

## HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Thursday, 8 August 1985

## ADULT ADOPTION INFORMATION BILL

*Proposed Amendments*

MR MCLEAN, in Committee, to move the following amendments:

*Clause 2:* To omit the definition of the term "approved person".

*Clauses 3 to 7:* To omit the clauses, and substitute the following clauses:

**3. Birth parent or adult adopted person may permit access to identifying information—**(1) Either birth parent of an adopted person may at any time make a written application to the Registrar-General to have the original entry of the birth of that person endorsed to the effect that that person may secure identifying information relating to the applicant.

(2) An adult adopted person may at any time make a written application to the Registrar-General to have the original entry of that person's birth endorsed to the effect that a specified birth parent, or either of that person's birth parents, may secure identifying information relating to the applicant.

**4. Endorsement of certificate by Registrar-General—**

(1) On receipt of an application under **section 3** of this Act, the Registrar-General shall cause the original entry of the birth of the adopted person concerned to be endorsed accordingly.

(2) Any person may at any time make a written application to the Registrar-General to have removed from the original entry of any other person's birth, any endorsement made under **subsection (1)** of this section pursuant to an application made by the person applying; and in that case the Registrar-General shall cause that endorsement to be removed.

(3) When it appears from the records of the Registrar-General that any applicant under **section 3 (2)** of this Act is not adopted, the Registrar-General shall so notify the applicant in writing.

(4) When an endorsement has been entered on an original birth certificate under **subsection (1)** of this section, the Registrar-General shall advise the applicant—

- (a) That the endorsement has been entered; and
- (b) Whether or not that certificate has already been endorsed on the application of a parent or adopted person to whom that endorsement relates; and
- (c) If so, of the procedure for making contact under **section 6** of this Act.

**5. Advice to applicants by Registrar-General**—Where the Registrar-General enters an endorsement on an original birth certificate that already bears an endorsement made on the application of another person, and the Registrar-General knows the current address of that other person, the Registrar-General shall advise that other person that a further endorsement has been made by another person; but shall not disclose any identifying information except pursuant to **section 6** of this Act.

**6. Access to original birth certificates**—(1) If an original birth certificate bears an endorsement from both the adopted person concerned and one or more of that person's birth parents, any of the persons on whose application any of those endorsements was made may apply to the Registrar-General for a copy of that certificate.

(2) Upon receiving an application under **subsection (1)** of this section, the Registrar-General shall send to the applicant a copy of the original birth certificate from which there have been omitted all details relating to any birth parent in respect of whom no endorsement has been made on that certificate, together with details of the counselling available in the area in which the applicant lives, from social workers and approved organisations.

*Clause 8 (2):* To omit from paragraph (b) the words “unexpired endorsement under **section 7 (2)**”, and substitute the words “endorsement under **section 3 (2)**”.

To omit from lines 23 to 25 the words “and, if so, when it (or if more than one the most recent of them) will expire”.

To insert in paragraph (c), after the word “is” in line 27, the word “no”; and to delete the word “an” in the same line.

To omit from paragraph (c) the words “endorsement concerned”, and substitute the words “absence of such an endorsement”.

To omit from paragraph (d), in line 34, the words “no such”, and substitute the words “such an”.

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#### EXPLANATORY NOTE

This Supplementary Order Paper replaces Supplementary Order Paper No. 4, which was referred to and reported on by the Statutes Revision Committee.

As with the earlier Supplementary Order Paper, the main proposal is to reverse the endorsement system so that disclosure occurs only where there is a positive endorsement, rather than in the absence of a negative endorsement. The two other proposals in that Supplementary Order Paper have however been dropped, being (i) the substitution of the term “biological parent” for the term “birth parent”, and (ii) the creation of an offence relating to disclosure of information.

Further minor and technical amendments have also been made to take into account amendments recommended by the Statutes Revision Committee, in particular the removal from the Bill of the masculine personal and possessive pronouns.