

1. Commonwealth

CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 8:</p> <p>1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.</p> <p>2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.</p>	No relevant legislation found			

2. New South Wales

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<p>ARTICLE 8:</p> <p>1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.</p> <p>2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.</p>	<p>Adoption Act 2000</p>	<p>NSW</p>	<p>s101</p>	<p>(2) Before changing the name of an adopted child, the Court must consider any factors deemed relevant, such as the child's understanding and maturity.</p> <p>(4) If the adopted child is more than 12 years old, the child must give consent to a change of his or her given name.</p> <p>(5) A Court must not approve a change of name unless it is satisfied that 'the name change is in the best interests of the child'.</p>
	<p>Births, Deaths and Marriages Registration Act 1995</p>	<p>NSW</p>	<p>s13</p>	<p>A birth must be registered if the child is born in NSW.</p>
			<p>s15</p>	<p>The parents of a child are jointly responsible for registering the birth of a child.</p>
			<p>s16</p>	<p>A child must be registered within 60 days after birth.</p>
			<p>s21</p>	<p>The birth registration must state the name of the child.</p>
			<p>s28</p>	<p>The parents of a child may apply to the registrar to change a child's name if the child is either born in NSW or has been a resident for the past 3 years.</p>
			<p>s29</p>	<p>A child must give consent and be aware of the implications before his or her name can be changed.</p>

3. Victoria

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<p>ARTICLE 8:</p> <p>1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.</p> <p>2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.</p>	<p>Adoption Act 1984</p>	<p>VIC</p>	<p>s56</p>	<p>An adopted child will have the same surname as his or her parents. Where a child's surname or first name is being changed, the court will consider the opinion and understanding of the child.</p>
	<p>Births, Deaths and Marriages Registration Act 1996</p>	<p>VIC</p>	<p>s13</p>	<p>If born in Victoria, a child's birth must be registered.</p>
			<p>s15</p>	<p>The parents of a child are responsible for the registration of a child.</p>
			<p>s22</p>	<p>A child's birth registration must include the child's name.</p>
			<p>s26</p>	<p>The parents of a child may apply to the Registrar to change a child's name. If the child is 12 years old or older, the child's consent and understanding is required.</p>

4. Queensland

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<p>ARTICLE 8:</p> <p>1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.</p> <p>2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.</p>	<p>Adoption Act 2009</p>	<p>QLD</p>	<p>s215</p>	<p>A final adoption order may include an order to keep a child's original surname or given name or an order to adopt the adopting parents' surname. The court must have regard to the 'child's right to preserve his or her own identity'.</p>
	<p>Births, Deaths and Marriages Registration Act 2003</p>	<p>QLD</p>	<p>s6</p>	<p>A birth must be registered if the child is born in Queensland.</p>
			<p>s12</p>	<p>A birth registration application must state the child's name.</p>
			<p>s17</p>	<p>A child's name may be changed if it is considered to be in their best interests.</p>
			<p>s18</p>	<p>A child's name cannot be changed if the child is more than 12 years old and does not consent or does not understand the implications of the change of name.</p>

5. South Australia

CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

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<p>ARTICLE 8 :</p> <p>1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.</p> <p>2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.</p>	<p>Adoption Act 1988</p>	<p>SA</p>	<p>4 (Interpretation)</p>	<p>'adoptive parent', of a child, means a person who has adopted the child in accordance with the provisions of this Act or who is recognised under this Act as having adopted the child</p> <p>'birth parent', of a child, means:</p> <p>(a) the woman who gave birth to the child; or</p> <p>(b) the man who:</p> <p>(i) acknowledges paternity of the child; or</p> <p>(ii) where paternity has not been acknowledged by anyone or is in dispute - has been found to be the father by a court (whether of this or any other jurisdiction) or has been adjudged to be the father under the <i>Family Relationships Act 1975</i> or any corresponding law of another jurisdiction.</p> <p>'child' means a person who has not attained the age of 18 years</p> <p>'the Court' means the <i>Youth Court of South Australia</i></p> <p>'marriage relationship' means the relationship between two persons cohabiting as husband and wife or <i>de facto</i> husband and wife.</p> <p>'relative', of a person, means a grandparent, brother, sister, uncle or aunt of the person, whether the relationship is of the</p>

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				whole blood or half blood or by affinity.
			7	In all proceedings under the Adoption Act 1988, the welfare of the child to whom the proceedings relate must be regarded as the paramount consideration.
			8A	<p>This section provides that, before making an order for adoption of a child over the age of 5, the Court must interview the child to determine the child's opinion about the proposed adoption order.</p> <p>This does not apply if the court is satisfied the child is intellectually incapable of expressing an opinion.</p>
			9	<p>Subject to s9 , where an adoption order is made, the adopted child becomes in contemplation of law the child of the adoptive parents and ceases to be the child of any previous birth or adoptive parents.</p> <p>If an adoption order is made in favour of a person who is cohabiting with a birth or adoptive parent of the child in a marriage relationship, the relationship of that parent to the child is not affected by the order.</p> <p>Where on of the birth or adoptive parents of a child dies, and the surviving parent cohabits with another person in a marriage relationship, and the child is adopted by that other person, the adoption does not exclude rights of inheritance from or through the deceased parent.</p>

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				<p>The making of an adoption order in relation to a child does not affect any vested or contingent proprietary right acquired by the child before the making of the adoption order.</p> <p>Where an order for the adoption of a child is made, any previous order for the adoption or guardianship of the child ceases to have effect.</p>
			10	This section sets out the circumstances where the Court may make an adoption order in favour of a person who is cohabiting with a birth or adoptive parent of the child in a marriage relationship, or a relative of the child.
			11	<p>This section sets out the circumstances where the Court may make an order for the adoption of an Aboriginal child.</p> <p>Subsection (3) provides that an order for the adoption of an Aboriginal child may be made in favour of a person who is not an Aboriginal person, only if the Court is satisfied that there are special circumstances justifying the order and that the child's cultural identify with the Aboriginal people will not be lost as a consequence of the adoption.</p>
			15	<p>Subject to s15, an adoption order will not be made unless each person who is a parent or guardian of the child has consented to the adoption.</p> <p>The rest of s15 deals with consent to adoption.</p>

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			16	This section provides that an adoption order will not be made in relation to a child over the age of 12 years without the child's consent, and specifies how that consent must be given.
			23	<p>(1) Where the Court makes an order for the adoption of a child it may by the same or a subsequent order declare the name by which the child is to be known.</p> <p>(2) Before making an order changing the name of a child, the Court should take into account any wishes expressed by the child on the subject.</p> <p>(3) The Court will not change the name of a child who is over the age of 12 years</p> <p>unless:</p> <p>(a) the child consents to the change; or</p> <p>(b) the child is intellectually incapable of consenting.</p> <p>(4) An order under this section does not prevent a subsequent change of name in accordance with the law of the State.</p>
			27	<p>(1) Subject to this Part, an adopted person who has attained the age of 18 years or, if the adopted person consents or is dead or cannot be located, a lineal descendant of the adopted person, may obtain:</p> <p>(a) the names and dates of birth (if known) of the person's birth</p>

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				<p>parents;</p> <p>(b) any other information in the possession of the Chief Executive relating to the birth parents and the circumstances of the adoption;</p> <p>(c) any message, information or item given to the Chief Executive by a birth parent with instructions that it be provided to the adopted person;</p> <p>(d) information in the possession of the Chief Executive relating to a sibling (whether of the whole or half-blood) of the person who has also been adopted and who has also attained the age of 18 years.</p> <p>The rest of Part 2A (ss 27A - 27E) deals with the disclosure of information about adoptions).</p>
			30	A person must not take or entice a child away from a person who is entitled to custody of the child in pursuance of an adoption order with intent to deprive that person of the child.
			41	This section deals with the registration of adoption information with the Registrar of Births, Deaths and Marriages.
	Births, Deaths and Marriages Registration Act 1996	SA	13	<p>(1) If a child is born in the State, the birth must be registered under this Act.</p> <p>(2) If a court (whether of this or any other State or the Commonwealth) directs the registration of a birth, the birth must be registered under this Act.</p>

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				<p>(3) If a child is born in an aircraft during a flight or on a vessel during a voyage to a place of disembarkation in the State, the birth may be registered under this Act.</p> <p>(4) If a child is born outside the Commonwealth, but -</p> <p>(a) the child is to become a resident of State; or</p> <p>(b) in the case of a still-born child - a person responsible for having the birth of the child registered is or is to become a resident of the State,</p> <p>the birth may be registered under this Act.</p> <p>(5) However, the Registrar may not register a birth under subsections (3) or (4) if the birth is registered under a corresponding law.</p>
			15	Section 15 sets out who is responsible for having a child's birth registered.
			16	<p>(1) A person responsible for having the birth of a child registered must ensure that a birth registration statement is lodged with the Registrar within 60 days after the date of the birth.</p> <p>Maximum penalty: \$1,250</p> <p>(2) However, the Registrar must accept a birth registration statement even though it is lodged after the end of the 60 day</p>

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				period.
			21	<p>(1) Subject to this section, the birth registration statement must state the name of the child.</p> <p>(2) The name is a matter of choice for the person or persons lodging the statement, but the Registrar may assign a name to a child if:</p> <p>(a) the name stated in the birth registration statement is a prohibited name; or</p> <p>(b) the birth registration statement is lodged by both parents of the child and they satisfy the Registrar that they are unable to agree on the child's name.</p> <p>(3) A birth registration statement relating to a still-born child need not state the name of the child.</p>
			25	<p>(1) The parents of a child:</p> <p>(a) who is domiciled or ordinarily resident in the State; or</p> <p>(b) whose birth is registered in the State;</p> <p>may apply to the Registrar, in a form approved by the Registrar, for registration of a change of the child's name.</p> <p>(2) An application for registration of a change of a child's name may be made by one parent if:</p>

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				<p>(a) the applicant is the sole parent named in the registration of the child's birth under this Act or any other law; or</p> <p>(b) there is no other surviving parent of the child; or</p> <p>(c) the Court approves the proposed change of name.</p> <p>(3) The Court may, on application by a child's parent, approve a proposed change of name for the child if satisfied that the change is in the child's best interests.</p> <p>(4) If the parents of a child are dead, cannot be found, or for some other reason cannot exercise their parental responsibilities to a child, the child's guardian may apply for registration of a change of the child's name.</p>
			26	<p>A change of a child's name must not be registered unless:</p> <p>(a) the child consents to the change of name; or</p> <p>(b) the child is unable to understand the meaning and implications of the change of name.</p>
			27	<p>(1) Before registering a change of name under this Part, the Registrar may require the applicant to provide evidence to establish to the Registrar's satisfaction:</p> <p>(a) the identity and age of the person whose name is to be changed; and</p> <p>(b) that the change of name is not sought for a fraudulent or</p>

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				<p>other improper purpose; and</p> <p>(c) if the person whose name is to be changed is a child - that the child consents to the change of name or is unable to understand the meaning and implications of the change of name.</p> <p>(2) If the Registrar is satisfied that the name of a person whose birth is registered in the State has been changed under another law or by order of a court, the change of name may be registered under this Act.</p> <p>(3) The Registrar may refuse to register a change of name if, as a result of the change, the name would become a prohibited name.</p>
			29	This Part does not prevent a change of name by repute or usage.
	Family and Community Services Act 1972	SA	40	The purpose of the foster care system is to provide for the care of a child in a safe and stable family environment during any period while the child cannot, for any reason, remain within the care of his or her own family.
			41	<p>A person must not act as a foster parent to a child unless he is or she is approved as a foster parent under this Subdivision.</p> <p>Penalty: Division 6 fine</p>
			42	Section 42 provides that the Chief Executive Officer must attempt to assess the capacity and willingness of an applicant

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				<p>for approval as a foster parent to care for a child according to adequate principles and standards of child care and, as much as reasonably possible satisfy himself or herself of a number of matters including -</p> <p>that, where appropriate, the applicant will provide opportunities for the child to maintain or recover his or her identity as a member of his or her own family and will allow the child reasonable access to his or her own family.</p>

6. Western Australia

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				(2) The person to whom a person referred to in subsection (1) is married, or in a de facto relationship with, is not required to consent to the adoption order being made unless the first-mentioned person is also a person referred to in subsection (1).
			ss 18-24	Sections 18-24 deal with consents to adoption.
			Division 3A (ss26A - 26J)	<p>Division 3A (ss26A to 26J) makes provision for the determination of parentage prior to an application for an adoption order in relation to a child is filed.</p> <p>26A. Terms used</p> <p>In this Division:</p> <p>'application' means an application made under section 26C;</p> <p>'parentage testing order' means an order of the kind mentioned in section 26D(1)(c).</p> <p>26C. Application for determination of parentage</p> <p>(1) Before an application for an adoption order in relation to a child is filed, an application may be made to the Court:</p> <p>(a) by any man who might be presumed to be the child's father because of a presumption set out in Part 5 Division 11 Subdivision 3 of the <i>Family Court Act 1997</i>;</p> <p>(aa) by any person who might be a parent of the child under the <i>Artificial Conception Act 1985</i>;</p>

