

**ADOPTION OF CHILDREN.**

8° Elizabeth II., No. LI.

---

**No. 51 of 1959.**

---

**AN ACT to amend the Adoption of Children Act,  
1896-1953.***[Assented to 25th November, 1959.]*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title  
and citation.

1. (1) This Act may be cited as the *Adoption of Children Act Amendment Act, 1959.*

Reprinted as  
approved for  
reprint  
18/3/54 in  
Vol. 7 of the  
Reprinted  
Acts.

(2) In this Act the Adoption of Children Act, 1896-1953, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Adoption of Children Act, 1896-1959.

2. Section five of the principal Act is amended by adding after paragraph (8) the following paragraphs—

S. 5  
amended.

(8a) shall require the applicant for an order of adoption and the husband of an applicant where the application is made by a married woman alone, to produce to him a certificate,

signed by a medical practitioner by whom he has been professionally attended or by a medical officer who is an approved medical officer within the meaning of section two hundred and ninety of the Health Act, 1911,

certifying that the applicant or husband or both, as the case may be, has within a period of six months immediately preceding the date of the application, undergone an x-ray examination of his chest, and any other bacteriological examination that the medical practitioner deems advisable, and is not on the evidence available from the examination or examinations, suffering from any form of infectious tuberculosis;

(8b) shall require a responsible officer of the Child Welfare Department of the State to make a written report to him as to

(a) whether the applicant is of good repute and a fit and proper person to have the care and custody of the child and the ability of the applicant to bring up, maintain and educate the child; and

(b) such other matters concerning the applicant or the child as the Judge determines; .

3. The principal Act is amended by adding after section five A a section as follows—

S. 5B  
added.

5B. Where a person intends to make an application under the provisions of section three or four of this Act, he shall, at least thirty

Applicant  
to give  
Director  
Child  
Welfare  
notice of  
intending  
application.

days before the application is filed in the Supreme Court, notify in writing the Director of the Child Welfare Department of his intention and shall give to the Director or other responsible officer of that Department such information as he may require for the purposes of making the report referred to in paragraph (8b) of subsection (1) of section five of this Act.

S. 12  
amended.

4. Section twelve of the principal Act is amended—

- (a) by substituting for the words, “of the orders of adoption made under this Act and” in lines six and seven, the word, “containing”; and
- (b) by deleting the words, “every such order and” in line ten.

S. 13  
amended.

5. Subsection (1) of section thirteen of the principal Act is amended—

- (a) by adding after the figures, “1948” in line ten of paragraph (a), the passage, “or where prior to the commencement of the Adoption of Children Act Amendment Act (No. 2), 1953, an order of adoption has been made under the provisions of this Act in respect of a child whose birth is not so registered”;
- (b) by adding after the word, “re-register” in line sixteen of paragraph (a), the passage, “or register, as the case may be,”;
- (c) by adding after the word, “re-registration” being the last word in paragraph (b), the words, “or registration”; and
- (d) by adding after paragraph (c) a paragraph as follows—

(d) (i) In the case of a child born in another State or Territory of the Commonwealth or a part of Her Majesty's Dominions with which arrangements

have been made under the provisions of section thirteen A of this Act, the Registrar General, on receipt of the application, the certified copy of the order of adoption and the fee referred to in paragraph (a) of this subsection, shall by written notice inform the Director of the Child Welfare Department of the receipt by him of the application.

(ii) On receipt of the notice, the Director shall send or cause to be sent a certified copy of the order of adoption with such additional information as is required by the relevant arrangement to be transmitted to the appropriate authority in that State, or Territory or part of Her Majesty's Dominion as the case may be, in the manner provided in the arrangement.

---