



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 89 of 1975

An Act to amend the Adoption of Children Act, 1966-1971.

[Assented to 20th November, 1975]

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

1. (1) This Act may be cited as the "Adoption of Children Act Amendment Act, 1975". Short titles.

(2) The Adoption of Children Act, 1966-1971, 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, 1966-1975".

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

3. Section 4 of the principal Act is amended—

(a) by inserting after the definition of "child" the following definition:— Amendment of
principal Act
s. 4—
Interpretation.

"child born outside marriage" includes a child born to a married woman in consequence of sexual relations with a man other than her lawful spouse;

(b) by striking out from subsection (1) the definition of "father";

(c) by striking out from the definition of "relative" in subsection (1) the passage "and notwithstanding that the relationship is traced through, or to, an illegitimate person or depends upon the adoption of any person";

and

(d) by inserting after subsection (2) the following subsection:—

(3) A person shall not be recognized under this Act as the father of a child born outside marriage unless he is so recognized under the provisions of the Family Relationships Act, 1975.

4. Section 21 of the principal Act is amended by striking out subsections (2), (3) and (4) and inserting in lieu thereof the following subsections:— Amendment of
principal Act
s. 21—
Consent
required for
adoption.

(2) In the case of a child who has not previously been adopted, the consent of every person who is a parent or guardian of the child is required but, subject to subsection (3) of this section, the consent of the father of a child born outside marriage is not required unless his paternity of the child is recognized under the law of this State before—

(a) the expiration of thirty days after the day on which an instrument of consent to the adoption was signed by the mother;

or

(b) the day on which an order for the adoption of the child is made,

whichever is the earlier.

(3) Where a court, before which an order for the adoption of a child is sought, is satisfied on the application of a person claiming to be the father of the child that he has commenced proceedings under the Family Relationships Act, 1975, for a declaration that he is the father of the child—

(a) the court shall stay the proceedings for a reasonable period to enable the proceedings under the Family Relationships Act, 1975, to be determined;

and

(b) if, during that period, the person claiming paternity of the child is adjudged under the Family Relationships Act, 1975, to be the father of the child, his consent is, subject to this Division, required for the adoption of the child.

(4) In the case of a child who has previously been adopted, the consent of every person who is an adoptive parent or a guardian of the child is required.

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

5. Section 30 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (3) and inserting in lieu thereof the following paragraph:—

(a) one of the natural or adoptive parents of a child (whether born within or outside marriage) dies; ;

and

(b) by inserting in paragraph (b) of subsection (3) after the passage “the surviving parent” the passage “marries or”.

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

M. L. OLIPHANT, Governor