

ADOPTION OF CHILDREN.

No. 49 of 1973.

AN ACT to amend the Adoption of Children Act, 1896-1971.

[Assented to 6th November, 1973.]

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:—

1. (1) This Act may be cited as the *Adoption of Children Act Amendment Act, 1973*.

Short title and citation.

(2) In this Act the Adoption of Children Act, 1896-1971 is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Adoption of Children Act, 1896-1973.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Section 4A
amended.

3. Section 4A of the principal Act is amended by adding after subsection (5) a subsection as follows—

(6) In respect of any application for an order of adoption made after the coming into operation of the Adoption of Children Act Amendment Act, 1973 where all the consents given—

(a) are, on the date they are given, the only consents necessary under this section; and

(b) are not revoked under section four D of this Act,

the Judge may make the order of adoption without any further consent that has after that date become necessary under this section unless paragraph (c), (d) or (e) of subsection (1) or subsection (5) of section 4H of this Act has had effect in respect of the child the subject of that application.

Section 5
amended.

4. Section 5 of the principal Act is amended—
(a) as to subsection (1)—

(i) by adding before the word “that”, in line seven of paragraph (3), the passage “subject to subsection (1a) of this section,”; and

(ii) by adding before the word “shall”, in line one of paragraph (8b) and line one of paragraph (8c), the passage “subject to subsection (1a) of this section,” in each case;

- (b) by adding after subsection (1) subsections as follows—

(1a) Where the child the subject of an application for an order of adoption is a child of one of the applicants, the provisions of subsection (1) of this section in relation to the opinion of the Director and in relation to the written report of the responsible officer of the Department do not apply to or in relation to that application unless the Judge by order directs that he requires to be informed on all or any of the matters referred to in those provisions in which case those provisions shall apply to the extent necessary to give effect to the order.

(1b) Notwithstanding subsection (1a) of this section, the Director may report any information to the Judge regarding an applicant as the Director thinks fit. ;

- (c) by substituting for the word "In", in line one of subsection (2) and line one of subsection (3), the passage "Subject to subsection (1a) of this section, in" in each case.

5. Section 5B of the principal Act is amended by adding after the word "and", in line five, the passage "subject to subsection (1a) of section five of this Act,".

Section 5B
amended.

6. The principal Act is amended by adding after section 5B a section as follows—

Section 5C
added.

5C. In respect of any application for an order of adoption made after the coming into operation of the Adoption of Children Act Amendment Act, 1973, where one of the applicants was formerly a widow or widower and the child the subject of the application is the child of that applicant and a person who is deceased,

Notice to
deceased
parent's
family.

the applicants shall, in addition to the notice given under section five B of this Act and at least thirty days before the application is filed in the Supreme Court, give written notice of their intention so to do to the surviving father or mother of that deceased person or, if neither survives, to any surviving brother or sister of that deceased person. .

Section 20
amended.

7. Section 20 of the principal Act is amended by deleting subsection (1) and substituting the following subsection—

(1) Subject to this section, a person—

- (a) who publishes, or causes to be published in a newspaper or other periodical publication, or by means of broadcasting or television; or
- (b) who by any means whatsoever brings to the notice of the public in this State,

anything that will identify or be likely to identify any person—

- (c) who is or proposes to be the subject of or a party to an application for an order of adoption;
- (d) who is the relative of a person who is the subject of or a party to an application for an order of adoption;
- (e) who has consented to the adoption of a child; or
- (f) who is or may be affected by an order of adoption

under this Act, or under a law of another State of the Commonwealth or of New Zealand, is guilty of an offence against this Act.

Penalty: Four hundred dollars or imprisonment for twelve months. .