

(ii) a reference in the prescribed form identifying the entry made relating to that person in the special record; and

(c) if there is a previous entry relating to the adopted person in the special record or in the former register of adoptions, by endorsing it with a reference in the prescribed form to the entry of the birth of that person as re-registered under this section.

(5) Where, before the commencement of the repealed Act, an order for the adoption of a person whose birth is registered in Tasmania was registered in the former register of adoptions, the Registrar-General, may, on application by that person or an adoptive parent of that person, cause to be made, in relation to that person, in the special record and in the register of births kept by him the same entries and endorsements as would be required by this section if the order for the adoption of that person had been made under this Act.

(6) For the purposes of this section, the Registrar-General may direct a registrar who has the custody of the register in which an adopted person's birth was originally entered to endorse that entry with a reference to this section.

Record of  
adoptions of  
persons born  
outside Australia.

**64—(1)** The Registrar-General shall, on receipt of a memorandum under section 62 in relation to the making of an adoption order for the adoption of a person born in a place outside Australia, cause an entry in the prescribed form to be made in the special record.

(2) Where, before the commencement of this section—

(a) an order for the adoption of a person born in a place outside Australia was made under the repealed Act; or

(b) an order for the adoption of a person born in any such place was registered in the former register of adoptions,

the Registrar-General may, on application by that person or an adoptive parent of that person, cause to be made in relation to that person the same entry in the special record as he would have made if the order for the adoption of that person had been made under this Act after the commencement of this section.

**65—(1)** On receipt of a memorandum under section 62 or a memorandum under a law of another State or a Territory corresponding to that section, in relation to the discharge of an order for the adoption of a person, the Registrar-General shall—

Discharge of adoption orders.

- (a) cause the entry made in relation to that person in the special record to be cancelled;
- (b) cause the endorsement made pursuant to section 63 (4) (b) on the entry of the birth of that person in the register of births kept by the Registrar-General to be cancelled; and
- (c) direct the registrar who has the custody of the register of births in which the birth of the first-mentioned person was originally entered to cancel any endorsement made under section 63 (6) in respect of that adoption.

(2) On receipt of a memorandum under section 62 in relation to the discharge of an order for the adoption of a person who was born in a place other than Tasmania or another State or a Territory, the Registrar-General shall cause the entry made in relation to that person in the special record to be cancelled.

**66—(1)** Where—

- (a) an adoption order or an order for the discharge of an adoption order has been made under this Act; and
- (b) the Registrar-General has reason to believe that the birth of the person to which the order relates is registered in another State or in a Territory,

Sending of memoranda of orders to other States, &c.

the Registrar-General shall, as soon as practicable, cause a memorandum in accordance with the prescribed form of the adoption order or a copy of the order for the discharge of an adoption order, as the case may be, certified in writing by him to be a true memorandum or copy, to be sent to an officer of that State or Territory having functions in relation to the registration of births who is prescribed by the regulations.

(2) Where—

- (a) an adoption order or an order for the discharge of an adoption order has been made under this Act; and

(b) the Registrar-General has reason to believe that the birth of the person adopted under the order is registered in a country other than Australia, the Registrar-General shall, on application in writing by the persons in whose favour the order was made or of the person adopted under the order, cause a memorandum in accordance with the prescribed form of the adoption order, or a copy of the order for the discharge of an adoption order, as the case may be, certified in writing by him to be a true memorandum or copy, to be sent to an officer in that country who is prescribed by the regulations.

Entries in registers of births not to be disclosed.

**67—(1)** In this section, “the prescribed register” means the register of births kept by the Registrar-General.

(2) The Registrar-General and a registrar shall not, except in accordance with this Act or an order of the Supreme Court, open for inspection, or issue an extract from, or copy of, an entry relating to an adopted person in the prescribed register or in a register of births kept by, or in the custody of, a registrar.

(3) The Registrar-General shall, on an application in writing by a natural parent of an adopted person, issue to the natural parent an extract from, or copy of, an entry in the prescribed register relating to the adopted person.

(4) Where an order has been made for the adoption of a person whose birth has been registered in Tasmania, the adopted person may apply to the Registrar-General for the issue of an extract from, or a certified copy of, the entry in the prescribed register relating to the adopted person.

(5) An application under subsection (4) by an adopted person may be made whether before or after he has attained the age of 18 years and whether the order for his adoption was made before or after the commencement of this section but, except in a case where the adoption order has been made after the commencement of this section in favour of—

(a) a spouse of a natural parent of the adopted person;  
or

(b) another person who, or whose spouse, is a relative of the adopted person, or 2 persons who are relatives of the adopted person,

the application shall be accompanied by a certificate given to the adopted person under section 80.