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				<p>(b) by a person who has received a notice under section 21(1);</p> <p>(c) by the CEO;</p> <p>(d) in the case of a proposed adoption by a step-parent of the child, by the prospective adoptive parent; or</p> <p>(e) on behalf of the child,</p> <p>for the determination of the matter of the child's parentage.</p> <p>(2) Notice of an application is to be served on:</p> <p>(a) a person whose consent to the adoption is required and has not been dispensed with; and</p> <p>(b) any other person who is a party to the proposed adoption.</p>
			74	<p>(1) If an adoption order is made, the Court is to, by the same order, declare the name by which the adoptee is to be known.</p> <p>(2) Before making an order changing an adoptee's name, the Court is to have regard to:</p> <p>(aa) the principle that a child's first name should not be changed at the time of adoption except in special circumstances;</p> <p>(a) section 34(3) of the Births, Deaths and Marriages Registration Act 1998;</p>

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				<p>(b) the wishes expressed by the adoptee on the subject; and</p> <p>(c) any adoption plan that is made in relation to the adoptee and approved by the Court.</p> <p>(3) The Court is not to change the name of an adoptee who is 12 or more years of age unless the adoptee:</p> <p>(a) consents to the change; or</p> <p>(b) is incapable by reason of mental disability of consenting.</p> <p>(4) An order under this section does not prevent a subsequent change of name under a law of the State or the Commonwealth.</p>
			75	<p>(1) Where an adoption order is made, for the purposes of the law of this State:</p> <p>(a) the relationship between the adoptee and the adoptive parent is to be treated as being that of child and parent;</p> <p>(b) the relationship between the adoptee and:</p> <p>(i) the adoptee's birth parents; or</p> <p>(ii) if the adoptee was previously adopted, the previous adoptive parent,</p> <p>is to be treated as not being that of child and parent;</p> <p>(c) if the adoptee had been previously adopted, whether under the law of this State or otherwise, the previous</p>

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				<p>adoption ceases to have effect; and</p> <p>(d) the relationships of all persons to the adoptee, the adoptive parent and the birth parent or previous adoptive parent are to be determined in accordance with this section.</p> <p>(2) Subsection (1)(b)(i) does not apply to the adoptee’s birth parent who is married to, or in a de facto relationship with, the adoptive parent who adopts the adoptee in the capacity of step-parent.</p> <p>(3) Subsection (1)(b)(ii) and (c) do not apply to a previous adoptive parent who is married to , or in a de facto relationship with, the adoptive parent who adopts the adoptee in the capacity of step-parent.</p> <p>(4) If an adoption order is made in relation to an adoptee, an appointment, in a deed or will existing at the time the adoption order is made, of a person as the guardian of the adoptee, ceases to have effect.</p> <p>(5) Despite subsections (1) to (4), for the purposes of the law of this State relating to sexual offences, being law for the purposes of which the relationship between persons is relevant, an adoption order, or the discharge of an adoption order, does not cause the cessation of any relationship that would have existed if the adoption order, or the discharging order (as the case may be) had not been made, and any such relationship is to be treated as existing in addition to any relationship that exists by virtue of the application of this section in relation to the adoption order or by virtue of the</p>

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				<p>discharge of an adoption order.</p> <p><i>[(6) deleted]</i></p> <p>(7) In this section a reference to 'child' includes a reference to a person who is 18 or more years of age.</p>
			ss 81 - 90	Division 2 (ss81 to 90) set out provisions dealing with access to adoptions information by adopted persons and others.
			94	<p>(1) Records of proceedings in a court in relation to an adoption or proposed adoption are to be preserved, in so far as is practicable, indefinitely.</p> <p>(2) Where it is not practicable to keep a record referred to in subsection (1), the record may only be destroyed with the authority of the registrar of the court or other similar officer, after consultation with the CEO.</p> <p>(3) The CEO, a person (including a hospital or hostel or any other association or body of persons, corporate or unincorporate) that conducts or has conducted adoption services, whether before or after the commencement of this Act, or a person acting on behalf of such a person, who has in his, her or its custody, power or control, any document that records information in relation to an adoption or proposed adoption or the parties to such adoption, is to cause the document to be preserved for not less than 100 years from the day on which the document came into his, her or its custody, power or control.</p>

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				<p>Penalty: \$10 000 and 12 months' imprisonment.</p> <p>(4) If a person (other than the CEO) referred to in subsection (3) ceases or has ceased the conduct of adoption services, the person is to cause any document in his, her or its power, custody or control of the nature referred to in subsection (3) to be transferred to the possession of the CEO unless the person satisfies the CEO that provision has been made for access to and safekeeping of the document under this Act.</p> <p>Penalty: \$10 000 and 12 months' imprisonment.</p>
			136	Sections 136 to 139 are provisions dealing with the recognition and validity of interstate, territory and foreign adoptions.
	Artificial Conception Act 1985	WA	3	<p>(1) A reference in this Act to a married woman includes a reference to a woman who is living with a man as his de facto partner.</p> <p>(2) A reference (however expressed) in this Act to the husband or wife of a person:</p> <p>(a) is, in a case where the person is in a de facto relationship with a person of the opposite sex, a reference to the person's de facto partner; and</p> <p>(b) does not, in that case, include a reference to the spouse (if any) to whom the person is actually married.</p> <p>(3) In this Act:</p>

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				'artificial fertilisation procedure' has the meaning given by the <i>Human Reproductive Technology Act 1991</i> .
			4	(1) The provisions of this Act apply: (a) in respect of an artificial fertilisation procedure carried out before or after the commencement of this Act either within or outside Western Australia; and (b) in respect of a child born before or after the commencement of this Act either within or outside Western Australia. (2) Nothing in this Act affects the vesting of property in possession or in interest before the commencement of this Act.
			ss5 - 7	Sections 5 to 7 create rules relating to maternity and paternity where a child is born as a result of an artificial fertilisation procedure.
	Births, Deaths and Marriages Registration Act 1998	WA	12	(1) In this section: responsible person , in relation to the birth of a child: (a) if the child was born in a hospital or brought to a hospital within 24 hours after the child's birth, means the chief executive officer or general manager of the hospital; or (b) in any other case: (i) means the doctor or midwife responsible for the

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				<p>professional care of the child's mother at the birth;</p> <p>(ii) if the child was still-born, means the doctor who examined the child's body after the birth; or</p> <p>(iii) if no doctor or midwife was in attendance at the child's birth, means any person in attendance at the birth.</p> <p>(2) When a child is born in the State, the responsible person must give the Registrar notice of the birth:</p> <p>(a) within one month after the birth; and</p> <p>(b) in an approved form and manner.</p> <p>Penalty: \$1 000.</p> <p>(3) A person does not commit an offence under subsection (2) if notice of the birth is given by another person.</p>
			13 - 19	Sections 13 to 19 provide for the registration of births.
			29	A person's name may be changed by registration of the change under this Part.
			31	<p>(1) The parents of a child:</p> <p>(a) who is domiciled or ordinarily resident in the State; or</p> <p>(b) whose birth is registered in the State,</p> <p>may, in an approved form, apply to the Registrar for</p>

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				<p>registration of a change of the child's name.</p> <p>(2) An application for registration of a change of a child's name may be made by one parent if:</p> <p>(a) the applicant is the sole parent named in the registration of the child's birth under this Act or any other law; or</p> <p>(b) the child's other parent has died.</p> <p>(3) If the parents of a child are dead, cannot be found, or for some other reason cannot exercise their parental responsibilities for a child, the child's guardian may apply for registration of a change of the child's name.</p>
			32	<p>A change of a name of a child who is 12 years of age or more and in respect of whom an application under section 31 has been made must not be registered unless:</p> <p>(a) the child consents to the change of name; or</p> <p>(b) the child is unable to understand the meaning and implications of the change of name.</p>
			33	<p>(1) If the Family Court has approved the change of a child's name or names any person may, in an approved form, apply to the Registrar for registration of the change of the child's name in accordance with the court orders.</p> <p>(2) The Registrar must register a change of name made on an application under this section.</p>

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			34	<p>(1) Before registering a change of name under this Division, the Registrar may require the applicant to provide evidence to establish to the Registrar's satisfaction:</p> <p>(a) the identity and age of the person whose name is to be changed;</p> <p>(b) that the change of name is not sought for a fraudulent or other improper purpose; and</p> <p>(c) if the person whose name is to be changed is a child who is 12 years of age or more, that:</p> <p>(i) the child consents to the change of name; or</p> <p>(ii) the child is unable to understand the meaning and implications of the change of name.</p> <p>(2) If the Registrar is satisfied that the name of a person whose birth is registered in the State has been changed under the law, or by order of a court, of another State or of the Commonwealth, the change of name may be registered under this Act if the Registrar considers that it is appropriate to do so.</p> <p>(3) The Registrar may refuse to register a change of name if, as a result of the change, the name would become a prohibited name.</p> <p>(4) This section does not apply to an application under section 33.</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
			35	<p>(1) The Registrar is to register a change of name by making an entry about the change of name in the Register including such particulars as the Registrar considers appropriate to register the change of name.</p> <p>(2) If the birth of the person whose name has been changed is registered under this Act, the Registrar may note the change of name in the entry relating to the birth.</p> <p>(3) If the birth of the person whose name has been changed is registered under a corresponding law, the Registrar may notify the relevant registering authority of the change of name.</p> <p>(4) If the change of name is noted in the Register under subsection (2), a birth certificate issued by the Registrar for the person must show the person's name as changed under this Part.</p>
			36	This Part does not prevent a change of name by repute or usage if the change is made after the commencement of this Act.
			54	<p>(1) The Registrar may, on conditions the Registrar considers appropriate:</p> <p>(a) allow a person having an adequate reason for wanting access to the Register, access to the Register; or</p> <p>(b) provide a person having an adequate reason for wanting information from the Register, with information extracted</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>from the Register.</p> <p>(2) In deciding whether an applicant has an adequate reason for wanting access to the Register, or information extracted from the Register, the Registrar must have regard to:</p> <p>(a) the nature of the applicant's interest;</p> <p>(b) the sensitivity of the information;</p> <p>(c) the use to be made of the information; and</p> <p>(d) other relevant factors.</p> <p>(3) In deciding the conditions on which access to the Register, or information extracted from the Register, is to be given under this section, the Registrar must, as far as practicable, protect the persons to whom the entries in the Register relate from unjustified intrusion on their privacy.</p>
			55	<p>(1) The Registrar may, on application, search the Register for an entry about a particular registrable event or other information contained in the Register.</p> <p>(2) The applicant must state the reason for the applicant's interest in the subject matter of the search.</p> <p>(3) The Registrar may reject the application if the applicant does not show an adequate reason for wanting the information to which the application relates.</p> <p>(4) In deciding whether an applicant has an adequate reason</p>

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				<p>for wanting information, the Registrar must have regard to:</p> <ul style="list-style-type: none"> (a) the relationship (if any) between the applicant and the person to whom the information relates; (b) the age of the entry; (c) the contents of the entry; and (d) other relevant factors. <p>(5) Nothing in this Act prevents the Registrar from providing a person, subject to such conditions as the Registrar thinks fit, with information contained in the Register for:</p> <ul style="list-style-type: none"> (a) the keeping of statistics; (b) medical or epidemiological research; (c) the identification of persons; (d) the prevention of fraud; or (e) any other purpose.
	<p>Criminal Code Act Compilation Act 1913</p>		<p>343</p>	<p>Any person who, with intent to deprive any parent, guardian, or other person who has the lawful care or charge of a child under the age of 16 years, of the possession of such child, or with intent to steal any article upon or about the person of any such child:</p> <p>(1) Forcibly or fraudulently takes or entices away, or detains</p>

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				<p>the child; or</p> <p>(2) Receives or harbours the child, knowing it to have been so taken or enticed away or detained;</p> <p>is guilty of a crime, and is liable to imprisonment for 20 years.</p> <p>Alternative offence for a charge of an offence under paragraph (1): an offence under paragraph (2).</p> <p>It is a defence to a charge of any of the offences defined in this section to prove that the accused person claimed a right to the possession of the child, or, in the case of an illegitimate child, is its mother or claimed to be its father or parent under section 6A of the <i>Artificial Conception Act 1985</i>.</p>
	Surrogacy Act 2008	WA	25	<p>(1) If a parentage order is made, the court is to, by the same order, declare the name by which the child whose parentage is transferred is to be known.</p> <p>(2) Before making an order changing the child's name, the court is to have regard to:</p> <p>(a) the principle that a child's first name should not be changed by a parentage order except in special circumstances; and</p> <p>(b) anything that is relevant in the approved plan.</p> <p>(3) An order under this section does not prevent a subsequent change of name under a law of the State or the</p>

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				Commonwealth.
			26	<p>(1) The effect of a parentage order is that, for the purposes of the law of this State:</p> <p>(a) the relationship between the child whose parentage is transferred and each of the arranged parents is to be treated as being that of child and parent; and</p> <p>(b) the relationship between the child whose parentage is transferred and each of the child's birth parents is to be treated as not being that of child and parent; and</p> <p>(c) the relationships of all persons to the child whose parentage is transferred, to each of the arranged parents, and to each of the birth parents of the child are to be determined in accordance with this section.</p> <p>(2) If a parentage order is made, an appointment, in a deed or will existing at the time the parentage order is made, of a person as the guardian of the child whose parentage is transferred, ceases to have effect.</p>
			ss33 - 41	Sections 33 to 41 provide relate to the access of information relating to parentage orders.

