
Adoption of Children (Amendment).

SCHEDULE 3—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(b) Section 47 (5) (d)—

After “court”, insert “or other body”.

(20) Section 49 (1)—

Before “guardian” wherever occurring, insert “relative or”.

(21) Section 49A—

After section 49, insert :—

49A. A person who was the father or mother or a relative or guardian of a child but has, by reason of an adoption of the child, ceased to be the father or mother or a relative or guardian of the child, and who, without the prior consent of—

Attempts by certain persons to communicate with adopted child.

(a) except as provided by paragraph (b)—the adoptive parent or adoptive parents of the child; or

(b) where the adoptive parent or adoptive parents of the child is or are dead or cannot be found or there is, in the opinion of the Director, any other sufficient reason—the Director,

attempts to communicate with the child at any time before the child reaches the age of 18 years is guilty of an offence against this Act.

(22) Section 51 (1)—

Omit “is guilty”, insert instead “and each person with whom negotiations are conducted or arrangements are made as referred to in paragraph (a) or to whom the possession or control of a child is transferred in the circumstances to which paragraph (b) applies is guilty”.

Adoption of Children (Amendment).

SCHEDULE 3—continued.
**MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.**
(23) Section 56—

After “consent” where firstly occurring, insert “, or revocation of consent,”.

(24) (a) Section 57 (a)—

Omit “or” where thirdly occurring.

(b) Section 57 (b)—

Omit “child,”, insert instead “child; or”.

(c) Section 57 (c)—

After section 57 (b), insert :—

(c) to inducing the parent or guardian to revoke a consent to the adoption of the child given by that parent or guardian,

(25) (a) Section 60 (2)—

Omit “children’s court established under the Child Welfare Act, 1939, as amended by subsequent Acts”, insert instead “court of petty sessions held before a stipendiary magistrate sitting alone”.

(b) Section 60 (5)–(8)—

After section 60 (4), insert :—

(5) At the hearing of any proceedings in respect of an offence against this Act or the regulations, any persons not directly interested in the proceedings shall be excluded from the court unless the court otherwise directs.

Adoption of Children (Amendment).

SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(6) A court may—

(a) direct a child to leave the court at any time during the hearing of any proceedings in respect of an offence against this Act or the regulations; or

(b) direct any person to leave the court during the examination of any witness in any such proceedings,

if the court is of the opinion that, in the interests of a child, such a direction should be given.

(7) The powers of a court under subsection (6) may be exercised notwithstanding that the child or person directed to leave the court may be directly interested in the proceedings.

(8) Subsections (5)–(7) apply to and in respect of the hearing of any appeal against the decision of a court in the same way as they apply to and in respect of the hearing of proceedings before the court.

(26) (a) Section 62—

After “Commonwealth”, insert “or in New Zealand”.

(b) Section 62—

After “Territory” where secondly occurring, insert “or New Zealand”.

(27) (a) Section 63—

After “Commonwealth”, insert “or in New Zealand”.

Adoption of Children (Amendment).

SCHEDULE 3—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(b) Section 63—

After “Territory” where secondly occurring, insert “or New Zealand”.

(28) Section 65—

Omit “The Court,”, insert instead “Except as otherwise provided by this Act or the regulations, the Tribunal,”.

(29) Section 67—

After “Act”, insert “or the former Acts”.

(30) Sections 68A, 68B—

After section 68, insert :—

Provision of financial and other assistance to certain children.

68A. (1) The Director may, with respect to a child of a prescribed class or description, enter into an agreement with a person or persons with whom the child has been placed for the purposes of adoption, the applicant, or applicants, for an adoption order in respect of the child or the adoptive parent, or adoptive parents, of the child, for the provision of such financial or other assistance, on such terms and conditions as may be agreed, in order to assist or promote the welfare and interests of the child.

(2) Nothing in subsection (1) prevents the Director from entering into an agreement under that subsection in relation to a child so as to provide financial or other assistance both before and after an adoption order in respect of the child is made.

*Adoption of Children (Amendment).*SCHEDULE 3—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

68B. (1) In this section, a reference to the executor or administrator of the estate of a deceased person includes a reference to a person who is a trustee of the whole or any part of the property comprised in the estate. Adminis-
tration of
certain
estates.

(2) Where—

- (a) an adopted person is a beneficiary under the estate of a deceased person ;
- (b) the executor or administrator of the estate does not know the name or whereabouts of the adopted person; and
- (c) the Director certifies, in writing, to the executor or administrator that he knows the name and whereabouts of the adopted person and that the adopted person is alive,

the executor or administrator may, with the approval of the Director, transfer to the Director, on behalf of the adopted person, any property to which the adopted person may be entitled under the estate or which may be otherwise applied for his benefit.

(3) A transfer made under subsection (2) shall be valid against all persons and the executor or administrator shall be absolutely discharged from all liability in respect of a transfer so made by him.

(4) The Director shall apply any property transferred to him under subsection (2) on behalf of the adopted person in respect of whom it was transferred in accordance with the trusts on which the property was held immediately before it was transferred as if he were the executor or administrator of the estate of the deceased person in respect of which the transfer was made.

Adoption of Children (Amendment).

SCHEDULE 3—continued.
**MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.**

(5) Nothing in this section affects any right of a person to claim or recover any property transferred under subsection (2) from a person other than the executor or administrator who transferred the property.

