

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 27 September 1984

ADULT ADOPTION INFORMATION BILL

Proposed Amendments

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

Clause 2: To omit the definitions of the terms "approved person" and "birth parent".

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

3. Biological parent or adult adopted person may permit access to identifying information—(1) Either biological 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 his birth endorsed to the effect that a specified biological parent, or either of his biological parents, may secure identifying information relating to the applicant.

4. Endorsement of certificate by Registrar-General—

(1) On receipt of an application and statutory declaration 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 person's birth, any endorsement made under subsection (1) of this section pursuant to an application made by him; 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, he 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 he knows the current address of that other person, he shall advise that other person that a further endorsement has been made by another person; but he 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 his biological 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 biological parent of the adopted person concerned on whose application 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 (1): To omit the word “birth”, and substitute the word “biological”.

Clause 8 (2): To omit from line 40 the word “birth”, and substitute the word “biological”.

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 14 and 15 the words “and, if so, when it (or if more than one the most recent of them) will expire”.

To insert in line 17, after the word “is”, the word “no”.

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

To omit from line 23 of paragraph (d) the words “no such”, and substitute the words “such a”.

Clause 9: To omit from lines 4 and 10 on page 10 the word “birth”, and substitute, in each case, the word “biological”.

Clause 10: To omit from lines 30, 33, and 37 on page 10 the word “birth”, and substitute, in each case, the word “biological”.

Clause 12: To omit subclause (2).

Clause 14A: To insert, after clause 14, the following clause:

14A. Offences—Every person commits an offence against this Act, and shall be liable on summary conviction to a fine not exceeding \$1,000, who, being a public servant, a hospital board employee, or a medical practitioner, who has pursuant to this Act acquired identifying information, or access to identifying information, relating to any adopted person or a biological parent of any adopted person, discloses that information to any other person otherwise than in accordance with this Act.

Title: To omit the word “birth”, and substitute the word “biological”.

EXPLANATORY NOTE

These amendments have 3 effects. They replace the term "birth parent" with the term "biological parent". They create a criminal offence in relation to the unauthorised disclosure of identifying information in certain circumstances. And they reverse the endorsement system so that disclosure occurs only where there is a positive endorsement, rather than in the absence of a negative endorsement.