(6) On an application made in accordance with this section, the Registrar-General shall issue in accordance with the application an extract from, or certified copy of, the entry in the prescribed register relating to the adopted person to whom the application relates.

(7) An extract from, or certified copy of, an entry in the prescribed register issued under subsection (6) is subject to the same terms, conditions, and regulations as to payment of fees and otherwise as are applicable under the *Registration of Births and Deaths Act 1895*.

(8) Where, pursuant to this section, the Registrar-General issues an extract from, or certified copy of, an entry in the prescribed register to an adopted person, the extract or certified copy shall contain a statement specifying the surname taken by the adopted person on the making of the order for his adoption.

**68—(1)** Except as provided in this section—

(a) the former register of adoptions and a memorandum of an adoption order under section 55 of the repealed Act or section 62 of this Act are not open for inspection or search; and

(b) a person shall not be furnished with an extract from, or certified copy of, an entry in that register or with a certified copy of any such memorandum of an adoption order.

Former register  
of adoptions and  
memoranda of  
adoption orders  
not open for  
search.

(2) On application by an adopted person, the Registrar-General shall issue, subject to subsection (3) and to the same terms, conditions, and regulations as to payment of fees and otherwise as are applicable under the *Registration of Births and Deaths Act 1895* in relation to a register of births—

(a) an extract from, or certified copy of, an entry in the former register of adoptions relating to the adopted person; or

(b) a certified copy of a memorandum of an adoption order under section 55 of the repealed Act or section 62 of this Act relating to the adopted person.

(3) An application by an adopted person under subsection (2) shall be accompanied by a certificate given to him under section 80.

Copies of entries  
in the special  
record

**69—(1)** On application, the Registrar-General shall issue, subject to the same terms, conditions, and regulations as to payment of fees and otherwise as are applicable under the *Registration of Births and Deaths Act 1895*, an extract from, or certified copy of, an entry in the special record.

(2) In the case of an application under this Part by an adopted person particulars of whose adoption are entered in the former register of adoptions, the Registrar-General may re-register the birth of that person in the special record and exercise his powers under, and in accordance with, subsection (1).

(3) An extract from, or a certified copy of an entry in, the special record shall not contain a reference to any matter referred to in section 63 (4) (a).

Directions to  
registrars for  
purposes of this  
Part.

**70—(1)** The Registrar-General may give to a registrar or to registrars generally such directions as the Registrar-General thinks necessary for the purpose of giving effect to this Part.

(2) A registrar to whom any directions are given under subsection (1) shall comply with those directions.

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## PART VI

### ACCESS TO INFORMATION

#### *Division 1—General*

Restriction on  
access to records  
and reports.

**71—(1)** Except as provided in this Act and without derogating from the powers of the Ombudsman under the *Ombudsman Act 1978*—

(a) records of, or in the possession or under the control of, the Director or an agency relating to an adoption negotiated or arranged by the Director or an agency or a part of any such records; and

(b) a report to a court under section 24 (1) or a corresponding previous enactment and the records of a court of, or relating to, proceedings, other than an order or decision of a court, under this Act or a corresponding previous enactment,

shall not be made available to, or be open for inspection by, any person.

(2) Subsection (1) has effect notwithstanding that a copy of a report referred to in that subsection or of a part of any such report may be contained in records from which information may be available under this Part.

**72—(1)** Where a relevant authority receives an application for information under this Part, the relevant authority shall, subject to and in accordance with this Part—

Duties of relevant authorities to provide information.

*(a)* so far as the information to which the application relates is contained in records in the possession or under the control of the relevant authority, give the information to the applicant if the information is such as may be given to him under this Part; and

*(b)* where the relevant authority is the Director and the information to which the application relates is not contained in records in his possession or under his control, request any agency, body, or person from which or from whom the information may be available—

*(i)* to give the information to the Director; or

*(ii)* where the applicant agrees and the request so states, to give the information to the applicant, so far as the information may be given to him under this Part.

**(2)** On receipt of information under subsection (1), the Director shall give the information to the applicant, so far as it may be given to him under this Part.

**(3)** Where information sought under this Part is not contained in any records referred to in subsection (1), a relevant authority shall—

*(a)* make such reasonable inquiries as in all the circumstances of the case ought to be made for the purposes of obtaining the information; and

*(b)* on obtaining the information, give it to the applicant, so far as it may be given to him under this Part.

**(4)** Where an application has been made under this Part to a relevant authority other than the Director for information that is not contained in records in the possession, or under the control, of that relevant authority—

*(a)* the relevant authority shall notify the Director of that fact; and

*(b)* on receipt of a notification under paragraph *(a)*, the Director shall request any agency, body, or person from which or from whom the information may be available to give the information to the Director.