7. Northern Territory

CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 8:</p> <p>1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.</p> <p>2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.</p>	<p>Adoption of Children Act</p>	<p>NT</p>	<p>8</p>	<p>(1) For the purposes of the administration of this Act, adoption shall be regarded as a service for the child concerned, and the welfare and interests of the child shall be the paramount consideration.</p> <p>(2) In determining the welfare and interests of a child referred to in subsection (1), regard shall be had, inter alia, to the ethnicity and religion of the birth parents of the child and, in so doing, the matters set out in Schedule 1 shall be taken into account.</p>
			<p>10</p>	<p>(1) Subject to this Part, an order for the adoption of a child shall not be made unless the Court is satisfied that, as far as practicable and having regard to the age and understanding of the child, the wishes and feelings of the child have been ascertained and due consideration given to them.</p> <p>(2) Subject to this Part, an order for the adoption of a child who has attained the age of 12 years shall not be made unless:</p> <p>(a) the child has consented to the adoption; or</p> <p>(b) notwithstanding that the child has not consented to the adoption, the Court is satisfied that there are special reasons related to the welfare and interests of the child why the order</p>

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				<p>should be made.</p> <p>(3) Notwithstanding subsections (1) and (2)(b), an order for the adoption of a child who, on the date the order is made, has attained the age of 18 years shall not be made unless the child consents to the adoption.</p>
			11	<p>(1) Where an order for the adoption of an Aboriginal child is to be made, the Court shall satisfy itself that every effort has been made (including consultation with the child's parents, with other persons who have responsibility for the welfare of the child in accordance with Aboriginal customary law and with such Aboriginal welfare organizations as are appropriate in the case of the particular child) to arrange appropriate custody:</p> <p>(a) within the child's extended family; or</p> <p>(b) where that cannot be arranged, with Aboriginal people who have the correct relationship with the child in accordance with Aboriginal customary law.</p> <p>(2) In making an order for the adoption of an Aboriginal child, where, in the opinion of the Court, the custody referred to in subsection (1) is not possible or would not be consistent with the welfare and interests of the child, the Court shall ensure that a placement is made that is consistent with the best interests and welfare of the child and in so doing shall:</p> <p>(a) give preference to the adoption of the child by applicants one or both of whom are Aboriginal persons who are, in the</p>

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				<p>opinion of the Minister, suitable to adopt the child;</p> <p>(b) take into consideration the placement of the child in geographical proximity to the family or other relatives of the child who have an interest in, and a responsibility for, the welfare of the child; and</p> <p>(c) take into consideration undertakings, if any, by the persons who will have the care and custody of the child to encourage and facilitate the maintenance of contact between the child and its own kin and with its own culture.</p> <p>12 Who may be adopted</p> <p>(1) Subject to this Act, the Court may, on application, make an order for the adoption of a child who:</p> <p>(a) had not attained the age of 18 years before the date on which the application was filed in the Court; or</p> <p>(b) has been brought up, maintained and educated by the applicant or applicants, or by the applicant and a deceased or estranged spouse of the applicant, as his, her or their child.</p> <p>(2) The Court shall not make an order for the adoption of a child who is or has been married, is living or has lived in a de facto relationship within the meaning of the <i>De Facto Relationship Act</i> or has entered into a traditional Aboriginal marriage.</p> <p>(3) An order may be made under this Act for the adoption of a</p>

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				<p>child notwithstanding that the child has, whether before or after the commencement of this Act, and whether in the Territory or elsewhere, previously been adopted.</p> <p>13 Adoption by couple</p> <p>(1) Except as provided by this section, the Court shall only make an order for the adoption of a child in favor of a couple where the man and woman:</p> <p>(a) are married to each other and have been so married for not less than 2 years; or</p> <p>(b) have entered into a relationship that is recognized as a traditional Aboriginal marriage and has been so recognized for not less than 2 years,</p> <p>on the date on which the order is made.</p> <p>(2) The Court shall not make an order for adoption in favor of a man and woman jointly under subsection (1) where one of them is a parent of the child.</p>
			26	<p>Subject to this Act, the Court shall not make an order for the adoption of a child unless:</p> <p>(a) consent (not being consent that has been revoked) to the adoption is given by the appropriate person or persons ascertained in accordance with this Division; or</p> <p>(b) the Court has, by order under section 35, dispensed with the</p>

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				giving of a consent to the adoption by such a person.
			27 - 29	Sections 27-28 deal with consent to adoption. Section 29 deals with consent for the adoption of a non-citizen child.
			41	(1) The Court shall not make an order for the adoption of a child unless it has received a report in writing from the Minister concerning the proposed adoption and, after considering the report and any other evidence before the Court, it is satisfied that: (a) the welfare and interests of the child will be promoted by the adoption; (b) the applicant or applicants are suitable to adopt the child and satisfy the requirements of the Act; and (c) the Minister has ascertained and taken into account the wishes, if any, of a parent of the child, including wishes in respect of arrangements between the parent or parents and any prospective adoptive parent or adoptive parents in respect of access to the child by, or the giving and receiving of information about the child to, the first-mentioned parent or parents.
			48	(1) On the making of an order for the adoption of a child, the

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				<p>surname of the child shall be:</p> <p>(a) where there are 2 adoptive parents who have the same surname, that surname;</p> <p>(b) where there is one adoptive parent, the surname of that adoptive parent; or</p> <p>(c) where there are 2 adoptive parents who have different surnames, one of those surnames,</p> <p>that surname having been specified in the application for the order for the adoption as the proposed surname of the child and approved by the Court, or such other surname as the Court approves in the adoption order.</p> <p>(2) On the making of an order for the adoption of a child the forename or forenames of the child shall be such name or names as the Court, in the adoption order, approves on the application of the adoptive parent or parents.</p> <p>(3) The Court shall not approve a name as a surname or forename of a child under this section unless it is satisfied that, as far as practicable, the wishes and feelings of the child have been ascertained and due consideration given to them, having regard to the age and understanding of the child.</p> <p>(4) Nothing in this section prevents the changing of any name of a child in accordance with a law in force in the Territory after the making of an order for the adoption of the child.</p>

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			49	Section 49 deals with the recognition in the Northern Territory of adoptions in other states or another Territory.
			50-53	Sections 50 - 53 deal with the recognition of foreign adoptions
			54	<p>(1) The Registrar shall, as soon as practicable after every order for adoption, or every order discharging an order for adoption, is made by the Court under this Act, cause a memorandum, in accordance with the prescribed form, of the order for adoption, or a copy of the order discharging an order for adoption, to be sent to the Registrar of Births, Deaths and Marriages, who shall:</p> <p>(a) register it, as prescribed, in a register kept by him or her and known as the Register of Adoptions; and</p> <p>(b) if it relates to a child whose birth is, or is required by the Regulations to be, registered in the Register of Births kept by him or her, make such alterations to, or entries in, that register as are prescribed or, if not prescribed, as he or she thinks fit.</p> <p>(2) Where, under a law at any time in force in the Territory before the commencement of this Act, an order for the adoption of a child was made by a court of competent jurisdiction and a record of that order is held in the Territory, the Registrar of Births, Deaths and Marriages may, in his or her discretion, require the person having the custody or control of the records of the court making the order to forward to him or her a copy of, or a memorandum relating to, the order and of any order for the discharge of the order.</p>

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				<p>(3) Upon receipt of a document forwarded to him or her in pursuance of subsection (2), the Registrar of Births, Deaths and Marriages may, in his or her discretion:</p> <p>(a) register it, as prescribed, in the Register of Adoptions; and</p> <p>(b) if it relates to a child whose birth is, or is required by the Regulations to be, registered in a register kept by him or her, make such alterations to, or entry in, that register as are prescribed or, if not prescribed, as he or she thinks fit.</p> <p>(4) For the purposes of this section, the Registrar of Births, Deaths and Marriages may make such enquiries as he or she thinks fit to satisfy himself or herself that an order for adoption was made or discharged.</p> <p>(5) The person having in his or her custody or control the records relating to an adoption order shall comply with a requirement of the Registrar of Births, Deaths and Marriages made under subsection (2) and shall assist him or her in his or her reasonable enquiries made pursuant to subsection (4).</p>
			55	Section 55 provides for the registration of overseas adoptions.
			56	Where the Court makes an order for the adoption of a child, or an order discharging such an order, and the Registrar has reason to believe that the birth of the child is registered in a State or another Territory of the Commonwealth, the Registrar shall, as soon as practicable, cause a memorandum, in accordance with the prescribed form, of the adoption order, or a copy of the

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				discharging order, as the case may be, certified in writing by him to be a true memorandum or copy, to be sent to the appropriate officer of that State or other Territory having functions in relation to the registration of births.
			57	<p>Where the Registrar of Births, Deaths and Marriages receives, in relation to a child whose birth is registered in the Territory, a memorandum or copy of an order for adoption made in accordance with the law in force in a State or another Territory of the Commonwealth, or an order discharging such an order, certified in writing to be a true memorandum or copy by a person authorized so to certify under the law of that State or other Territory, he or she shall:</p> <p>(a) register it, as prescribed, in the Register of Adoptions kept by him or her; and</p> <p>(b) make such alterations to, or entries in, the Register of Births, kept by him or her, as are prescribed or, if not prescribed, as he or she thinks fit.</p>
			58	For the purposes of this Part, unless the contrary intention appears, adopted person means a person in respect of whom an order for adoption has been made (whether made before or after the commencement of this Act) under a law in force in the Territory.
			59	The Minister shall, in such form (including an electronic form) or combination of forms as he or she thinks fit, keep and

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				maintain or cause to be kept and maintained, a record of all information acquired under this Act for and in relation to the adoption of a child under this Act.
			60	<p>(1) Except as provided by this Act or the Regulations, records or copies of records kept and maintained in accordance with section 59, and all records or copies of records of proceedings of the Court under this Act, shall not be open to inspection by, or otherwise available to, any person whomsoever (including a party to proceedings under the Act).</p> <p>(2) The Minister may cause a copy of a report made under this Act to be given to the person the subject of the report.</p>
			61	<p>(1) Subject to and in accordance with this Part:</p> <p>(a) an adopted person;</p> <p>(b) a relinquishing parent; or</p> <p>(c) an adoptive parent,</p> <p>may apply to the Minister requesting information relating to the adoption of the adopted person. Part 6 Access to information <i>Adoption of Children Act 35</i></p> <p>(2) Where a person referred to in subsection (1)(a), (b), or (c) has died, a relative, being a mother, father, brother, sister or a child of the person, may apply under subsection (1) in the place</p>

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				of that person.
			62	<p>(1) Where a person makes an application under section 61, the Minister shall, subject to and in accordance with this Part, provide the person with the following information relating to the adoption:</p> <p>(a) the names (including a name given at birth) and last known address of a person he or she specifies in the application;</p> <p>(b) where the last known address is not known or is incorrect, any information that may assist in ascertaining the whereabouts of a person he or she specifies in the application; or</p> <p>(c) details of a notice of prohibition against the provision of information (if any) that has been lodged with the Minister pursuant to section 65.</p> <p>(2) The information that the Minister provides to a person under this Part shall:</p> <p>(a) be information contained in the records kept and maintained in pursuance of section 59 or the records of proceedings of the Court which resulted in an order for the adoption of a child being made; and</p> <p>(b) not be information that relates to the personal affairs of a person other than the applicant.</p> <p>(3) The Minister shall not provide information to a person under this Part where he or she is satisfied that there are reasonable</p>

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				<p>grounds for believing that the personal safety of another person may be endangered as a result of the provision of the information.</p> <p>(4) The Minister may, for the purpose of the provision of information under this Part, where he or she thinks fit:</p> <p>(a) make such inquiries and give such assistance as may reasonably be made or given in the circumstances of the case for the purpose of facilitating the provision of the information; or</p> <p>(b) apply to the Court to have access to the records of proceedings of the Court (which resulted in the making of an order for the adoption of a child) for the purpose of obtaining information the Minister reasonably believes to be contained in the records.</p>
			63	<p>A person who applies for information under this Part shall not be supplied with that information until he or she has received counseling from an approved person.</p> <p>Any other person affected by this Part may seek to receive counseling from an approved person.</p>
			64	<p>(1) Subject to subsection (2), where an order for adoption was made after the commencement of this Act, a person referred to in section 61 may apply to the Minister for the information specified in section 62(1) in respect of an adopted person, a relinquishing parent or the adoptive parent and the Minister</p>

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				<p>shall provide the information as requested.</p> <p>(2) An adopted person who is the subject of an order for adoption made after the commencement of this Act and who has not attained the age of 16 years, shall not apply under subsection (1) for information concerning one or both of his or her relinquishing parents except where his or her adoptive parent or (if more than one) adoptive parents consents or consent in writing to the making of the application.</p>
			65	Section 65 deals with the release of adoption information where an order for adoption was made before the commencement of the <i>Adoption of Children Act</i> .
			68	<p>(1) A person who was a parent, or a guardian, of a child but who has, by reason of an adoption of the child, ceased to be the parent or guardian of the child shall not take, lead, entice or decoy the child away, or detain the child, with the intent to deprive the adoptive parent or adoptive parents of the child or of care and custody of the child.</p> <p>(2) A person shall not receive or harbor a child on behalf of another person where he or she knows, or could with reasonable diligence ascertain, that the other person has taken, led, enticed or decoyed the child away, or is detaining the child, in contravention of subsection (1).</p> <p>Maximum penalty: 40 penalty units.</p>

