



## Full Day Hansard Transcript (Legislative Council, 23 October 2013, Proof)

### Proof

Extract from NSW Legislative Council Hansard and Papers Wednesday, 23 October 2013 (Proof).

### ADOPTION LEGISLATION AMENDMENT (OVERSEAS ADOPTION) BILL 2013

#### Second Reading

**The Hon. DAVID CLARKE** (Parliamentary Secretary) [8.43 p.m.], on behalf of the Hon. Michael Gallacher, I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

#### Leave granted.

The Government is pleased to introduce this bill, which makes important amendments to the *Births, Deaths and Marriages Registration Act 1995* and the *Adoption Act 2000*.

Currently, children adopted from overseas can be issued with a New South Wales post-adoption birth certificate provided that the adoption is finalised in New South Wales. However, children whose adoptions are arranged by the Department of Family and Community Services but completed abroad are ineligible for a New South Wales birth certificate. Although their adoption may be recognised under the *Adoption Act 2000*, the Supreme Court does not make any orders in respect of the adoption and the Registry of Births, Deaths and Marriages has no trigger for registering the adoption. The registry, therefore, cannot issue the child with a post-adoption birth certificate, which records the child's birth details and legal parents in one document.

This creates difficulties for some overseas adoptees, including those from China, whose identity and adoption documents refer to their "abandonment". Being required to produce these papers for enrolment in school or a job application can be embarrassing and potentially creates a risk of discrimination. Concerns around this issue have been raised by adoptive parents and a Commonwealth House of Representatives Standing Committee Inquiry into Overseas Adoption.

The amendments in this bill respond to these concerns. They amend the *Births, Deaths and Marriages Registration Act 1995* and the *Adoption Act 2000* to enable New South Wales residents who adopt a child overseas to have that adoption registered in New South Wales and a post-adoption birth certificate issued for their adopted child provided that the adoption was arranged by the Department of Family and Community Services and is recognised by New South Wales law.

As there is no court order in these adoptions, the Department of Family and Community Services will be responsible for providing the Registry of Births Deaths and Marriages with the information needed to register the adoption. This will occur automatically for eligible inter-country adoptions that occur after the commencement of the amendments, provided that the Department of Family and Community Services has the information and documents that are required for registration.

For eligible inter-country adoptions that have occurred prior to the commencement of the amendments, notification will occur upon application to the Department of Family and Community Services by the adoptive parents or an adopted person who is over the age of 18.

These changes to the law will give these adopted children and their families more privacy and greater protection from discrimination. It will have a significant impact on the lives of these children and their families, given the frequency with which birth certificates are used as proof of identification.