



NORTHERN TERRITORY OF AUSTRALIA

No. 73 of 1991

AN ACT

to amend the *Adoption of Children Act*

[Assented to 10 December 1991]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Adoption of Children Amendment Act 1991*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Adoption of Children Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 6(1) of the Principal Act is amended by inserting after the definition of "interim order" the following:

"'non-citizen child' means a person who has not attained the age of 18 years who enters or has entered the Territory as a non-citizen for the purposes of adoption and who intends to become, or is intended to become, a permanent resident of Australia, not being a person who enters or has entered the Territory in the charge of, or for the purposes of living in the Territory under the care of, a parent or relative of the person who has attained the age of 21 years;".

Adoption of Children Amendment

5. CONSENTS OF PARENTS AND GUARDIANS REQUIRED TO ADOPTION

Section 21 of the Principal Act is amended by inserting after subsection (4) the following:

"(4A) In the case of a non-citizen child, subsections (2), (3) and (4) do not apply, but the consent of the Minister, accompanied by a declaration referred to in section 25(2), is required."

6. GIVING OF CONSENT

Section 22(1) of the Principal Act is amended by omitting "section 22" and substituting "section 21".

7. FORM OF CONSENTS, &c.

Section 25 of the Principal Act is amended -

(a) by inserting after "this Division" the words ", other than the consent of the Minister under section 21(4A),"; and

(b) by adding at the end the following:

"(2) The Minister shall, in a declaration accompanying the Minister's consent under section 21(4A), declare that the Minister believes on reasonable grounds that -

(a) each parent or guardian of the non-citizen child -

(i) has, immediately before the child commenced the journey to Australia, given consent in accordance with the law of the place of residence of the parent or guardian or of the child to the adoption of the child and has not revoked the consent; or

(ii) is dead or cannot after reasonable inquiry be found; or

(b) circumstances exist by reason of which the consent of a parent or guardian, if required under this Act, may be dispensed with."

8. COURT MAY DISPENSE WITH CERTAIN CONSENTS

Section 27(1) of the Principal Act is amended by omitting "(other than the child)" and substituting ", other than the Minister or the child,".

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9. NEW SECTION

The Principal Act is amended by inserting in Division 3, after section 29, the following:

"29A. GUARDIANSHIP OF NON-CITIZEN CHILD

"In the event of the *Immigration (Guardianship of Children) Act 1946* of the Commonwealth ceasing to apply in relation to a non-citizen child where the non-citizen child enters or has entered the Territory from another State or Territory or from an overseas country, the Minister shall be the guardian of the child for so long as the Territory is the normal place of residence of the child, for all purposes to the exclusion of all other persons and shall cease to be the guardian in the same manner as the Minister would cease to be the guardian of a child under section 29."
