



New South Wales

Adoption Legislation Amendment (Overseas Adoption) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to enable New South Wales residents who adopt a child overseas to have that adoption registered and have a post-adoption birth certificate issued for the adopted child, provided that the adoption is recognised under NSW law and was arranged by the Department of Family and Community Services. The foreign countries in which adoptions are recognised are countries that are party to the Hague Convention on Intercountry Adoption and countries prescribed under Commonwealth regulations providing for intercountry adoption bilateral arrangements.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Schedule 1 Amendment of Adoption Act 2000 No 75

Schedule 1 [1] requires the Director-General of the Department of Family and Community Services to notify the Registrar of Births, Deaths and Marriages of the details of a recognised foreign country adoption if the adoption was organised by or under the authority of the Director-General. Proposed amendments to the *Births, Deaths and Marriages Registration Act 1995* will result in the Registrar being required to register the adoption in the Births, Deaths and Marriages Register and issue a post-adoption birth certificate.

Schedule 1 [2] provides for the making of savings and transitional regulations consequent on the enactment of any Act that amends the *Adoption Act 2000*.

Schedule 1 [3] extends the new requirement for the notification of a recognised foreign country adoption to adoptions completed before the commencement of the proposed Act, but only if a written request is made by the adoptive parents or the adopted child (if over 18). Notification will be automatic for recognised foreign country adoptions finalised after the commencement of the amendments.

Schedule 2 Amendment of Births, Deaths and Marriages Registration Act 1995 No 62

Schedule 2 [1] and [2] extend the current duty to register adoptions to include recognised foreign country adoptions organised by or under the authority of the Director-General of the Department of Family and Community Services.

Schedule 2 [3] corrects a cross-reference.

Schedule 2 [4] makes a consequential amendment.

Schedule 2 [5] requires the Registrar of Births, Deaths and Marriages to issue a single certificate (an adopted person's birth record) certifying particulars contained in an entry relating to the birth of a person and particulars relating to an adoption notified under the proposed amendments to the *Adoption Act 2000*.

Schedule 3 Amendment of Adoption Regulation 2003

Schedule 3 [1] and [2] make consequential amendments to the *Adoption Regulation 2003*.