

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 26 October 1983

ADULT ADOPTION INFORMATION BILL

Proposed Amendments

Mr JONATHAN HUNT, in Committee, to move the following amendments:

Clause 1: To omit the expression "1983", in each place where it appears, and substitute, in each case, the expression "1984".

Clause 3: To omit the clause, and substitute the following clause:

3. Birth parent may restrict access to identifying information—(1) Either birth parent of a person adopted before the 1st day of February 1984 may at any time request the Registrar-General to have the original entry of the birth of that person endorsed to the effect that that person is not to have access to identifying information relating to the applicant.

(2) The following provisions shall apply to every request under subsection (1) of this section:

(a) The Registrar-General shall inform the person making that request of the counselling available in the area in which that person lives, from social workers and approved persons and organisations:

(b) That person shall indicate to the Registrar-General whether or not he desires counselling:

(c) If that person indicates that he desires counselling, the Registrar-General shall take no further action until that person requests the Registrar-General to proceed with the original request:

(d) If that person—

(i) Indicates that he does not desire counselling; or

(ii) Under paragraph (c) of this subsection requests the Registrar-General to proceed with the original request,—

the Registrar-General shall cause the original entry of the birth of the adopted person concerned to be endorsed accordingly, and to be endorsed also with the date on which it was so endorsed.

(3) The fact that there is upon the original entry of the birth of any person one unexpired endorsement under subsection (2) of this section relating to any person shall not prevent a further endorsement under that subsection relating to that person.

(4) Subject to subsection (5) of this section, every endorsement under subsection (2) of this section shall continue in force until the expiration of 10 years from the date of its making, and shall then expire.

(5) A birth parent of an adopted person may at any time request the Registrar-General to have removed from the original entry of that person's birth all endorsements under subsection (2) of this section relating to that parent; and in that case the Registrar-General shall cause that entry to be noted accordingly, and those endorsements shall then expire.

Clause 4: To omit the expression "1983", in each place where it appears, and substitute, in each case, the expression "1984".

Clause 7: To omit from subclauses (1) and (5) the words "make a written application to", and substitute, in each case, the word "request".

To omit subclause (2), and substitute the following subclause:

(2) The following provisions shall apply to every request under subsection (1) of this section:

- (a) The Registrar-General shall inform the person making that request of the counselling available in the area in which that person lives, from social workers and approved persons and organisations:
- (b) That person shall indicate to the Registrar-General whether or not he desires counselling:
- (c) If that person indicates that he desires counselling, the Registrar-General shall take no further action until that person requests the Registrar-General to proceed with the original request:
- (d) If that person—
 - (i) Indicates that he does not desire counselling; or
 - (ii) Under paragraph (c) of this subsection requests the Registrar-General to proceed with the original request—
 the Registrar-General shall cause the original entry of that person's birth to be endorsed accordingly, and to be endorsed also with the date on which it was so endorsed.

Clause 9 (3): To omit lines 39 to 42, and substitute the following:

inform him of the effect of section 10 of this Act, if, and only if,—

- (a) Details of that parent appear in the original birth certificate accompanying the application; or
- (b) The Director-General is satisfied that that parent is dead.

Clause 11: To insert, after subclause (2), the following subclause:

(2A) Where, in the opinion of any doctor, any information obtained as a result of his dealings with any patient is likely to be relevant to the provision of treatment or advice relating to any medical condition or potential medical condition of any unknown relative, or the provision of genetic counselling for or in relation to any unknown relative, he may with the consent of that patient (or, where that patient is not an adult, of that patient's guardian) give the Director-General notice in writing to that effect, together with a separate statement of that information.

To omit from *subclause (3)* the expression "subsection (1)", and substitute the expression "subsection (2) or subsection (2A)".

To omit *subclause (4)* and substitute the following subclause:

(4) A social worker may disclose to the doctor concerned (in the case of a notice under subsection (2) of this section) or the doctor of any unknown relative (in the case of a notice under subsection (2A) of this section) any information whatsoever (not being identifying information) relevant to the medical or genetic history of the patient or relative concerned.

To omit subclause (6).

EXPLANATORY NOTE

The proposed amendments to *clause 1* amend the commencement dates for the various provisions of the Bill.

The proposed new *clause 3* differs in 2 respects from the existing clause. First, it makes clear that it will not be necessary for a person to make a formal written application under the clause (although a written application will still be possible). Secondly, it provides that counselling is to be optional rather than compulsory.

The proposed amendments to *clause 4* reflect the amendments to the Bill's commencement dates.

The proposed amendment to *clause 9 (3)* is a drafting amendment, intended to make it easier to follow, but not to alter its effect.

The other amendments all relate to *clause 11*. *Clause 11* provides for the situation where a doctor believes it important, in order to provide proper treatment or advice for a patient, to obtain medical or genetic information about some relative of the patient, and discovers that the relative's name and address are not known to the patient because of the confidentiality attendant upon some adoption. The clause allows a social worker to obtain certain limited information, and convey it to the doctor.

The amendments have the effect of providing more fully for the reverse situation—the situation where a doctor who is treating a patient believes it important that medical or genetic information about that patient should be available to assist the treatment or advice of an unknown relative. Such information will be able to be given only with the consent of the patient (or the patient's guardian) and the same limitations (to information that is not identifying information) will apply.
