



ANNO VICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1978

No. 29 of 1978

An Act to amend the Adoption of Children Act, 1966-1976.

[Assented to 30th March, 1978]

BE IT ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Adoption of Children Act Amendment Act, 1978".

(2) The Adoption of Children Act, 1966-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Adoption of Children Act, 1966-1978".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Repeal of
s. 5 of
principal Act
and enactment
of section in
its place—
Jurisdiction.

3. Section 5 of the principal Act is repealed and the following section is enacted and inserted in its place:—

5. Subject to this Act, a court constituted of—

(a) a Judge of the Children's Court of South Australia;

(b) a person holding judicial office under the Local and District Criminal Courts Act, 1926-1976;

or

(c) a special magistrate and two justices (of whom at least one is a woman justice),

shall have jurisdiction to hear and determine an application under this Act for an adoption order.

Amendment of
principal Act,
s. 30—
General effect
of adoption
orders.

4. Section 30 of the principal Act is amended by striking out subsection (5) and inserting in lieu thereof the following subsection:—

(5) Where—

(a) a child suffers from some physical or mental disability;

or

(b) the physical, mental or emotional attributes or characteristics of a child are such that it requires special care,

the Minister may enter into an arrangement with the prospective adoptive parents of the child under which he will contribute to the support of the child after its adoption.

5. The following sections are enacted and inserted in the principal Act after section 71 thereof:—

Enactment of
ss. 71a and 71b
of principal
Act—

71a. (1) There shall be a panel entitled the "South Australian Adoption Panel".

Establishment
of Adoption
Panel.

(2) The panel shall consist of nine members appointed by the Minister of whom—

(a) one shall be a clinical psychologist;

(b) one shall be a legally qualified medical practitioner registered as a specialist in gynaecology;

(c) one shall be a legally qualified medical practitioner registered as a specialist in pediatrics;

(d) one shall be a legally qualified medical practitioner registered as a specialist in psychiatry;

(e) one shall be a legal practitioner;

(f) one shall be a social worker;

(g) one shall be the nominee of the Director-General of Community Welfare;

(h) two shall be members of the public with special interest in the field of adoption of children.

(3) The Minister shall, as occasion requires, appoint a chairman from amongst the members of the panel.

(4) The members of the panel shall hold office at the pleasure of the Minister.

(5) The members of the panel shall be entitled to receive such allowances and expenses as may be determined by the Minister.

71b. (1) The functions of the panel are as follows:—

Functions of
panel.

(a) to make recommendations to the Minister generally upon matters pertaining to the adoption of children;

(b) to keep under review the prescribed criteria in accordance with which the Director-General is to determine who are eligible to be approved as fit and proper persons to adopt children and to recommend to the Minister any changes to those criteria that the panel considers desirable;

- (c) to recommend to the Minister procedures for evaluation of, and research into, adoptions;
 - (d) to make recommendations to the Minister on matters referred by the Minister to the panel for advice;
- and
- (e) to undertake such other functions as may be assigned to the panel by regulation.

(2) Before making a recommendation under paragraph (b) of subsection (1) of this section, the panel shall give—

- (a) approved adoption agencies;
 - (b) persons who have been approved as fit and proper persons to adopt children;
- and
- (c) any other persons who have, in the opinion of the panel, a proper interest in the matter,

a reasonable opportunity to make representations in relation to the proposed recommendation.

Amendment of
principal Act,
s. 72—
Regulations.

6. Section 72 of the principal Act is amended—

(a) by striking out paragraph (la) and inserting in lieu thereof the following paragraph:—

(la) the criteria on which the eligibility of persons for approval by the Director-General as fit and proper persons to adopt children will be determined;;

(b) by striking out paragraph (m) and inserting in lieu thereof the following paragraph:—

(m) the—

(i) keeping of registers of persons approved by the Director-General as fit and proper persons to adopt children;

(ii) order in which persons whose names are included in the register may be selected to be applicants for adoption orders;

and

(iii) removal of the names of persons from the register;;

(c) by striking out paragraph (n) and inserting in lieu thereof the following paragraphs:—

(n) the institution, hearing and determination of proceedings to review—

(i) any decision of the Director-General refusing to approve a person as being a fit and proper person to adopt children;

(ii) any decision by the Director-General to remove the name of a person from the register of persons whom he has approved as fit and proper persons to adopt children;

or

(iii) any other decision of the Director-General under this Act of a kind specified in the regulations;

(na) constituting adoption boards for the purpose of hearing and determining those proceedings, prescribing the practice and procedure of those boards and conferring on those boards—

(i) power to vary or reverse any decision of the Director-General in respect of which proceedings for review have been brought;

and

(ii) any incidental or ancillary powers;;

and

(d) by striking out from paragraph (q) the passage “One hundred dollars” and inserting in lieu thereof the passage “three hundred dollars”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. SEAMAN, Governor