

## ADOPTION OF CHILDREN

13° Geo. VI., No. CVIII.

## No. 22 of 1949.

## AN ACT to amend the Adoption of Children Act, 1896-1945.

[Assented to 22nd October, 1949.]

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

Short title.

1. This Act may be cited as the *Adoption of Children Act Amendment Act, 1949*, and shall be read as one with the Adoption of Children Act, 1896-1945 (Act No. 6 of 1896, as reprinted with amendments to and including No. 57 of 1926, incorporated pursuant to the Amendments Incorporation Act, 1938, in Volume 2 of the Reprinted Acts of the Parliament of Western Australia, and further amended by No. 31 of 1945), hereinafter referred to as the principal Act.

Citation of principal Act as amended by this Act.

2. The principal Act, as amended by this Act, may be cited as the Adoption of Children Act, 1896-1949.

Amendment of s. 2.

3. Section two of the principal Act is amended by—

- (a) substituting for the word "fifteen" in line two of the interpretation "child," the word "twenty-one";
- (b) substituting for the word "legitimate" in line seven of the interpretation "deserted child," the word "ex-nuptial".

Amendment of s. 5.

4. Section five of the principal Act is amended by—

- (a) inserting the figure one in brackets thus (1) before the word "Before" in line one;

(b) substituting for the word "colony" in paragraph five, line two, the word "State";

(c) adding the following paragraphs:—

(7) may dispense with the consent of the putative father of an ex-nuptial child;

(8) may, if of opinion that any parent or legal guardian is for any reason unfit to have the custody of the child, including badness of character, unsoundness of mind, or aversion or apathy towards the child, and that notice of the application for the order of adoption has been given to the parent or guardian, dispense with the consent of that parent or guardian;

(9) may dispense with the consent referred to in paragraph (4) of this section where in any special circumstances the judge deems it expedient to do so;

*Cf. S.A.  
Adoption of  
Children Act,  
1925-1948 s. 7.*

*Cf. N.S.W.  
Child Welfare  
Act, 1923  
n. 126,  
Proviso (i).*

(d) adding the following subsection:—

(11) Where in making an order of adoption the judge, pursuant to the provisions of the last preceding subsection, dispenses with any consent he shall state the reasons for the dispensation and those reasons shall be set forth in the order.

5. Section nine of the principal Act is amended by adding after the word "fit" in line five, the words "and any variation, reversal or discharge shall incorporate a direction as to the name by which the child concerned in the order of adoption varied, reversed, or discharged, shall thereafter be known and a direction as to the names of the persons who shall thereafter be regarded as the parents of the child".

*Amendment of  
s. 9.*

6. Section ten of the principal Act is amended by adding after the word "child" in line two, the words "and shall confer and set forth the name (commonly called the Christian name), by which the child is thereafter to be known."

*Amendment of  
s. 10.*

*Cf. No. 4 of  
1914, s. 3 now  
renumbered s.  
31 App. 1934  
Sess. Vol.*

Amendment of  
s. 12.

7. Section twelve of the principal Act is amended by—

- (a) adding the words “and information in respect of the terms and conditions of any variation, reversal or discharge of an order for adoption” after the word “Act” in line six; and
- (b) adding the words “and such information” after the word “order” in line seven.

s. 12A. added.

8. The principal Act is amended by adding after section twelve, the following section:—

Registrar of  
Supreme Court  
to furnish  
certain partic-  
ulars to Regis-  
trar General.

12A. (1) Where, after the coming into operation of the Adoption of Children Act Amendment Act, 1949, an order of adoption is made 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 of the Supreme Court shall forthwith give to the Registrar General a certified copy of the order of adoption, together with information 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 residence of the adopting parent or parents.

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

(3) When an order of adoption is varied, reversed or discharged, the Registrar of the Supreme Court shall forthwith give to the Registrar General, particulars of the terms and conditions of the variation, reversal, or discharge imposed by the judge pursuant to the provisions of section nine of this Act, whereupon the Registrar General shall endorse the registration and re-registration of the birth of the child concerned, in accordance with the particulars disclosed.

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

9. The principal Act is amended by repealing section thirteen and substituting the following:—

Repeal and re-enactment of s. 13.

13. (1) (a) Where an order of adoption has been made before the commencement of the Adoption of Children Act Amendment Act, 1949, or where 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, may, in the prescribed form, re-register the birth of the child with particulars of the date and place of birth and the name (commonly called the Christian name), of the child and the surname of the adopting parent conferred on the child and the name and surname and residence of the adopting parent, and a reference to the order of adoption.

Registration in the name of adopting parent inserted by No. 57 of 1926, as s. 10A., renumbered s. 13, 1943. Vol. Reprints. Cf. No. 45, s. 2.

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

(c) The original entry of the birth of the child and the duplicate thereof kept in the general registry, shall not be open to inspection and no certified copy of the original entry of the birth of the child or the duplicate thereof, kept in the general registry or the entry relating to the re-registration of the birth of the child, shall be issued, except with the approval of the Registrar General.

(2) In this section "prescribed" means prescribed by regulations made under the Registration of Births, Deaths and Marriages Act, 1894-1948.