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			69	<p>(1) Subject to this section, a person shall not, whether before or after the birth of a child, make, give or receive, or agree to make, give or receive, a payment or reward for or in consideration of:</p> <p>(a) the adoption or proposed adoption of the child;</p> <p>(b) the giving of consent, or the signing of an instrument of consent, to the adoption of a child;</p> <p>(c) the transfer of the control or custody of a child with a view to the adoption of the child; or</p> <p>(d) the making of arrangements with a view to the adoption of a child.</p> <p>Maximum penalty: 40 penalty units.</p> <p>(2) Subsection (1) does not apply to or in relation to any of the following payments or rewards in connection with an adoption or proposed adoption under this Act:</p> <p>(a) a payment of legal expenses;</p> <p>(b) a payment made by the adoptive parent or adoptive parents, with the approval in writing of the Minister or of the Court, in respect of the hospital and medical expenses reasonably incurred in connection with the birth of the child or the ante-natal or post-natal care and treatment of the mother of the child or of the child; and Part 7 Offences <i>Adoption of Children Act 39</i></p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(c) any other payment or reward authorized by the Minister or by the Court.</p> <p>(3) Subsection (1) does not apply to or in relation to a payment or reward in connection with an adoption or proposed adoption under the law of a State or another Territory of the Commonwealth or in an overseas country, if the making of the payment or the giving of the reward, or the agreeing to make the payment or give the reward, would have been lawful if it had taken place in that State or other Territory or overseas country.</p>
			72	<p>(1) Subject to this Act, a person shall not, directly or indirectly, except in the performance of his or her duties, or in the exercise of his or her powers or the performance of his or her functions, under this Act (while he or she is holding or after he or she has ceased to hold the relevant office or designation), make a record of, or disclose or communicate to any person, information in respect of the affairs or identity of another person (whether living or dead), acquired by him or her in the performance of his or her duties or in the exercise of his or her powers or the performance of his or her functions under this Act.</p> <p>Maximum penalty: 40 penalty units.</p> <p>(2) This section does not apply where a person:</p> <p>(a) is required to produce a document that has come into his or her possession or under his or her control in a court;</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>(b) is required to disclose or communicate a matter or thing that has come to his or her notice or is within his or her knowledge to a court;</p> <p>(c) discloses information or records to a person to whom the information or records relate or to a person who, in the opinion of the Minister, is expressly or impliedly authorized to obtain such information or records by the person to whom the information relates; or</p> <p>(d) discloses information or records in connection with the administration of this Act or for such purposes or to such persons as the Minister directs.</p>
			73	<p>(1) A person shall not, except in the performance of his or her duties, or in the exercise of his or her powers or the performance of his or her functions, under this Act, conceal, destroy or remove a document that has come into his or her possession or under his or her control in the performance of his or her duties or in the exercise of his or her powers or the performance of his or her functions under this Act.</p> <p>Maximum penalty: 40 penalty units.</p> <p>(2) This section does not apply where the Minister approves in writing the destruction of a document.</p>
			74	<p>(1) A person, other than the Minister, who:</p> <p>(a) arranges or causes to be arranged the transfer of the care</p>

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				<p>and custody of a child to another person or persons with a view to the adoption of the child by that person or those persons; or</p> <p>(b) except where arranged by the Minister, has the care and custody of a child with a view to adopting the child,</p> <p>is guilty of an offence.</p> <p>Maximum penalty: 40 penalty units.</p> <p>(2) This section does not apply to any arrangements made by or on behalf of a parent, guardian or relative of a child for the adoption of the child by:</p> <p>(a) the spouse of a parent of the child;</p> <p>(b) a relative of the child;</p> <p>(c) the spouse of a relative of the child; or</p> <p>(d) a relative of the child and his or her spouse jointly.</p>
	<p>Births, Deaths and Marriages Registration Act</p>	<p>NT</p>	<p>13</p>	<p>(1) If a child is born in the Territory, the birth must be registered under this Act.</p> <p>(2) Subject to subsection (3), if a child is born outside the Commonwealth, but the child is to become a resident of the Territory, the birth may be registered under this Act.</p> <p>(3) The birth of a child born outside the Commonwealth cannot be registered under this Act if the birth is registered under a</p>

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				corresponding law.
			15	<p>(1) The parents of a child are jointly responsible for having the child's birth registered under this Act (and must both sign the birth registration statement) but the Registrar may accept a birth registration statement from one of the parents if satisfied that it is impossible, impractical or in appropriate for the other parent to join, or be required to join in, the application whether because of his or her death, disappearance, ill health or unavailability or the need to avoid unwarranted distress or for some other reason.</p> <p>(2) If a child is a foundling, the person who has custody of the child is responsible for having the child's birth registered.</p> <p>(3) The Registrar may accept a birth registration statement from a person who is not responsible for having the child's birth registered if satisfied that:</p> <p>(a) the person lodging the statement has knowledge of the relevant facts; and</p> <p>(b) the child's parents are unable or unlikely to lodge a birth registration statement.</p>
			16	<p>(1) A person responsible for having the birth of a child registered must ensure that a birth registration statement is lodged with the Registrar within 60 days after the date of the birth.</p>

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				<p>Maximum penalty: 8 penalty units.</p> <p>(2) The Registrar must accept a birth registration statement even though it is lodged after the end of the 60 day period referred to in subsection (1).</p>
			20	<p>(1) Subject to this section, the birth registration statement must state the name of the child.</p> <p>(2) The name of a child is a matter of choice for the person or persons lodging the registration statement, but the Registrar may assign a name to the child if:</p> <p>(a) the name stated in the birth registration statement is a prohibited name; or</p> <p>(b) the birth registration statement is lodged by both parents of the child and they satisfy the Registrar that they are unable to agree on the child's name.</p> <p>(3) For this section, the Registrar must:</p> <p>(a) issue a written policy setting out the principles to be followed in the naming of a child by the Registrar; and</p> <p>(b) only exercise his or her powers for the identification of the child; and</p> <p>(c) advise the parents of a child named by the Registrar that the decision of the Registrar may be reviewed by the Court.</p>

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				(4) A birth registration statement relating to a still-born child need not state the name of the child and, where it does not, the Registrar must not assign a name under subsection (2).
			21	<p>(1) If there is a dispute between parents about a child's name, either parent may apply to the Court for a resolution of the dispute.</p> <p>(2) On an application under subsection (1), the Court may:</p> <p>(a) resolve the dispute about the child's name as the Court considers appropriate; and</p> <p>(b) order the Registrar to register the child's name in a form specified in the order.</p>
			22	A person's name may be changed by registration of the change under this Part.
			24	<p>(1) The parents of a child:</p> <p>(a) who is domiciled or ordinarily resident in the Territory; or Part 4 Change of name <i>Births, Deaths and Marriages Registration Act 11</i></p> <p>(b) whose birth is registered in the Territory;</p> <p>may apply to the Registrar, in a form approved by the Registrar, for registration of a change of the child's name.</p>

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				<p>(2) An application for registration of a change of a child's name may be made by one parent if:</p> <p>(a) the applicant is the sole parent named in the registration of the child's birth under this Act or any other law; or</p> <p>(b) there is no other surviving parent of the child; or</p> <p>(c) the Court approves the proposed change of name.</p> <p>(3) The Registrar must not register the change of a child's name if he or she has actual knowledge that some other person has full or partial guardianship or full or partial custody of the child and that other person objects to the registration of the change of name.</p> <p>(4) The Court may, on application by a child's parent, approve a proposed change of name for the child if satisfied that the change is in the child's best interests.</p> <p>(5) If the parents of a child are dead, cannot be found, or for some other reason cannot exercise their parental responsibilities to a child, the child's guardian may apply for registration of a change of the child's name.</p>
			25	<p>(1) Subject to subsection (2), the Registrar must not register a change of name of a child after the time when the child is aware of the meaning and implication of his or her name.</p> <p>(2) Subsection (1) does not apply where a child, being aware of the meaning and implication of his or her name, consents to the</p>

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				<p>change of name.</p> <p>(3) For this section, in the absence of evidence to the contrary, a child who has attained the age of 14 years is taken to be aware of the meaning and implication of his or her name.</p>
			26	<p>(1) Before registering a change of name under this Part, the Registrar may require the applicant to provide evidence to establish to the Registrar's satisfaction:</p> <p>(a) the identity and age of the person whose name is to be changed; and</p> <p>(b) that the change of name is not sought for a fraudulent or other improper purpose; and</p> <p>(c) if the person whose name is to be changed is a child – that the child consents to the change of name or is unable to understand the meaning and implications of the change of name.</p> <p>(2) If the Registrar is satisfied that the name of a person whose birth is registered in the Territory has been changed under another law or by order of a court the change of name may be registered under this Act.</p> <p>(3) The Registrar may refuse to register a change of name if, as a result of the change, the name would become a prohibited name.</p>

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			27	<p>(1) The Registrar registers a change of name by making an entry about the change of name in the Register including the particulars required by the Regulations.</p> <p>(2) If the applicant for registration of the change of name asks the Registrar to arrange for noting the change of name in the particulars of the person's birth, and the person's birth is registered under this Act or a corresponding law, the Registrar must:</p> <p>(a) if the birth is registered under this Act – note the change of name in the entry relating to the birth; or</p> <p>(b) if the birth is registered under a corresponding law – notify the relevant registering authority of the change of name.</p> <p>(3) If the change of name is noted in the Register under subsection (2), a birth certificate issued by the Registrar for the person must show the person's name as changed under this Part.</p>
			28	<p>This Part does not prevent a change of name by repute or usage but, except as provided by this Part, the Registrar or the Registrar-General must not register a change of name or accept for safe keeping or recording any document relating to a change of name.</p>
			28A	<p>In this Part:</p> <p>'recognition certificate' means a certificate that:</p>

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				<p>(a) is issued under a law that recognizes that a person who has undergone sexual reassignment surgery may have changed sex; and</p> <p>(b) is issued in respect of a person who, having undergone sexual reassignment surgery, has changed sex; and</p> <p>(c) states the sex of that person as so changed.</p> <p>'sexual reassignment surgery' means a surgical procedure involving the alteration of a person's reproductive organs carried out:</p> <p>(a) to assist a person to be considered to be a member of the opposite sex; or</p> <p>(b) to correct or eliminate ambiguities relating to the sex of the person.</p>
			28B(2)	<p>(2) The parents, parent (if a sole parent) or guardian of a child:</p> <p>(a) whose birth is registered in the Register; and</p> <p>(b) who has undergone sexual reassignment surgery;</p> <p>may apply to the Registrar, in a form approved by the Registrar, to register a change of the child's sex.</p>
			28C	An application under section 28B must be accompanied by:

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				<p>(a) the prescribed evidence, if any, that verifies that the adult or child the subject of the certificate has undergone sexual reassignment surgery; and</p> <p>(b) other documents and information, if any, as the Registrar requires.</p>
			28D	<p>28D Registration of change of sex</p> <p>(1) If the Registrar is satisfied that the sex of a person whose birth is registered in the Register has been changed, the Registrar may note the particulars of the change of sex in the Register in the entry relating to the birth of the person.</p> <p>(2) In considering whether or not to note the particulars of a change of sex under subsection (1), the Registrar may:</p> <p>(a) require the person or persons who signed the application under section 28B to provide further particulars as the Registrar requires; or</p> <p>(b) make such inquiries, if any, as he or she thinks fit to inform himself or herself as to whether the person has changed his or her sex.</p> <p>(3) The Registrar must not note particulars of the change of a person's sex in the Register if the person is married.</p>
			28E	<p>(1) If the change of a person's sex is registered under this Part, a birth certificate issued by the Registrar for the person is, unless</p>

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				<p>otherwise requested by the person, to show the person's sex in accordance with the registered change.</p> <p>(2) A birth certificate mentioned in subsection (1) must not include a statement that the person has changed sex.</p>
			28F	<p>The child of a person in respect of whom a change of the person's sex is registered under this Part, or a person prescribed for this section, may apply to the Registrar, in a form approved by the Registrar, for a birth certificate of the person that shows the person's sex before his or her change of sex, and the Registrar must issue the birth certificate to the child or person.</p>
			28G	<p>A person in respect of whom a change of the person's sex is registered under this Part must not, with the intention to deceive, produce to another person a birth certificate of the person that shows the person's sex before his or her change of sex.</p> <p>Maximum penalty: 85 penalty units or imprisonment for 2 years.</p>
			28H	<p>Where a person's change of sex is registered under this Part, the person is, for the purposes of (but subject to) any law in force in the Territory, a person of the sex as so changed.</p>
			28J	<p>A person in respect of whom there is a recognition certificate is, for the purposes of (but subject to) any law in force in the</p>

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				Territory, a person of the sex stated in the recognition certificate.
	Criminal Code Act	NT	202	<p>(1) Any person who takes a child who is under the age of 16 years out of the custody or protection of that child's mother or father or other person having the lawful care or charge of the child and against the will of such father or mother or other person is guilty of a crime and is liable to imprisonment for 3 years.</p> <p>(2) If the offender is an adult or if the child is under the age of 14 years, he is liable to imprisonment for 7 years.</p> <p>(3) It is immaterial that the offender believes the child to be of or above the age of 16 years or 14 years.</p> <p>(4) It is immaterial that the child was taken with the child's consent or at the child's suggestion.</p>
	Status of Children Act	NT	4	<p>(1) For all purposes of the law of the Northern Territory the relationship between every person and his father and mother shall be determined irrespective of whether the father and mother are or have been married to each other and all other relationships shall be determined accordingly.</p> <p>(2) The rule of construction whereby in any instrument, in the absence of expression of any intention to the contrary, words of relationship signify only legitimate relationships, is abolished.</p> <p>(3) For the purpose of construing any instrument the use, with</p>