(5) On receipt of information sought under subsection (4), the Director shall give the information to the relevant authority referred to in that subsection.

(6) On receipt of information under subsection (5), a relevant authority shall give the information to the applicant, so far as it may be given to him under this Part.

Director may obtain information from the court.

**73—**(1) For the purposes of this Part, the Director may apply to the court for such information from its records relating to proceedings as a result of which an adoption order was made by that court as will enable the Director to seek or obtain information that, under this Part, the Director may give to a person who makes an application under this Part.

(2) The court shall give to the Director information in its possession or under its control to which an application under subsection (1) applies.

Counselling services.

**74—**(1) A relevant authority shall not provide a document or information to an applicant under this Part unless the applicant has received counselling from an approved counsellor.

(2) Where a relevant authority receives an application under this Part, the relevant authority shall inform the applicant in writing of the place or places at which counselling services are available and that information cannot be supplied under this Part unless the applicant has attended an interview with an approved counsellor.

(3) This section does not apply if the relevant authority is satisfied that—

(a) the adopted person and all other persons referred to in the original birth certificate relating to the adopted person have previously exchanged information which may identify a natural parent or natural relative of the adopted person; or

(b) the applicant under this Part is not resident in Tasmania.

Protection of privacy.

**75—**A person shall not, under this Part, give to an applicant under this Part, and an applicant under this Part is not entitled to obtain, information relating to the personal affairs of a person, whether living or dead, other than the applicant or from which another person may be identified, whether directly or indirectly, except subject to and in accordance with this Part.

**76**—Where, under this Part, information of a medical or psychiatric nature concerning an applicant under this Part or a natural parent or a natural relative or child of the applicant may be disclosed, a relevant authority may, if the relevant authority considers that the disclosure of the information to the applicant might be prejudicial to the physical or mental health or well-being of the applicant, determine not to disclose the information to the applicant personally but may disclose the information (without identifying a person, other than the applicant, to whom it relates) to a legally-qualified medical practitioner nominated by the applicant and approved by the relevant authority.

Disclosure of medical information.

*Division 2—Persons entitled to birth certificates or information*

**77**—Where an adopted person is under the guardianship of a person who is not his adoptive parent, references in this Division to the agreement of an adoptive parent shall be read as references to the agreement of that guardian.

Application of this Division where adopted person under guardianship.

**78**—On application in accordance with this Division, a relevant authority shall, subject to this Part, provide information about an adopted person or the natural parents or the natural relatives of the adopted person if the relevant authority is satisfied that the information—

Provision of information by relevant authorities.

- (a) is reasonably likely to be true; and
- (b) does not unreasonably disclose information relating to the personal affairs of a natural parent, a natural relative, or any other person.

**79**—(1) Where an order has been made for the adoption of a person whose birth was not registered in Tasmania, the adopted person may, whether before or after attaining the age of 18 years and whether the order was made before or after the commencement of this section, apply to a relevant authority for a copy of, or an extract from, or certified copy of, the birth certificate relating to himself contained in records relating to his adoption that are in the possession, or under the control, of the relevant authority, an agency, another body or person, or of the court.

Access to birth certificates of adopted persons born outside Tasmania.

(2) Where an application is made under subsection (1) by an adopted person who has not attained the age of 18 years, the application shall be accompanied by the agreement in writing, or evidence of the death, of each adoptive parent.



(3) Subject to subsection (4), where a relevant authority receives an application under subsection (1), the relevant authority shall—

- (a) where the copy to which the application relates is in his possession or under his control, give a copy to the applicant; or
- (b) where the copy to which the application relates is in the possession, or under the control, of an agency, another body or person, or the court, request that agency, body, person, or court to give a copy to the relevant authority or, where the request so states, to the applicant.

(4) Where an application is made under subsection (1) by an adopted person who has not attained the age of 18 years, a relevant authority shall not—

- (a) give a copy of, or an extract from, or a certified copy of, a birth certificate to the applicant; or
- (b) request an agency, another body or person, or the court to give a copy to the applicant,

unless the relevant authority has obtained the agreement in writing, or evidence of the death, of each natural parent of the adopted person who has given consent to the adoption.

Grant of  
certificate as to  
counselling, &c.

**80—(1)** An adopted person whose birth is registered in Tasmania may, whether before or after attaining the age of 18 years, apply in the prescribed form to a relevant authority for a certificate in the prescribed form to the effect that the requirements of this section have been complied with.

