



New South Wales

Adoption Legislation Amendment (Integrated Birth Certificates) Bill 2020

Explanatory note

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

Overview of Bill

The objects of this Bill are to amend the *Adoption Act 2000* and the *Births, Deaths and Marriages Registration Act 1995* as follows—

- (a) to provide that the Registrar of Births, Deaths and Marriages may issue a certificate containing the information recorded for an adoption on the Births, Deaths and Marriages Register and the corresponding information, if any, known to the Registrar about the birth contained on the Register (an *integrated birth certificate*),
- (b) to require an integrated birth certificate to be issued by the Registrar for an adoption registered on or after the commencement of the proposed Act in addition to existing requirements,
- (c) to provide for access entitlements in relation to an integrated birth certificate with respect to both adoptions given effect to by an adoption order made on or after the commencement of the *Adoption Amendment Act 2008* and adoptions given effect to by an adoption order made before the commencement of that Act,
- (d) to specify the way an application for an integrated birth certificate is to be made,
- (e) to provide for the management of a contact veto in relation to the supply of an integrated birth certificate,
- (f) to make other consequential amendments.

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 a day or days to be appointed by proclamation.

Schedule 1 Amendment of Adoption Act 2000 No 75

Schedule 1[1] amends the definition of *presumptive father* to include the person shown on the adopted person's integrated birth certificate as the father of the adopted person at birth.

Schedule 1[2], [3] and [7]–[9] entitle an adopted person to receive an integrated birth certificate, subject to the consent requirements for an adopted person who is less than 18 years of age.

Schedule 1[4]–[6] and [10]–[13] provide for the circumstances in which an adoptive parent of a person or the birth parent of an adopted person is entitled to receive the adopted person's integrated birth certificate or, in the case of a birth parent of an adopted person who is less than 18 years of age, other information about the adopted person.

Schedule 1[14] provides for the supply, or authority to supply, to a relative or spouse of a deceased adopted person or a deceased birth parent, or to another person, the integrated birth certificate of the deceased adopted person or birth parent.

Schedule 1[15] specifies the way an application for an integrated birth certificate is to be made.

Schedule 1[16] provides that an integrated birth certificate is personal information in relation to a person.

Schedule 1[17]–[20] clarify when a contact veto takes effect, the undertaking required if a contact veto is in force and how those provisions apply in relation to the supply of an integrated birth certificate if a contact veto is lodged and the contact veto against contact is in force.

Schedule 1[21] inserts the definition of *integrated birth certificate* into the Dictionary.

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

Schedule 2[1] provides for the information that is to be contained in 2 separate birth certificates that may be issued by the Registrar of Births, Deaths and Marriages if a person's adoption is registered under the *Births, Deaths and Marriages Registration Act 1995*, including an integrated birth certificate. If an adoption is registered on or after the commencement of the proposed Act, both birth certificates are required to be issued to the person. It also provides that the fee for only 1 certificate is payable in particular circumstances.

Schedule 2[2] inserts a note to indicate the Registrar may need to issue more than 1 certificate in certain circumstances.