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				reference to relationship of a person, of the words 'legitimate' or 'lawful' shall not of itself prevent the relationship from being determined in accordance with the provisions of subsection (1).
			4A	<p>(1) If a child is born to a woman while she is married, the child is presumed to be a child of the woman and her husband.</p> <p>(2) If:</p> <p>(a) at a particular time:</p> <p>(i) a marriage to which a woman is a party is ended by death; or</p> <p>(ii) a purported marriage to which a woman is a party is annulled; and</p> <p>(b) a child is born to the woman within 44 weeks after that time, the child is presumed to be a child of the woman and the former husband or purported husband.</p> <p>(3) If:</p> <p>(a) the parties to a marriage separated at any time;</p> <p>(b) after the separation, they resumed cohabitation on one occasion;</p> <p>(c) within 3 months after the resumption of cohabitation, they separated again and lived separately and apart; and</p>

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				<p>(d) a child is born to the woman within 44 weeks after the end of cohabitation but after the dissolution of the marriage, the child is presumed to be a child of the woman and the former husband.</p> <p>(4) For the purposes of subsection (3), a marriage dissolved by a decree of dissolution shall be deemed to have been dissolved on the making of the decree nisi under the <i>Family Law Act 1975</i> of the Commonwealth in relation to the marriage.</p>
			5	<p>If:</p> <p>(a) a child is born to a woman; and</p> <p>(b) at any time during the period beginning not earlier than 44 weeks and ending not later than 20 weeks before the birth, the woman cohabited with a man to whom she was not married, the child is presumed to be a child of the man.</p>
			Part IIIA (ss5A - 5F)	Part IIIA contains rules relating to maternity and paternity where a child is conceived following medical procedures.
			9	If a person's name is entered as a parent of a child in the register of births or parentage information kept under a law of the Territory, the Commonwealth, a State or another Territory of the Commonwealth or a prescribed overseas jurisdiction, the

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				person is presumed to be a parent of the child.
			9A	<p>(1) If:</p> <p>(a) under subsection (2) or another law of the Territory, the Commonwealth, a State or another Territory of the Commonwealth or a prescribed overseas jurisdiction, a man has executed an instrument acknowledging that he is the father of a specified child; and</p> <p>(b) the instrument has not been annulled or otherwise set aside, the man is presumed to be the father of the child.</p> <p>(2) Where an instrument is signed by the parent of a child and by a man acknowledging that he is the other parent of the child and the instrument:</p> <p>(a) is executed as a deed; or</p> <p>(b) is signed jointly or severally by each of those persons in the presence of a legal practitioner,</p> <p>the persons named are presumed to be the parents of the child.</p>
			9B	<p>(1) If:</p> <p>(a) during the lifetime of a particular person, a prescribed court has:</p>

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				<p>(i) found expressly that the person is a parent of a particular child; or</p> <p>(ii) made a finding that it could not have made unless the person was a parent of a particular child; and</p> <p>(b) the finding has not been altered, set aside or reversed, the person is conclusively presumed to be a parent of the child.</p> <p>(2) If:</p> <p>(a) after the death of a particular person, a prescribed court has:</p> <p>(i) found expressly that the person was a parent of a particular child; or</p> <p>(ii) made a finding that it could not have made unless the person was a parent of a particular child; and</p> <p>(b) the finding has not been altered, set aside or reversed, the person is presumed to be a parent of the child.</p>
			10	<p>(1) An instrument of the kind described in section 9A(2) or a copy thereof may on payment of the prescribed fee, if any, be filed in the office of the Registrar.</p> <p>(2) The Registrar shall cause indexes of all instruments and copies filed with him under subsection (1) to be made and kept in his office and shall, upon request made by or on behalf of a</p>

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				<p>party to an instrument so filed or a child referred to in any such instrument or a guardian or relative of that child, cause a search of any index to be made and shall permit that person to inspect any such instrument or copy where the Registrar is satisfied that the person has a direct and proper interest in the matter.</p> <p>(3) Where:</p> <p>(a) the Supreme Court makes a declaration of paternity under section 11 or of maternity under section 12 or revokes such a declaration; or Part IV Establishment of paternity and maternity <i>Status of Children Act 10</i></p> <p>(b) where a court makes an order under section 14 or 16 of the <i>Maintenance Act</i> or annuls such an order,</p> <p>the Master or the clerk of the court, as the case requires, shall forward a copy of the declaration, revocation, order or annulment to the Registrar for filing under this section and on receipt of any such copy the Registrar shall file it accordingly as if it were an instrument of the kind referred to in section 9A(2).</p>
			11	<p>(1) A person who:</p> <p>(a) alleges that a named person is the father of her child;</p> <p>(b) alleges that the relationship of father and child exists between that person and any other named person; or</p> <p>(c) being a person having a proper interest in the result, wishes to have it determined whether the relationship of father and</p>

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				<p>child exists between 2 named persons,</p> <p>may apply to the Supreme Court for a declaration of paternity and, if it is proved to the satisfaction of the Court that the relationship exists, the Court may make a declaration of paternity whether or not the father or the child or both of them are living or dead.</p> <p>(2) Notwithstanding anything in subsection (1), the Court may refuse to hear an application for a declaration of paternity if it is of opinion that it is not just or proper to do so.</p> <p>(3) Where a declaration has been made under subsection (1) and it appears to the Court that new facts or circumstances have arisen that have not previously been disclosed to a court and could not, by the exercise of reasonable diligence, have previously been known, the Court may revoke such declaration which shall, upon revocation, cease to have any force or effect.</p>
			12	<p>(1) Any person who:</p> <p>(a) alleges that any named person is the mother of his child;</p> <p>(b) alleges that the relationship of mother and child exists between that person and any other named person; or</p> <p>(c) being a person having a proper interest in the result, wishes to have it determined whether the relationship of mother and child exists between 2 named persons,</p> <p>may apply to the Supreme Court for a declaration of maternity</p>

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				<p>and, if it is proved to the satisfaction of the Court that the relationship exists, the Court may make a declaration of maternity whether or not the mother or the child or both of them are living or dead.</p> <p>(2) Notwithstanding anything in subsection (1), the Court may refuse to hear an application for a declaration of maternity if it is of the opinion that it is not just or proper to do so.</p> <p>(3) Where a declaration has been made under subsection (1) and it appears to the Court that new facts or circumstances have arisen that have not previously been disclosed to a court and could not, by the exercise of reasonable diligence, have previously been known, the Court may revoke such declaration which shall, upon revocation, cease to have any force or effect.</p>
			13	<p>(1) Where the parentage of a child is in issue in proceedings before a court, the Court may:</p> <p>(a) on the request of a party to the proceedings;</p> <p>(b) on the request of a person representing the child; or</p> <p>(c) of its own motion,</p> <p>make an order requiring a parentage testing procedure to be carried out in relation to a person referred to in subsection (2) for the purpose of obtaining information to assist in determining the parentage of the child.</p>

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				<p>(2) The order under subsection (1) may be made in relation to:</p> <p>(a) the child;</p> <p>(b) a person believed by the Court to be the mother of the child; or</p> <p>(c) any other person where the Court is of the opinion that the information that could be obtained if the parentage testing procedure were to be carried out in relation to the person might assist in determining the parentage of the child.</p> <p>(3) The order under subsection (1) may be made subject to terms and conditions.</p> <p>(4) Where a court makes an order under subsection (1) the Court may:</p> <p>(a) make such orders as it considers necessary or desirable:</p> <p>(i) to enable the parentage testing procedure to be carried out; or</p> <p>(ii) to make the parentage testing procedure more effective or reliable,</p> <p>including, but not limited to, orders requiring a person to submit to a medical procedure, to provide a bodily sample or to furnish information relevant to the person's medical or family history; and</p> <p>(b) make such orders as it thinks fit in relation to costs incurred</p>

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				<p>in relation to:</p> <p>(i) the carrying out of the parentage testing procedure or other orders made by the Court in relation to the parentage testing procedure; or</p> <p>(ii) the preparation of reports in relation to the information obtained as a result of the carrying out of the parentage testing procedure.</p> <p>(5) Where a person who has attained the age of 18 years contravenes an order under this section, the person is not liable to any penalty in relation to the contravention, but the Court may draw such inferences as it thinks fit in the circumstances.</p> <p>(6) Where an order under this section is directed to a child who has not attained the age of 18 years, a medical procedure or other act must not be carried out in relation to the child under the order unless a guardian of the child consents to the medical procedure or act being carried out, but the Court may draw such inferences from a failure or refusal to consent as the Court thinks fit in the circumstances.</p> <p>(7) If a guardian of the child consents to a medical procedure or other act being carried out in relation to the child under the order, a person who carries out, or assists in the carrying out of, the medical procedure or act is not liable to any civil or criminal action in relation to the proper carrying out of the medical procedure or act.</p>

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			14	<p>(1) Before making a determination under section 13 the Court may, if it thinks that to do so would be in the best interest of the child, appoint a fit and proper person to act as the litigation guardian of the child.</p> <p>(2) In deciding whether to give a direction under section 13, the Court shall:</p> <p>(a) consider and determine all objections made by a party to the proceedings on account of medical, religious or other grounds; and</p> <p>(b) if it determines that an objection is valid, take the objection into account in arriving at its decision.</p>
			15	<p>(1) A report made in accordance with regulations made for the purposes of section 13 may be received in evidence in proceedings under this Act.</p> <p>(2) Where a report referred to in subsection (1) is received in evidence in proceedings under this Act, the Court may:</p> <p>(a) on the request of a party to the proceedings;</p> <p>(b) on the request of a person representing the relevant child; or</p> <p>(c) of its own motion,</p> <p>make an order requiring the person who made the report, or any person whose evidence may be relevant in relation to the report,</p>

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				to appear before the Court and give evidence in relation to it.

8. Tasmania

CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 8:</p> <p>1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.</p> <p>2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.</p>	<p>Adoption Act 1988</p>	<p>TAS</p>	<p>19</p>	<p>(1) On application by the Secretary or the principal officer of an approved agency but subject to this Act, the court may make an order for the adoption of a child who—</p> <p>(a) had not attained the age of 18 years before the date on which the application was filed in the court; or</p> <p>(b) has been brought up, maintained, and educated by—</p> <p>(i) the prospective adoptive parent or either of the prospective adoptive parents; or</p> <p>(ii) the prospective adoptive parent and his or her deceased spouse—</p> <p>as the child of that parent or, as the case may be, of that parent and his or her spouse—</p> <p>but the court shall not make an order for the adoption of a child who is, or has been, married.</p> <p>(2) An order may be made under this Act for the adoption of a child notwithstanding that the child had, whether before or after the commencement of this section, and whether in Tasmania or elsewhere, previously been adopted.</p> <p>(3) In this section, spouse includes the person with whom a prospective adoptive parent had a significant relationship</p>

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				which was the subject of a deed of relationship registered under Part 2 of the Relationships Act 2003, which deed was revoked by the death of the person.
			20 - 21	Sections 20 and 21 set out the classes of people in whose favour a Court may make an adoption order.
			23	Subject to this Division, an order for the adoption of a child shall not be made unless the court is satisfied that, so far as practicable, the wishes and feelings of the child have been ascertained and due consideration given to them, having regard to the age and understanding of the child.
			29	<p>(1) Subject to this Division, the court shall not make an order for the adoption of a child unless the court is satisfied –</p> <p>(a) that consent to the adoption has been given in accordance with this Division by the appropriate person or persons ascertained in accordance with this section, that the consent has not been revoked, and that the requirements of section 31 have been complied with; or</p> <p>(b) that there is not an appropriate person within the meaning of this section to give consent to the adoption –</p> <p>or unless the court dispenses with any such consent.</p> <p>(2) In the case of a child whose parents were married to each other at the time of its birth or at or after the time of its conception but before its birth and who has not previously been adopted, the appropriate persons are the mother and the father of the child.</p> <p>(3) In the case of a child whose parents were not so married</p>

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				<p>to each other and who has not previously been adopted, the appropriate persons are the mother of the child and a man –</p> <p>(a) whose name is entered in the entry relating to the child in a register of births, whether in Tasmania or in a place outside Tasmania, as the father of the child, so long as that entry was made before the expiration of a period of 30 days commencing on the day when consent to the adoption was given in accordance with this Division by the mother of the child (the last day of which period is in this subsection referred to as 'the relevant day'); or</p> <p>(b) who is declared to be the father of the child under a declaration of parentage in force under section 10 of the Status of Children Act 1974, if before the relevant day a copy of the declaration is filed in the office of the Registrar under section 9 (3) of that Act; or</p> <p>(c)</p> <p>(d) who is named in an instrument filed before the relevant day in the office of the Registrar under section 9 (1) of the Status of Children Act 1974 that acknowledges that he is the father of the child; or</p> <p>(da) with whom the mother was in a significant relationship, within the meaning of the Relationships Act 2003, at the time of its birth or at or after the time of its conception but before its birth; or</p> <p>(e) who has before the relevant day lodged with the Secretary or with the approved agency by which the</p>

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				<p>arrangements for the adoption are being made evidence that–</p> <p>(i) he is conclusively presumed to be a parent of the child under section 8B(1) of the Status of Children Act 1974; or</p> <p>(ii) he is, or has at any time been, liable, under an order of the Family Court of Australia for the maintenance of the child; or</p> <p>(iia) he is, or has at any time been, liable for child support for the child under the Child Support (Assessment) Act 1989 of the Commonwealth; or</p> <p>(iii) he has at any time, under an order of the Family Court of Australia, been granted access to, or custody or guardianship of, the child.</p> <p>(4) Where there is evidence that a particular man is not the father of a child, that man is not, by reason only of paragraph (e) of subsection (3), an appropriate person for the purposes of that subsection in the case of that child.</p> <p>(4A) In the case of a child whose mother was in a significant relationship, within the meaning of the Relationships Act 2003, with a woman at the time of the child's birth or at or after the time of its conception but before its birth and the child has not previously been adopted, the appropriate persons are the parties to that relationship if –</p> <p>(a) the child was born as a result of a fertilization procedure to which the female partner in the significant relationship</p>

