



NORTHERN TERRITORY OF AUSTRALIA

No. 10 of 1986

AN ACT

To amend the *Adoption of Children Act*

[Assented to 19 May 1986]

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 1986*.

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 of the Principal Act is amended by inserting after the definition of "adoption order" the following:

"'approved' means approved by the Minister;".

5. NEW SECTION

The Principal Act is amended by inserting after section 6 the following:

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"6A. DELEGATION BY MINISTER

"(1) The Minister may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.

"(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Minister.

"(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister."

6. ADOPTION LIST

Section 19 of the Principal Act is amended by inserting after subsection (1) the following:

"(1A) The Minister may, by notice in the Gazette, determine criteria of eligibility for married couples whose names may be included in the adoption list.

"(1B) The names of a married couple shall not remain on or be included in the adoption list unless, in the opinion of the Minister, the married couple satisfies, and is within, the criteria of eligibility from time to time determined under subsection (1A) by him."

7. RECOGNITION OF FOREIGN ADOPTIONS

Section 40(2) of the Principal Act is amended by omitting paragraphs (b), (c) and (d) and substituting the following:

"(b) in consequence of the adoption, the adopter or adopters had, or (if the adopted person had been a young child) would have had, immediately following the adoption, according to the law of that country, a right superior to that of either natural parent of the adopted person alone or in conjunction with the other natural parent in respect of the custody of the adopted person; and

(c) under the law of that country the adopter or adopters were, by the adoption, placed generally in relation to the adopted person in the position of a parent or parents."

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8. NEW SECTION

The Principal Act is amended by inserting after section 40 the following:

"40A. SUPERVISION OF CERTAIN ADOPTED CHILDREN

"(1) Subject to this section, where -

- (a) a child was adopted in accordance with the law of a country outside the Commonwealth and its Territories, whether or not the adoption is an adoption that has, under this Act, the same effect as an adoption order under this Act;
- (b) the adoption in relation to the child has been in force for a period not exceeding 12 months;
- (c) neither of the adoptive parents of the child was, or where there is only one adoptive parent, that parent was not, at the time of the making of the order of adoption, a national or citizen of the country in which the order was made; and
- (d) the child is present in the Territory,

the Minister may supervise the welfare and interests of the child for a period not exceeding 12 months commencing on the date of the arrival of the child in the Territory and a person authorized in writing by the Minister for that purpose has a right of access to the child at all reasonable times during that period.

"(2) Where a child whose welfare and interests may be supervised under subsection (1) by the Minister has, after being adopted but before arriving in the Territory, been resident in a State or another Territory of the Commonwealth, the period during which the child is subject to the supervision of the Minister is reduced by that period of residence in the State or other Territory.

"(3) Notwithstanding subsection (1), the Minister may, in his discretion, exempt a child to whom that subsection would otherwise apply from the application of that subsection and accordingly that subsection shall not apply to or in relation to that child."

9. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

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SCHEDULE

Section 9

Provision	Amendment	
	Omit	Substitute
Section 6(1)	definition of "the Director"	
Sections 6(1) 14(1), 18(1), 19(1), (2), (3) and (4), 20, 22(1), 23, 24(1) and (2), 27(2) and (3), 29(1), 44(2), 45(2), 47, 57 and 59(2)	"Director" (wherever occurring)	"Minister"
Section 59(1)	"Director of Child Welfare"	"Minister"