

ADOPTION OF CHILDREN (No. 2).

2° Elizabeth II., No. LVII.

No. 57 of 1953.

AN ACT to amend the Adoption of Children Act, 1896-1949.

[Assented to 9th January, 1954.]

BE 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 (No. 2), 1953*.

(2) In this Act the Adoption of Children Act, 1896-1949,

Act No. 6 of 1896 as reprinted with amendments to and including Act No. 57 of 1926 incorporated pursuant to the provisions of the Amendments

Incorporation Act, 1938, in Volume 2 of the Reprinted Acts of the Parliament of Western Australia 1943 and further amended by Acts Nos. 31 of 1945 and 22 of 1949,

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, 1896-1953.

2. Section five of the principal Act is amended ^{S. 5} amended. by—

- (a) substituting for the word, “the” in line one of paragraph (9) of subsection (1) the word, “any”;
- (b) substituting for the word and figure, “paragraph (4)” in line two of paragraph (9) of subsection (1) the words and figures, “paragraphs (4) or (5)”;
- (c) repealing subsection (11).

3. The principal Act is amended by adding the ^{S. 9A} added. following section:—

9A. Where an Order of Adoption is varied, reversed or discharged and the particulars of the terms and conditions of the variation, reversal or discharge are filed with the Registrar of the Supreme Court, he shall forthwith give to the Registrar General the particulars, whereupon the Registrar General shall endorse in accordance with the particulars given to him—

- (a) the registration of the birth of the child concerned made pursuant to Part IV of the Registration of Births, Deaths and Marriages Act, 1894-1948;
- (b) the re-registration of the birth made pursuant to sections twelve A or thirteen of this Act; or
- (c) the registration of the birth made pursuant to section thirteen B of this Act.

S. 12A
amended.

4. Section twelve A of the principal Act is amended by—

- (a) adding after the word, “made” in line three of subsection (1) the words, “under the provisions of this Act or filed under the provisions of section thirteen A of this Act”;
- (b) repealing subsection (3);
- (c) adding the following subsections:—

(4) The index of the register which is kept in the office of the district registrar and in the office of the Registrar General respectively, shall in each case be amended so as to refer to the re-registration.

(5) The original entry of the birth of the child, the duplicate of that original kept in the general registry shall not be open to inspection and a certified copy of the original entry of the birth of the child or the duplicate of that original which is kept in the general registry or the entry relating to the re-registration of the birth of the child shall not be issued, except with the approval of the Registrar General.

- (d) substituting for the subsection designation, “(4)” in line one of subsection (4) the subsection designation, “(6)”.

S. 13 (1) (a)
repealed
and
re-enacted.

5. Paragraph (a) of subsection (1) of section thirteen of the principal Act is repealed and re-enacted as follows:—

(a) Where before the commencement of the Adoption of Children Act Amendment Act, 1949, an order of adoption has been made under the provisions of this Act or a certified copy of an Order of Adoption has been filed in the Supreme Court under the provisions of the next succeeding section in respect of a child whose birth is registered pursuant to the provisions of Part IV. of the Registration of Births, Deaths and Marriages Act, 1894-1948, the Registrar General on application being made to him in the prescribed form and on production of a certified copy of the Order of Adoption and on payment

of the prescribed fee by the adopting parent or a person having knowledge of the true facts of the case shall in the prescribed form re-register the birth of the child in accordance with the particulars disclosed in the Order of Adoption, and in the firstmentioned prescribed form.

6. Section thirteen A of the principal Act is ^{S. 13A} repealed and re-enacted as follows:—
repealed and re-enacted.

13A. (1) The Minister for Child Welfare may make arrangements with the Minister or other appropriate authority administering any law relating to the adoption of children in any other State or territory of the Commonwealth or in any part of Her Majesty's Dominions, for the transmission to or by him, as the case requires, of a certified copy of an order of adoption, whether the order is made before or after the coming into operation of the Adoption of Children Act Amendment Act (No. 2), 1953, concerning a child born in this State and adopted under the law of that other State, territory or Dominion or born in that other State, territory or Dominion and adopted under the provisions of this Act.

(2) Where a certified copy of an order of adoption made in any other State or territory of the Commonwealth or a part of Her Majesty's Dominions, whether the order is made before or after the coming into operation of the Adoption of Children Act Amendment Act (No. 2), 1953, is received in pursuance of an arrangement made under the provisions of subsection (1) of this section, it shall be filed in the Supreme Court and thereupon shall be dealt with as if it were an order of adoption made under the provisions of this Act.

(3) In this section the expression, "Order of Adoption" includes an order varying, reversing, or discharging an Order of Adoption.

7. The principal Act is amended by adding after section thirteen A a section as follows:—
S. 13B added.

13B. (1) Where an order of adoption in respect of a child whose birth is not registered

in this State pursuant to the provisions of Part IV. of the Registration of Births, Deaths and Marriages Act, 1894-1948, is—

- (a) made under the provisions of this Act;
or
- (b) filed in the Supreme Court in pursuance of subsection (2) of section thirteen A of this Act,

the Registrar of the Supreme Court shall forthwith give to the Registrar General a certified copy of the Order of Adoption together with particulars in respect of the date and place of birth of the child and the name (commonly called the Christian name) by which the child shall be known after the adoption, the surname conferred on the child by adoption and the name and surname and place of residence of the adopting parent or parents.

(2) (a) On receipt of the certified copy and particulars referred to in the last preceding subsection the Registrar General shall in the prescribed form, register the birth of the child in accordance with the particulars disclosed.

(b) The registration of the birth of the child shall not be open to inspection and a certified copy of the registration of birth shall not be issued, except with the approval of the Registrar General.

(3) In this section “prescribed” means prescribed by regulation made under the Registration of Births, Deaths and Marriages Act, 1894-1948.