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				<p>with the mother had given consent; or</p> <p>(b) there is no man required to give consent under subsection (3).</p> <p>(5) In the case of a child who has previously been adopted, the appropriate persons are the adoptive parents of the child.</p> <p>(6) In the case of a child who is a non-citizen child, the appropriate person is –</p> <p>(a) the person who, under the Immigration (Guardianship of Children) Act 1946 of the Commonwealth, is the guardian of the child; or</p> <p>(b) where that guardian has, under that Act, delegated his powers and functions as guardian to another person, that other person.</p> <p>(7) This section does not apply in relation to a person who has attained the age of 18 years before the making of the adoption order.</p>
			50	<p>(1) Subject to this Act and to any other Act that expressly distinguishes in any way between adopted children and children other than adopted children, on the making of an adoption order –</p> <p>(a) the adopted person shall be treated in law as a child of the adoptive parents and the adoptive parents shall be treated in law as the parents of the adopted person; and</p>

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				<p>(b) the adopted person shall be treated in law as if the adopted person were not a child of any person who was a parent (whether natural or adoptive) of the adopted person before the making of the adoption order, and any such person shall be treated in law as if the person were not a parent of the adopted person; and</p> <p>(c) the relationship to one another of all persons, including the adopted person and an adoptive parent or former parent of the adopted person, shall be determined in accordance with this section; and</p> <p>(d) any guardianship of the adopted person ceases to have effect; and</p> <p>(e) any previous adoption of the adopted person, whether effected under the law of Tasmania or otherwise, ceases to have effect.</p> <p>(2) Notwithstanding subsection (1), where the relationship between persons is relevant for the purposes of any law relating to a sexual offence –</p> <p>(a) an adoption order, or the discharge of an adoption order, does not cause the cessation of a relationship that would have existed if the adoption order, or the discharge of an adoption order, as the case may be, had not been made; and</p> <p>(b) any such relationship shall be deemed to exist in addition to any relationship that exists by virtue of the application of that subsection in relation to that adoption order or by virtue</p>

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				of the discharge of that adoption order.
			54	<p>(1) On the making of an adoption order –</p> <p>(a) the surname of the adopted person shall be –</p> <p>(i) where there is one adoptive parent, the surname of the adoptive parent; or</p> <p>(ii) where there are 2 adoptive parents who have the same surname, that surname; or</p> <p>(iii) where there are 2 adoptive parents who have different surnames, one or both of those surnames –</p> <p>where that surname or each of those surnames, as the case may be, was specified in the application for the adoption order as the proposed surname of the person and is approved by the court or such other surname as the court approves in the adoption order; and</p> <p>(b) the forename or forenames of the adopted person shall be such name or names as the court, in the adoption order, approves on the application of the adoptive parents.</p> <p>(2) Where, before the making of an adoption order, the adopted person has been generally known by a particular surname, the court may, in the adoption order, order that the person shall have that name as his surname.</p> <p>(3) The court shall not approve a name as a surname or forename of an adopted person unless the court is satisfied</p>

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				<p>that, so far as practicable, the wishes and feelings of the person have been ascertained and due consideration given to them having regard to the age and understanding of the person.</p> <p>(4) Nothing in this section prevents the changing of a name of an adopted person, after the making of the adoption order, in accordance with any other Act or law.</p>
			59 - 61	Sections 59 to 61 deal with the recognition and validity of adoptions in other states or Territories and foreign adoptions.
			63	<p>(1) The special record formerly kept under section 22F of the Registration of Births and Deaths Act 1895 shall, notwithstanding the amendments made by section 121, continue in force for the purposes of this Part and shall be kept by the Registrar.</p> <p>(2) Where the Registrar receives–</p> <p>(a) a memorandum of an adoption order under section 62 in respect of a person whose birth is registered in Tasmania; or</p> <p>(b) a memorandum under a law of another State or a Territory corresponding to section 66 relating to the making in that State or Territory of an order for the adoption of any such person–</p> <p>the Registrar shall re-register the birth in accordance with this section and the particulars specified in that memorandum.</p>

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				<p>(3) Where–</p> <p>(a) a person whose birth is registered in Tasmania has been adopted in a place outside Australia; and</p> <p>(b) the order for adoption is an order to which section 60 applies–</p> <p>the Registrar shall–</p> <p>(c) on application by the adopted person or a person in favour of whom the order was made; and</p> <p>(d) on production of a document purporting to be the relevant adoption order or some other document relating to an adoption order in respect of that person made in a place outside Australia–</p> <p>re-register the birth in accordance with this section and the particulars specified in that document.</p> <p>(4) A re-registration of the birth of an adopted person for the purposes of this section shall be made –</p> <p>(a) by an entry in the prescribed form in the special record and by endorsing that entry with –</p> <p>(i) a reference to this section; and</p> <p>(ii) a reference in the prescribed form identifying the entry of birth of that person as shown in the register; and</p>

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				<p>(b) by endorsing the entry of the birth of the adopted person as shown in the register with–</p> <p>(i) a reference to this section; and</p> <p>(ii) a reference in the prescribed form identifying the entry made relating to that person in the special record; and</p> <p>(c) if there is a previous entry relating to the adopted person in the special record or in the former register of adoptions, by endorsing it with a reference in the prescribed form to the entry of the birth of that person as re-registered under this section.</p> <p>(5) Where, before the commencement of the repealed Act, an order for the adoption of a person whose birth is registered in Tasmania was registered in the former register of adoptions, the Registrar may, on application by that person or an adoptive parent of that person, cause to be made, in relation to that person, in the special record and in the register the same entries and endorsements as would be required by this section if the order for the adoption of that person had been made under this Act.</p> <p>(6)</p>
			64	<p>(1) The Registrar shall, on receipt of a memorandum under section 62 in relation to the making of an adoption order for the adoption of a person born in a place outside Australia, cause an entry in the prescribed form to be made in the special record.</p>

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				<p>(2) Where, before the commencement of this section—</p> <p>(a) an order for the adoption of a person born in a place outside Australia was made under the repealed Act; or</p> <p>(b) an order for the adoption of a person born in any such place was registered in the former register of adoptions—</p> <p>the Registrar may, on application by that person or an adoptive parent of that person, cause to be made in relation to that person the same entry in the special record as he would have made if the order for the adoption of that person had been made under this Act after the commencement of this section.</p>
			67	<p>(1)</p> <p>(2) The Registrar shall not, except in accordance with this Act or an order of the Supreme Court, open for inspection, or issue an extract from, or copy of, an entry relating to an adopted person in the register.</p> <p>(3) The Registrar shall, on an application in writing by a natural parent of an adopted person, issue to the natural parent an extract from, or copy of, an entry in the register relating to the adopted person.</p> <p>(4) Where an order has been made for the adoption of a person whose birth has been registered in Tasmania, the adopted person may apply to the Registrar for the issue of an extract from, or a certified copy of, the entry in the register</p>

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				<p>relating to the adopted person.</p> <p>(5) An application under subsection (4) by an adopted person may be made whether before or after he has attained the age of 18 years and whether the order for his adoption was made before or after the commencement of this section but, except in a case where the adoption order has been made after the commencement of this section in favour of –</p> <p>(a) a spouse of a natural parent of the adopted person; or</p> <p>(b) another person who, or whose spouse, is a relative of the adopted person, or 2 persons who are relatives of the adopted person –</p> <p>the application shall be accompanied by a certificate given to the adopted person under section 80.</p> <p>(6) On an application made in accordance with this section, the Registrar shall issue in accordance with the application an extract from, or certified copy of, the entry in the register relating to the adopted person to whom the application relates.</p> <p>(7) An extract from, or certified copy of, an entry in the register issued under subsection (6) is subject to the same terms, conditions, and regulations as to payment of fees and otherwise as are applicable under the Births, Deaths and Marriages Registration Act 1999.</p> <p>(8) Where, pursuant to this section, the Registrar issues an</p>

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				extract from, or certified copy of, an entry in the register to an adopted person, the extract or certified copy shall contain a statement specifying the surname taken by the adopted person on the making of the order for his adoption.
			68	Section 68 deals with the release of information from the former register of adoptions.
			69	<p>(1) On application, the Registrar shall issue, subject to the same terms, conditions, and regulations as to payment of fees and otherwise as are applicable under the Births, Deaths and Marriages Registration Act 1999, an extract from, or certified copy of, an entry in the special record.</p> <p>(2) In the case of an application under this Part by an adopted person particulars of whose adoption are entered in the former register of adoptions, the Registrar may re-register the birth of that person in the special record and exercise his powers under, and in accordance with, subsection (1).</p> <p>(3) An extract from, or a certified copy of an entry in, the special record shall not contain a reference to any matter referred to in section 63(4)(a).</p>
			72	Section 72 sets out the duties of relevant authorities in respect of the provision of information under this Part.
			79	(1) Where an order has been made for the adoption of a person whose birth was not registered in Tasmania, the adopted person may, whether before or after attaining the age of 18 years and whether the order was made before or after the commencement of this section, apply to a relevant authority for a copy of, or an extract from, or certified copy of, the birth certificate relating to himself contained in

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				<p>records relating to his adoption that are in the possession, or under the control, of the relevant authority, an agency, another body or person, or of the court.</p> <p>(2) Where an application is made under subsection (1) by an adopted person who has not attained the age of 18 years, the application shall be accompanied by the agreement in writing, or evidence of the death, of each adoptive parent.</p> <p>(3) Subject to subsection (4), where a relevant authority receives an application under subsection (1), the relevant authority shall –</p> <p>(a) where the copy to which the application relates is in his possession or under his control, give a copy to the applicant; or</p> <p>(b) where the copy to which the application relates is in the possession, or under the control, of an agency, another body or person, or the court, request that agency, body, person, or court to give a copy to the relevant authority or, where the request so states, to the applicant.</p> <p>(4) Where an application is made under subsection (1) by an adopted person who has not attained the age of 18 years, a relevant authority shall not –</p> <p>(a) give a copy of, or an extract from, or a certified copy of, a birth certificate to the applicant; or</p> <p>(b) request an agency, another body or person, or the court to</p>

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				<p>give a copy to the applicant –</p> <p>unless the relevant authority has obtained the agreement in writing, or evidence of the death, of each natural parent of the adopted person who has given consent to the adoption.</p>
			81	<p>(1) An adopted person who has not attained the age of 18 years may, subject to this section, apply to a relevant authority for information about himself.</p> <p>(2) An application for information referred to in subsection (1) shall be accompanied by the agreement in writing, or evidence of the death, of each adoptive parent of the adopted person.</p> <p>(3) There shall not be given to an applicant under this section any information from which the identity of a natural parent of the applicant may be ascertained unless the relevant authority has obtained the agreement in writing, or evidence of the death, of that natural parent.</p>
			82	<p>(1) An adopted person who has attained the age of 18 years may apply to a relevant authority for information about himself and he may so apply whether or not one of his natural parents or natural relatives may be identified from that information.</p> <p>(2) Before an adopted person is given any information that identifies, or identifies the whereabouts of, one of his or her natural parents or natural relatives, he or she is to undertake not to contact that natural parent or natural relative if that</p>

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				<p>natural parent or natural relative –</p> <p>(a) has entered a contact veto in an Adoption Information Register in respect of the adopted person; and</p> <p>(b) has not withdrawn the contact veto from the Register.</p> <p>(3) An undertaking is to be in writing in a form determined by the Secretary.</p>
			83	<p>(1) A natural parent or natural relative of an adopted person who has not attained the age of 18 years may, subject to this section, apply to a relevant authority for information about the adopted person.</p> <p>(2) A natural parent or natural relative is not entitled to information about the adopted person from which his adoptive parents may be identified or his whereabouts ascertained unless the relevant authority–</p> <p>(a) has considered any wishes expressed by the adopted person; and</p> <p>(b) has obtained the agreement in writing, which may be given subject to conditions, or evidence of the death, of each adoptive parent of the adopted person.</p> <p>(3) A natural parent or natural relative is not entitled to information about the adopted person if the relevant authority is of opinion that, in order to give effect to any wishes of the adopted person or conditions imposed by an adoptive parent under subsection (2), that information ought not to be</p>

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				<p>disclosed.</p> <p>(4) If an adopted person dies before attaining the age of 18 years, a natural parent or natural relative of the adopted person, on application under subsection (1), is entitled to be given the following information:</p> <p>(a) the identity of the adopted person;</p> <p>(b) the date of death of the adopted person;</p> <p>(c) the place of burial or other disposal of the body of the adopted person;</p> <p>(d) the identity of the adoptive parents.</p> <p>(5) Before a natural parent or natural relative of an adopted person referred to in subsection (4) is given any information under that subsection that identifies, or identifies the whereabouts of, an adoptive parent of the adopted person, the natural parent or natural relative is to undertake not to contact that adoptive parent if that adoptive parent –</p> <p>(a) has entered a contact veto in an Adoption Information Register in respect of the natural parent or natural relative; and</p> <p>(b) has not withdrawn the contact veto from the Register.</p> <p>(6) An undertaking is to be in writing in a form determined by the Secretary.</p>