(31) Section 71 (1)—

After “Commonwealth”, insert “or in New Zealand”.

(32) (a) Section 73 (1) (b)—

After “administrative”, insert “, legal”.

(b) Section 73 (1) (b)—

After “makes,”, insert “is requested to make or is involved in the preparation of,”.

(c) Section 73 (1) (b)—

After “Act”, insert “, the rules of the Tribunal or the regulations”.

(d) Section 73 (1) (d)—

After “him”, insert “or by the principal officer of a private adoption agency”.

(e) Section 73 (1) (f1)—

After section 73 (1) (f), insert :—

(f1) the establishment and administration of a register of persons who have been separated as a consequence of the making of an adoption order and who desire a reunion;

Adoption of Children (Amendment).

SCHEDULE 4.

Sec. 5 (1).

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

- (1) (a) Section 6, definition of “Charitable organisation”—
Omit “, as amended by subsequent Acts”.
- (b) Section 6, definition of “Prescribed”—
Omit the definition.
- (2) Section 18 (1) (b) (ii)—
Omit “as amended by subsequent Acts,”.
- (3) Section 24—
Omit “as amended by subsequent Acts,”.
- (4) (a) Section 34 (2) (a)—
Omit “, as amended by subsequent Acts”.
- (b) Section 34 (2D)—
Omit “, as amended by subsequent Acts”.
- (c) Section 34 (4)—
Omit “as amended by subsequent Acts,”.
- (d) Section 34 (5) (d)—
Omit “, as amended by subsequent Acts”.
- (5) Section 35 (1) (d)—
Omit “, as amended by subsequent Acts”.

Adoption of Children (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(6) Section 37—

Omit “as amended by subsequent Acts,”.

(7) Section 40 (1)—

Omit “as amended by subsequent Acts,” wherever occurring.

(8) Section 43 (2)—

Omit “as amended by subsequent Acts,”

(9) Section 69—

Omit the section, insert instead :—

Delegation.

69. (1) The Director may, by instrument in writing, delegate to any officer of the Department of Youth and Community Services specified in the instrument of delegation the exercise or performance of such of the powers, authorities, duties and functions (other than this power of delegation) conferred or imposed on him by or under this Act as may be so specified and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the delegate to whom the exercise or performance thereof has been delegated.

Adoption of Children (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW
REVISION—*continued.*

(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Director may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or omitted or suffered to be done by a delegate while acting in the exercise of a delegation under this section shall be deemed to have been done or omitted or suffered to be done by the Director.

(6) An instrument purporting to be signed by a delegate of the Director in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Director and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Director under this section.

SCHEDULE 5.

Sec. 6.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.**PART 1.****1. In this Part of this Schedule—**

“appointed day” means the day appointed and notified under section 2 (3);

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tation:
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Adoption of Children (Amendment).

 SCHEDULE 5—*continued.*

 SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

“Court” means the Supreme Court of New South Wales;

“Tribunal” has the meaning ascribed thereto in section 6 of the Principal Act, as amended by this Act.

Interpretation Act, 1897, not affected. 2. Except as provided in this Schedule, nothing in this Schedule limits any saving in the Interpretation Act, 1897.

Effect of amendments. 3. An amendment made by section 5 and Schedules 1 and 2 shall not revive anything not in force or existing immediately before the appointed day.

Proceedings before the Supreme Court as at the appointed day, etc. 4. (1) Any proceeding pending, as at the appointed day, before the Court which, if commenced after the appointed day, could only have been commenced before the Tribunal, shall—

- (a) if the hearing of the proceeding has commenced, continue to be heard and dealt with in all respects as if this Act had not been enacted; or
- (b) if the hearing of the proceeding has not commenced, be deemed to be a proceeding before the Tribunal.

(2) For the purpose only of continuing to hear and deal with a proceeding as referred to in subclause (1) (a) of this clause, the provisions of the Principal Act and any instrument under the Principal Act, as in force immediately before the appointed day, relating to—

- (a) the Court;
 - (b) the Judges of the Court;
 - (c) the officers of the Court;
 - (d) any such proceeding; and
 - (e) appeals from the decision of the Court in any such proceeding,
- shall continue in force notwithstanding any other provision of this Act.

(3) A decision of the Court and anything done or omitted or suffered to be done by an officer of the Court in any proceeding referred to in subclause (1) (a) of this clause shall have the same force and effect as it would have had if this Act had not been enacted.

Adoption of Children (Amendment).

SCHEDULE 5—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(4) The nominated officer within the meaning ascribed thereto in section 6 of the Principal Act, as in force immediately before the appointed day, shall, as soon as practicable after the appointed day, forward to the Registrar of the Tribunal all documents held by him and relating to any proceeding referred to in subclause (1) (b) of this clause.

(5) Where proceedings in respect of any act or thing done or omitted or suffered to be done before the appointed day had not been brought before that day but could, but for the enactment of this Act, have been brought, immediately before that day, before the Court, proceedings in respect of that act or thing may, if, had that act or thing occurred after that day, proceedings could have been brought before the Tribunal, be brought before the Tribunal under the Principal Act, as amended by this Act.

PART 2.

5. A delegation made by the Director under section 69 of the Principal Act, being a delegation which is in force immediately before the date of assent to this Act, shall be deemed to be a delegation made by the Director under section 69 of the Principal Act, as amended by this Act.

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