

or

(b) object to contact being made with the person by a specified person or class of persons and also object to the disclosure of information under section 39B to the person or those persons.

(3) The objection must be made by giving the Director written notice of the objection in the form approved by the Director in writing.

(4) A person who has applied for or received information under section 39B about another person may not make an objection under subsection (2) (b) in relation to the other person.

(5) An objection made by a person who has not attained 18 years of age takes effect when the person attains 18.

(6) An objection made by a person continues in force until it is revoked by the person.

(7) A revocation must be made by giving the Director written notice of the revocation in the form approved by the Director in writing.

(8) A person must not publish or broadcast:

(a) the name of a birth parent or adopted person;

or

(b) any other information likely to identify a birth parent or adopted person;

if an objection by the birth parent or adopted person is in force.

Penalty: 40 penalty units.”.

(2) A notification lodged, or purporting to have been lodged, under section 39AA (2) of the Principal Act before the commencement of this section has effect after that commencement as if it were an objection made under section 39AA (2) (a) of the Principal Act as amended by this Part.

7. Amendment of s. 39B. Disclosure of certain information. Section 39B of the Principal Act is amended by—

(a) in subsections (1), (2), (3) and (4), omitting the words “has not lodged a notification under section 39AA” (wherever occurring) and substituting “has not made an objection under section 39AA (2) (a) that is in force” (in each case);

(b) in subsection (4), inserting after the words “adoptive parent” the words “, or to a relative who is at least 18 years old,”;

(c) omitting subsection (6) and substituting the following subsections:—

“(6) The Director must not, under this section, disclose to a person information in relation to another person if an objection by either person under section 39AA(2) (b) is in force in relation to the other person.

(7) The Director must not, under subsection (1), disclose information to an adopted person about any other adopted person if—

(a) either adopted person was adopted by a person who is or was a relative (as defined by section 6) of that adopted person;

and

(b) an objection by the birth parent under section 39AA (2) (b) is in force in relation to either adopted person.

(8) Application for disclosure of information under this section must be made to the Director in writing in the form approved by the Director in writing.”

8. Amendment of s. 39C. Entitlement to certain records etc. Section 39C of the Principal Act is amended by omitting the words “in the prescribed form” and substituting the words “supplied by the Director”.

9. Amendment of s. 39D. Offence to contact etc. Section 39D of the Principal Act is amended by, in subsection (1), omitting the words “the adopted person, adoptive parent, birth parent or relative lodged a notification under section 39AA” and substituting the words “, the first-mentioned person, parent or relative, made an objection under section 39AA that is in force in relation to the first-mentioned person, parent or relative”.

10. Repeal of s. 39F. Crown etc. not liable. The Principal Act is amended by repealing section 39F.

Minister's Second Reading Speech made on 19 February 1991.