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			103	A person who destroys, removes, or conceals records referred to in section 71 is guilty of an offence.
			104	A person who is the father, mother, or a guardian of a child but is not, by reason of an adoption of the child, to be treated in law as the father, mother, or guardian of the child who takes, leads, entices, or decoys the child away or detains the child, with intent to deprive an adoptive parent of the child, is guilty of an offence.
			105	A person who receives or harbours a child on behalf of a person who, to his knowledge, has taken, led, enticed, or decoyed the child away, or is detaining the child, in contravention of section 104, is guilty of an offence.
	Births, Deaths and Marriages Registration Act 1999	TAS	12	<p>(1) When a child is born in the State, the birth must be registered under this Act.</p> <p>(2) If a court, whether of this or any other State or the Commonwealth, directs the registration of a birth, the birth must be registered under this Act.</p> <p>(3) If a child is born in an aircraft during a flight or on a vessel during a voyage to a place of disembarkation in the State, the birth may be registered under this Act.</p> <p>(4) If a child is born outside the Commonwealth, but the child is to become a resident of the State, the birth may be registered under this Act.</p> <p>(5) The Registrar must not register a birth under subsection (3) or (4) if the birth is registered under a corresponding law.</p>

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			14	<p>(1) The parents of a child are jointly responsible for having the child's birth registered under this Act (and must both sign the birth registration statement) but the Registrar may accept a birth registration statement from one of the parents if satisfied that it is not practicable to obtain the signatures of both parents on the birth registration statement.</p> <p>(2) If a child is a foundling, the person who has custody of the child is responsible for having the child's birth registered.</p> <p>(3) The Registrar may accept a birth registration statement from a person who is not responsible for having the child's birth registered if satisfied that –</p> <p>(a) the person lodging the statement has knowledge of the relevant facts; and</p> <p>(b) the child's parents are unable or unlikely to lodge a birth registration statement.</p>
			15	<p>(1) A person responsible for having the birth of a child registered must ensure that a birth registration statement is lodged with the Registrar within 60 days after the date of the birth.</p> <p>Penalty:</p> <p>Fine not exceeding 10 penalty units.</p> <p>(2) The Registrar must accept a birth registration statement</p>

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				<p>even though it is lodged after the period of 60 days.</p> <p>(3) The Registrar, at any time before registering a birth, may request that further information be provided to support the birth registration statement.</p>
			16	<p>(1) The Registrar registers a birth by making an entry about the birth in the Register.</p> <p>(2) However, if the particulars available to the Registrar are incomplete, the Registrar may register a birth on the basis of those incomplete particulars.</p>
			17	<p>(1) The Registrar must not include information about the identity of any of a child's parents in the Register unless –</p> <p>(a) the father and the mother of the child make a joint application for the inclusion of registrable information about that identity; or</p> <p>(b) one parent of the child makes an application for the inclusion of registrable information about that identity and the other parent cannot join in the application –</p> <p>(i) because he or she is dead; or</p> <p>(ii) because he or she cannot be found; or</p> <p>(iii) for some other reason; or</p> <p>(c) one parent of the child makes an application for the inclusion of registrable information about that identity and the Registrar is satisfied that the other parent does not dispute</p>

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				<p>the correctness of that information; or</p> <p>(d) any court having jurisdiction orders the inclusion of registrable information about that identity in the Register; or</p> <p>(e) any court having jurisdiction makes a finding that a particular person is a parent of a child; or</p> <p>(f) the Registrar is entitled under any law, including a law of another State or the Commonwealth, to make a presumption as to the identity of the child's parent.</p> <p>(2) The Registrar may include information about the identity of a child's parent in the Register if –</p> <p>(a) the Registrar is not prohibited by subsection (1) from doing so; or</p> <p>(b) despite subsection (1), both the parents are unable to give registrable information about the identity of a child's parent or parents or are unavailable and another person can provide information to the Registrar's satisfaction as to the identity of the child's parent or parents; or</p> <p>(c) despite subsection (1), one parent has provided the birth registration statement and the registrable information relates only to the identity of that parent.</p>
			20	<p>(1) Subject to this section, the birth registration statement must state the name of the child.</p> <p>(2) The name is a matter of choice for the person or persons</p>

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				<p>lodging the statement, but the Registrar may assign a name to a child if –</p> <p>(a) the name stated in the birth registration statement is a prohibited name; or</p> <p>(b) the birth registration statement is lodged by both parents of the child and they satisfy the Registrar that they are unable to agree on the child's name.</p>
			21	<p>(1) If there is a dispute between parents about a child's name, either parent may apply to a magistrate for a resolution of the dispute.</p> <p>(2) On an application under subsection (1), the magistrate may –</p> <p>(a) resolve the dispute about the child's name as the magistrate considers appropriate; and</p> <p>(b) order the Registrar to register the child's name in a form specified in the order.</p>
			22	A person's name may be changed by registration of the change under this Part.
			24	<p>(1) The parents of a child –</p> <p>(a) who is domiciled or ordinarily resident in the State; or</p> <p>(b) whose birth is registered in the State –</p> <p>may apply to the Registrar, in a form approved by the</p>

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				<p>Registrar, for registration of a change of the child's name.</p> <p>(2) An application for registration of a change of a child's name may be made by one parent if –</p> <p>(a) the applicant is the sole parent named in the registration of the child's birth under this Act or any other law; or</p> <p>(b) there is no other surviving parent of the child; or</p> <p>(c) a magistrate approves the proposed change of name.</p> <p>(3) A magistrate may, on application by a child's parent, approve a proposed change of name for the child if satisfied that the change is in the child's best interests.</p> <p>(4) If the parents of a child are dead, cannot be found, or for some other reason cannot exercise their parental responsibilities in respect of the child, the child's guardian may apply for registration of a change of the child's name.</p>
			25	<p>A change of a name of a child of more than 12 years of age must not be registered unless –</p> <p>(a) the child consents to the change of name; or</p> <p>(b) the child is unable to understand the meaning and implications of the change of name.</p>
			26	<p>(1) Before registering a change of name under this Part, the Registrar may require the applicant to provide evidence to establish to the Registrar's satisfaction –</p>

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				<p>(a) the identity and age of the person whose name is to be changed; and</p> <p>(b) that the change of name is not sought for a fraudulent or other improper purpose; and</p> <p>(c) if the person whose name is to be changed is a child aged 12 years or more, that the child consents to the change of name or is unable to understand the meaning and implications of the change of name.</p> <p>(2) If the Registrar is satisfied that the name of a person whose birth is registered in the State has been changed under another law or by order of a court, the change of name may be registered under this Act.</p> <p>(3) The Registrar may refuse to register a change of name if, as a result of the change, the name would become a prohibited name.</p>
			27	<p>(1) The Registrar registers a change of name by making an entry about the change of name in the Register.</p> <p>(2) If the applicant for registration of the change of name asks the Registrar to arrange for noting the change of name in the particulars of the person's birth, and the person's birth is registered under this Act or a corresponding law, the Registrar must –</p> <p>(a) if the birth is registered under this Act, note the change of name in the entry relating to the birth; or</p>

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				<p>(b) if the birth is registered under a corresponding law, notify the relevant registering authority of the change of name.</p> <p>(3) If the change of name is noted in the Register under subsection (2), a birth certificate issued by the Registrar for the person must include the person's name as changed under this Part.</p>
			28	This Part does not prevent a change of name by repute or usage.
			28A	<p>(1) An adult person –</p> <p>(a) whose birth is entered in the Register; and</p> <p>(b) who has undergone sexual reassignment surgery; and</p> <p>(c) who is not married –</p> <p>may apply to the Registrar, in a form approved by the Registrar, to register a change of the person's sex.</p> <p>(2) The parents of a child whose birth is registered in the State may apply to the Registrar, in a form approved by the Registrar, for registration of a change of the child's sex.</p> <p>(3) An application for registration of a change of a child's sex may be made by one parent if –</p> <p>(a) the applicant is the sole parent named in the registration of the child's birth under this Act or any other law; or</p> <p>(b) there is no other surviving parent of the child.</p>

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				(4) If the parents of a child are dead, cannot be found or for some other reason cannot exercise their parental responsibilities in respect of the child, the child's guardian may apply for registration of a change of the child's sex.
			28C	<p>(1) On receipt of an application, the Registrar must –</p> <p>(a) register the change of sex by making an entry of the change in the Register; or</p> <p>(b) refuse to register the change of sex.</p> <p>(2) In considering whether or not to note the particulars of a change of sex, the Registrar may –</p> <p>(a) require the person or persons who signed the application to provide further particulars as the Registrar requires; or</p> <p>(b) make such inquiries, if any, as he or she thinks fit to inform himself or herself as to whether the person has undergone sexual reassignment surgery.</p> <p>(3) The Registrar must not note in the Register particulars of the change of a person's sex if the person is married.</p>
			28D	<p>(1) If a change of sex is registered under this Part in respect of any person, a birth certificate issued by the Registrar for the person is to show the person's sex as registered with a notation that the person was previously registered as of the other sex.</p> <p>(2) If requested by the person, the Registrar may issue an extract from the Register which does not include the notation</p>

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				referred to in subsection (1).
			28E	The child of a person whose change of sex is registered under this Part, or a prescribed person, may apply to the Registrar, in a form approved by the Registrar, for a birth certificate of the person that shows the person's sex before his or her change of sex, and the Registrar may issue the birth certificate to the child or prescribed person showing the person's sex as previously registered with a notation that the person has been subsequently registered as of the other sex.
			28F	<p>A person in respect of whom a change of sex is registered under this Part must not, with intention to deceive, produce to another person a birth certificate or a copy of a birth certificate or an extract from the Register issued for the person that shows the person's sex before the change was so registered.</p> <p>Penalty:</p> <p>Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 2 years, or both.</p>
			28G	<p>(1) Where a person's change of sex is registered under this Part, the person is, for the purposes of, but subject to, any law in force in this State, a person of the sex as so changed.</p> <p>(2) A person's change of sex does not affect any relationship of that person arising by consanguinity or by operation of law.</p>
			28H	A person in respect of whom there is a recognition certificate is taken to be, for the purposes of, but subject to, any law in force in this State, a person of the sex stated in the recognition certificate.

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			28J	<p>(1) A person who is entitled as a beneficiary –</p> <p>(a) under a will; or</p> <p>(b) under a trust; or</p> <p>(c) otherwise by operation of law –</p> <p>does not, except as may be otherwise provided under the will, the trust or by the law conferring the entitlement, forfeit any right or entitlement by reason only of the fact that he or she is a person whose change of sex is registered or recognised under this Part.</p> <p>(2) Subsection (1) does not operate so as to confer any right or entitlement that would not exist apart from that subsection.</p>
			43	<p>(1) The Registrar may, on any conditions the Registrar considers appropriate –</p> <p>(a) allow a person or organisation that has an adequate reason for wanting access to the Register, access to the Register; or</p> <p>(b) provide a person or organisation that has an adequate reason for wanting information from the Register, with information extracted from the Register.</p> <p>(2) In deciding whether an applicant has an adequate reason for wanting access to the Register, or information extracted from the Register, the Registrar must have regard to –</p>

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				<p>(a) the nature of the applicant's interest; and</p> <p>(b) the sensitivity of the information; and</p> <p>(c) the use to be made of the information; and</p> <p>(d) other relevant factors.</p> <p>(3) In deciding the conditions on which access to the Register, or information extracted from the Register, is to be given under this section, the Registrar must, as far as practicable, protect the persons to whom the entries in the Register relate from unjustified intrusion on their privacy.</p>
			44	<p>(1) The Registrar may, on application, search the Register for an entry about a particular registrable event.</p> <p>(2) The applicant must state the reason for the applicant's interest in the subject matter of the search.</p> <p>(3) The Registrar may reject the application if the applicant does not have an adequate reason for wanting the information to which the application relates.</p> <p>(4) In deciding whether an applicant has an adequate reason for wanting information, the Registrar must have regard to –</p> <p>(a) the relationship, if any, between the applicant and the person to whom the information relates; and</p> <p>(b) the age of the entry; and</p>

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				(c) the contents of the entry; and (d) any other relevant factors.
			52	In relation to access to adoption information, this Act is subject to the Adoption Act 1988 and to the extent of any inconsistency with this Act, that Act prevails.
	Criminal Code Act 1924	TAS	189	Any person who unlawfully takes away, or causes to be taken away, an unmarried person under the age of 17 years out of the possession and against the will of a parent of that person or a person having the lawful charge or care of that person, is guilty of a crime.
			191	(1) Any person who unlawfully, by force or fraud takes away, or decoys or entices away, or detains, any child under the age of 14 years, with intent to deprive any parent, guardian, or other person having the lawful charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, is guilty of a crime. (2) Any person who, with any such intent as aforesaid, receives or harbours any such child, knowing it to have been so taken, decoyed, or enticed away, or detained, is guilty of a crime.
	Status of Children Act 1974	TAS	Part II (ss 5 - 8C)	Part II creates presumptions of parenthood in a range of situations, and provides for the recognition of paternity
			9	(1) Any instrument of the kind described in section 8C(2) or a copy thereof may in the prescribed manner and on payment of the prescribed fee (if any) be filed in the office of the