(2) Where an application is made under subsection (1) by an adopted person who has not attained the age of 18 years, the application shall be accompanied by the agreement in writing, or evidence of the death, of each adoptive parent.

(3) Where the relevant authority receives an application under subsection (1) and the applicant has received counselling from an approved counsellor, the relevant authority shall, subject to subsection (4), give to the applicant a certificate referred to in subsection (1).

(4) An adopted person who has not attained the age of 18 years is not entitled to a certificate referred to in subsection (1) unless the relevant authority has obtained the agreement in writing, or evidence of the death, of each natural parent of the adopted person who has given consent to the adoption.

**81—(1)** An adopted person who has not attained the age of 18 years may, subject to this section, apply to a relevant authority for information about himself. Adopted person's right to information under age 18.

(2) An application for information referred to in subsection (1) shall be accompanied by the agreement in writing, or evidence of the death, of each adoptive parent of the adopted person.

(3) There shall not be given to an applicant under this section any information from which the identity of a natural parent of the applicant may be ascertained unless the relevant authority has obtained the agreement in writing, or evidence of the death, of that natural parent.

**82—(1)** An adopted person who has attained the age of 18 years may apply to a relevant authority for information about himself and he may so apply whether or not one of his natural parents or natural relatives may be identified from that information. Adopted person's right to information at age 18.

(2) If the information to which the application relates is information from which, whether directly or indirectly, the whereabouts of a natural parent or natural relative of the adopted person may be ascertained, the relevant authority shall not give that information to the applicant unless the relevant authority has obtained the agreement in writing of that natural parent or natural relative.

(3) For the purposes of subsection (2)—

- (a) the agreement in writing of a natural parent or natural relative may be given subject to conditions; and
- (b) that agreement in writing is not required if the relevant authority has evidence that the natural parent or natural relative is dead.

**83—(1)** A natural parent of an adopted person who has not attained the age of 18 years may, subject to this section, apply to a relevant authority for information about the adopted person. Natural parent's right to information about adopted person under age 18.

(2) A natural parent is not entitled to information about the adopted person from which his adoptive parents may be identified or his whereabouts ascertained unless the relevant authority—

- (a) has considered any wishes expressed by the adopted person; and

(b) has obtained the agreement in writing, which may be given subject to conditions, or evidence of the death, of each adoptive parent of the adopted person.

(3) A natural parent is not entitled to information about the adopted person if the relevant authority is of opinion that, in order to give effect to any wishes of the adopted person or conditions imposed by an adoptive parent under subsection (2), that information ought not to be disclosed.

Natural parent's  
right to  
information  
about adult  
adopted person.

**84—(1)** A natural parent of an adopted person who has attained the age of 18 years may, subject to this section, apply to a relevant authority for information about the adopted person.

(2) A natural parent is not entitled to information about the adopted person from which his adoptive parents may be identified or his whereabouts ascertained unless the relevant authority has obtained the agreement in writing, which may be given subject to conditions, or evidence of the death, of the adopted person.

(3) A natural parent is not entitled to information about the adopted person if the relevant authority is of opinion that, in order to give effect to any conditions imposed by the adopted person under subsection (2), that information ought not to be disclosed.

Natural relative's  
right to  
information.

**85—(1)** A natural relative of an adopted person may, subject to this section, apply to a relevant authority for information about the adopted person.

(2) A natural relative is not entitled to information about the adopted person from which his adoptive parents may be identified or his whereabouts ascertained unless the relevant authority—

(a) is satisfied that circumstances exist which make it desirable so to do;

(b) where the adopted person has attained the age of 18 years, has obtained the agreement in writing, which may be given subject to conditions, or evidence of the death, of the adopted person; and

(c) where the adopted person has not attained the age of 18 years—

(i) has considered any wishes expressed by the adopted person, or where the adopted person has died, has obtained evidence of the death of the adopted person; and

- (ii) has obtained the agreement in writing, which may be given subject to conditions, or evidence of the death, of each adoptive parent of the adopted person.

(3) A natural relative is not entitled to information about the adopted person if the relevant authority is of opinion that, in order to give effect to any wishes of the adopted person or conditions imposed under subsection (2) by the adopted person or by an adoptive parent, that information ought not to be disclosed.

**86—(1)** An adoptive parent of an adopted person may, subject to this section, apply to a relevant authority for information about the adopted person. Adoptive parent's right to information.

(2) An adoptive parent is not entitled to information about the adopted person from which a natural parent or natural relative of the adopted person may be identified unless—

(a) the relevant authority has obtained the agreement in writing, which may be given subject to conditions, or evidence of the death, of that natural parent or natural relative; and

(b) if the adopted person has attained the age of 18 years, the relevant authority—

(i) has notified the adopted person in writing of his intention to give the information; or

(ii) has evidence of the death of the adopted person.

(3) An adoptive parent is not entitled to information about the adopted person if the relevant authority is of opinion that, in order to give effect to conditions imposed under subsection (2) (a) by a natural parent or natural relative, that information ought not to be disclosed.

**87—(1)** Where a person—

(a) is unable to obtain information about an adopted person because a person whose agreement in writing is required under this Division has failed to give that agreement or has not been found; or

Power of judge to order release of information to adopted persons, natural parents, &c.

- (b) being entitled to apply under a preceding section of this Division, desires to obtain information which he is not entitled to obtain under any other provision of this Part,

the first-mentioned person may apply to a judge in chambers for an order permitting him to obtain that information.

(2) An application under subsection (1) shall be accompanied by a report from an approved counsellor.

(3) Where, on an application made under subsection (1), the judge is satisfied—

- (a) where the application is made because a person has failed to agree in writing to the giving of the information or has not been found, that it is in the best interests of the applicant that the information be given;

- (b) where the application relates to information which the applicant is not entitled to obtain under any other provision of this Part, that it is in the best interests of the applicant that the information be given, notwithstanding that the information relates to the personal affairs of another person or that another person may be identified from the information; and

- (c) after consideration of the report of an approved counsellor made under subsection (2), that special circumstances exist which make it desirable so to do,

the judge may, subject to subsection (4), make an order directing—

- (d) a relevant authority to give such information as is specified in the order to the applicant; or

- (e) a body or person to give such information as is specified in the order to the Director for transmission to the applicant or, where the order so states and the agency, body, or person agrees, to the applicant.

(4) Where a person has failed to agree in writing to the giving of information as mentioned in this Part, the judge shall not make an order under subsection (3) relating to that information unless the judge has given that person, if he can be found, an opportunity to be heard in circumstances in which his identity is not disclosed to the applicant.

**88**—(1) A person who is not entitled to apply under a preceding section of this Division may apply to a judge in chambers for an order that information about an adopted person be given to the applicant.

Power of judge to order release of information to other interested persons.

(2) An application under subsection (1) shall be accompanied by a report from the Director or an approved counsellor.

(3) Where an application is made under subsection (1), the judge may, if he is satisfied after consideration of a report made under subsection (2) that the applicant has a proper interest in obtaining the information sought and that special circumstances exist which make it desirable so to do, make an order directing—

(a) the Director; or

(b) an agency, body, or person,

to give such information as is specified in the order to the applicant.

### *Division 3—Adoption Information Service*

**89**—There shall be an Adoption Information Service established within the Department for Community Welfare and within each approved agency which shall—

Adoption Information Service.

(a) advise persons with respect to the provisions of this Part;

(b) make arrangements for the provision of counselling in relation to applications under this Part;

(c) receive applications for information under this Part; and

(d) subject to and in accordance with this Part, facilitate the provision of information to a person whose name is entered in an Adoption Information Register maintained under section 90.

**90**—(1) The Director and the principal officer of an approved agency shall each establish and maintain an Adoption Information Register.

Adoption Information Registers.

(2) As soon as practicable after making an entry in an Adoption Information Register, the principal officer of an approved agency shall forward to the Director a copy of the particulars relating to each person in respect of whom the entry is made and the Director shall enter those particulars in the Adoption Information Register maintained by him.

(3) There shall be entered in each Adoption Information Register—

(a) the names and addresses of persons, including—

- (i) adopted persons;
- (ii) natural relatives of adopted persons;
- (iii) natural parents of adopted persons; and
- (iv) adoptive parents of adopted persons, who have, in writing, applied to the Director or the principal officer of the appropriate approved agency to enter their names and addresses in that Register; and

(b) in relation to each person so registered, the wishes of the person in relation to—

- (i) obtaining information about, or meeting or providing information to; and
- (ii) whether or not to release the name and, address of, or any information about, the person to, another person whose name is, or may at any time be, entered in that Register.

(4) The name and address of a person whose name is entered in an Adoption Information Register shall not be disclosed to any person except in accordance with this Act, unless the person has given consent in writing to the disclosure of his name and address.

(5) The Director shall from time to time—

- (a) give public notification of the establishment of each Adoption Information Register; and
- (b) invite adopted persons and natural parents to record their wishes in relation to obtaining information about, or meeting or providing information to, another person whose name is, or may at any time be, entered in an Adoption Information Register.

(6) A person who is required to maintain an Adoption Information Register under this section shall, on application by a person whose name is entered in that Register, amend or cancel the entry relating to that person.