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
				<p>Registrar of Births, Deaths and Marriages.</p> <p>(2) The Registrar of Births, Deaths and Marriages shall cause indexes of all instruments and copies filed with him under subsection (1) to be made and kept in his office and shall, upon request made by or on behalf of a party to an instrument so filed or a child referred to in any such instrument or a guardian or relative of that child, cause a search of any index to be made and shall permit that person to inspect any such instrument or copy if he is satisfied that the person has a direct and proper interest in the matter.</p> <p>(3) Where the Supreme Court makes a declaration of parentage under section 10 the Registrar of the Supreme Court is to forward a copy of the declaration to the Registrar of Births, Deaths and Marriages for filing in his office under this section and on receipt of any such copy the Registrar of Births, Deaths and Marriages shall file it accordingly as if it were an instrument of the kind referred to in section 8C(2).</p> <p>(4) Where a judge revokes a declaration of parentage under section 10, the Registrar of the Supreme Court shall forward a copy of the order revoking the declaration to the Registrar of Births, Deaths and Marriages.</p>
			10	<p>(1) Any of the following persons may apply to a judge in chambers for a declaration of parentage:</p> <p>(a) a person who alleges that a specified person is the parent of a particular child;</p>

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				<p>(b) a person who alleges that the relationship of parent and child exists between that person and a particular child;</p> <p>(c) a person with a direct and proper interest in the result who wishes to determine whether the relationship of parent and child exists between 2 specified persons.</p> <p>(2) A judge in chambers may refuse to hear an application for a declaration of parentage if of the opinion that it is not just and proper to do so.</p> <p>(3) If satisfied that the relationship of parent and child exists between 2 persons, a judge in chambers may make a declaration of parentage whether or not the parent or child or both of them are living or dead.</p> <p>(4) A judge in chambers, by order, may revoke a declaration if it appears to the judge that new facts or circumstances have arisen that have not previously been disclosed to the court.</p> <p>(5) If a judge makes a declaration under subsection (3), the judge may, at the same time or subsequently, make a declaration determining whether any of the requirements of section 7(1)(b) have been satisfied.</p> <p>(6) In any proceedings under this section, the parents of the child may, but are not compellable to, give evidence to prove that sexual intercourse did or did not take place between them during any period.</p> <p>(7) Any of the following persons may apply to the Registrar</p>

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				<p>of Births, Deaths and Marriages to re-register the birth of a child specified in a declaration of parentage:</p> <ul style="list-style-type: none"> (a) a parent of that child; (b) that child, if the child has attained the age of majority; (c) a person on behalf of that child, if the child has not attained the age of majority. <p>(8) An application under subsection (7) is to be –</p> <ul style="list-style-type: none"> (a) in a form approved by the Registrar of Births, Deaths and Marriages; and (b) lodged with the Registrar of Births, Deaths and Marriages; and (c) accompanied by – <ul style="list-style-type: none"> (i) a copy of the declaration of parentage; and (ii) the prescribed fee. <p>(9) On receipt of an application under subsection (8), the Registrar of Births, Deaths and Marriages is to cause –</p> <ul style="list-style-type: none"> (a) the birth of a child specified in a declaration of parentage to be re-registered in the appropriate register; and (b) the particulars specified in that declaration to be

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				<p>recorded.</p> <p>(10) If a declaration of parentage is revoked by order under subsection (4) –</p> <p>(a) a copy of the order may be lodged with the Registrar of Births, Deaths and Marriages; and</p> <p>(b) the Registrar is to cause the re-registration to be cancelled in any manner the Registrar thinks fit.</p>
			Part III (ss10A - 10C)	Sections 10A to 10C create presumptions of parenthood as a result of fertilization procedures
			12	If in any proceedings the parentage of a child is an issue, a party to the proceedings or a person representing the child may request the court to make an order requiring a parentage testing procedure to be carried out.

9. Australian Capital Territory

CONVENTION ON THE RIGHTS OF THE CHILD (CRC): TABLE OF RELEVANT AUSTRALIAN LEGISLATION

CRC Article Number & Description	Relevant Australian Legislation	Cth/ State	Relevant Provisions of the Australian Legislation	Summary/Description of Relevant Provision
<p>ARTICLE 8 :</p> <p>1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.</p> <p>2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.</p>	<p>Adoption Act 1993</p>	<p>ACT</p>	<p>4</p>	<p>The main objects of this Act include:</p> <p>(a) ensuring that the best interests of the child or young person are the paramount consideration in the adoption of a child or young person; and</p> <p>(b) providing an adoption process that promotes the wellbeing and care of children and young people in a way that recognises the child's or young person's right:</p> <p>(i) to grow in a safe and stable environment; and</p> <p>(ii) to be cared for by a suitable family and to establish enduring relationships; and</p> <p>(iii) to know about family background and culture and have the opportunity to maintain or develop cultural identity; and</p> <p>(c) ensuring that the Aboriginal and Torres Strait Islander people are included and participate in any adoption of an Aboriginal or Torres Strait Islander child or young person; and</p> <p>(d) ensuring that adoption is centred on the needs of the child or young person rather than an adult wanting to care for a child or young person; and</p> <p>(e) consulting with the child or young person throughout the</p>

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				<p>adoption process and, wherever possible, taking the child's or young person's views into account; and</p> <p>(f) recognising a birth parent's involvement in making decisions about their child's future; and</p> <p>(g) providing for adoption plans to recognise the intentions of parties in an adoption; and</p> <p>(h) ensuring that equivalent standards apply for a child or young person adopted from the ACT and a child or young person adopted from overseas; and</p> <p>(i) ensuring that the adoption process in the ACT complies with Australia's international obligations, in particular the obligations arising under the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.</p>
			5	<p>(1) A person making a decision under this Act in relation to a child or young person, must regard the best interests of the child or young person as the paramount consideration.</p> <p>(2) In forming a view about the best interests of a child or young person, a person making a decision under this Act must take into account the following:</p> <p>(a) the likely effect of the decision on the life course of the child or young person;</p> <p>(b) the child's or young person's age, level of understanding, level of maturity, gender, and personal characteristics;</p>

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				<p>(c) the child's or young person's physical, emotional and educational needs;</p> <p>(d) the views expressed by the child or young person;</p> <p>(e) the relationship the child or young person has with the parents, any siblings and any other relatives;</p> <p>(f) the relationship the child or young person has with the adoptive parents;</p> <p>(g) the suitability and capacity of the adoptive parents to meet the child's or young person's needs;</p> <p>(h) the alternatives to adoption for the child or young person to secure permanent family arrangements.</p>
			6	<p>In addition to section 5, a person making a decision under this Act in relation to an Aboriginal or Torres Strait Islander child or young person must:</p> <p>(a) take into account the need for the child or young person to maintain a connection with the lifestyle, culture and traditions of the child's or young person's Aboriginal or Torres Strait Islander community; and</p> <p>(b) seek and consider submissions about the child or young person made by or on behalf of any Aboriginal or Torres Strait Islander people or organisations identified by the director-general as providing ongoing support services to the child or young person or the child's or young person's family; and</p>

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				(c) take into account Aboriginal and Torres Strait Islander traditions and cultural values (including kinship rules) as identified by reference to the child's or young person's family and kinship relationships and the community with which the child or young person has the strongest affiliation.
			26	<p>(1) Subject to this division, an adoption order must not be made for a child or young person unless consent to the adoption has been given by:</p> <p>(a) if the child or young person has not previously been adopted:</p> <p>(i) each parent of the child or young person; and</p> <p>(ii) each guardian of the child or young person; or</p> <p>(b) if the child or young person has previously been adopted:</p> <p>(i) each adoptive parent of the child or young person; and</p> <p>(ii) each guardian of the child or young person.</p> <p>(2) A reference in subsection (1) (a) (i) to a parent of a child or young person does not include a reference to the father of the child or young person unless he is presumed to be the father under the <i>Parentage Act 2004</i>.</p> <p>(3) Consent of a person is not required if the court is satisfied that the person is dead.</p>
			27-34	Sections 27 to 34 relate to consents to adoption.

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			39D	<p>(1) The director-general, or the principal officer of a private adoption agency that made the arrangements that resulted in an application for an adoption order for a child or young person, must give a written report to the court.</p> <p>(2) The written report must include:</p> <p>(a) information about the circumstances of the child or young person; and</p> <p>(b) information about the proposed adoption, including the applicant's reputation, ability to fulfil the responsibility of a parent and suitability to adopt the particular child or young person; and</p> <p>(c) an adoption plan.</p> <p>(3) The adoption plan may include anything that is appropriate taking into account the best interests of the child or young person, including:</p> <p>(a) the preferences of a parent of the child or young person and of any person whose consent is required for the adoption in relation to the social, religious and financial characteristics of the adoptive family; and</p> <p>(b) arrangements for exchanging information about the child's or young person's medical background or condition; and</p> <p>(c) arrangements for ongoing contact between the child or young person and 1 or more of the following:</p>

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				<p>(i) a parent of the child or young person;</p> <p>(ii) a person whose consent is required for the adoption;</p> <p>(iii) a person who otherwise has a significant relationship with the child or young person; and</p> <p>(d) the way the child or young person is to develop an understanding about his or her family background and culture and have the opportunity to maintain or develop cultural identity.</p> <p><i>Note</i> See s 5 for the matters that must be taken into account by a decision-maker in forming a view about the best interests of a child or young person.</p> <p>(4) If the child or young person is under the guardianship of an authority in a State or another Territory having functions under the law of that State or Territory corresponding to those of the director-general, the court may be given a report from that authority about the circumstances of the child or young person and the proposed adoption in addition to or instead of a report mentioned in subsection (1).</p> <p>(5) A written report is not required under this section if the application is for an adoption order mentioned in section 57 (Adoption in ACT of ACT child or young person by parents from Convention country).</p> <p><i>Note</i> For these applications, a report by the director-general is required under s 57A.</p>

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			39E	<p>(1) Before making an adoption order for a child or young person, the court must be satisfied that, if reasonably practicable, the director-general has given the child or young person:</p> <p>(a) information about the proposed adoption, in language and in a way that the child or young person can understand; and</p> <p>(b) the opportunity to freely express his or her views about the proposed adoption; and</p> <p>(c) assistance in understanding the information provided and in expressing his or her views, if required; and</p> <p>(d) the opportunity for counselling, if required.</p> <p>(2) The consultation under subsection (1) must be appropriate taking into account the best interests of the child or young person.</p> <p><i>Note</i> See s 5 for the matters that must be taken into account by a decision-maker in forming a view about the best interests of a child or young person.</p>
			39F	<p>(1) The court must not make an adoption order for a child or young person unless:</p> <p>(a) each consent required under division 3.3 has been given; and</p> <p>(b) the period within which each required consent may be revoked has expired without the consent having been</p>

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				<p>revoked; and</p> <p>(c) after considering the report or reports given to it under section 39D (Report on proposed adoption) or section 57A (Report on child for intercountry adoption) and any other evidence, the court considers that:</p> <p>(i) each applicant is of good reputation and able to fulfil the responsibility of the parent of a child or young person (including protecting a child's or young person's physical and emotional well being); and</p> <p>(ii) each applicant is suitable to adopt the particular child or young person having regard to:</p> <p>(A) the applicant's age, education and attitude to adoption; and</p> <p>(B) the applicant's physical, mental and emotional health, particularly as it impacts on capacity to nurture the child or young person; and</p> <p>(C) any other relevant consideration; and</p> <p>(iii) the adoption is in the best interests of the child or young person.</p> <p>(2) In deciding whether or not to make an adoption order, the court must have regard to:</p> <p>(a) the views expressed by the child or young person in the consultation required under section 39E (Consultation with</p>

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				<p>child or young person before adoption order made); and</p> <p>(b) any preferences expressed in an adoption plan given to the court as part of a report required under section 39D (Report on proposed adoption).</p> <p><i>Note</i> Additional requirements apply to certain intercountry adoptions. See the following sections:</p> <p>s 57 (3) (Adoption in ACT of ACT child or young person by parents from Convention country);</p> <p>s 57B (3) (Adoption in ACT of child or young person from Convention country by ACT parents);</p> <p>s 57J (2) (Adoption in ACT of child or young person from prescribed overseas jurisdiction by ACT parents).</p>
			39G	<p>(1) This section is in addition to, and does not limit, section 39F.</p> <p>(2) An adoption order must not be made for an Aboriginal or Torres Strait Islander child or young person unless the court is satisfied that:</p> <p>(a) the additional requirements mentioned in section 6 (Aboriginal and Torres Strait Islander child or young person - additional requirements) have been complied with; and</p> <p>(b) it is not practicable for the child or young person to remain in the care of the birth parents or a responsible person; and</p>

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				<p>(c) the choice of the adoptive parents has been made having regard to the desirability of the child or young person:</p> <p>(i) being in the care of a person who is a member of an Aboriginal or Torres Strait Islander community; and</p> <p>(ii) being able to establish and maintain contact with his or her birth parents, any responsible person and the Aboriginal or Torres Strait Islander community of which the child or young person is or was a member.</p>
			45	<p>(1) On the making of an adoption order for a child or young person, the court may change the name of the child or young person, on the application of either of the adoptive parents.</p> <p>(2) In deciding the name of a child or young person, the court must consider:</p> <p>(a) the best interests of the child or young person; and</p> <p>(b) the child's or young person's right to retain his or her name and identity.</p> <p>(3) The court may approve any of the following as a family name for an adopted child or young person:</p> <p>(a) if both adoptive parents are known by the same family name - that name;</p> <p>(b) the maiden name or other family name of the child's or young person's mother;</p>

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				<p>(c) the family name of the child's or young person's father;</p> <p>(d) the family name or former family name of any previous parent of the child or young person;</p> <p>(e) a family name formed by combining the parent's family names or any previous parent's family names.</p> <p>(4) If an adoptive parent is applying for an order to change a child's or young person's given name, the director-general must provide the court with a written report about:</p> <p>(a) the proposed name change; and</p> <p>(b) any exceptional circumstances; and</p> <p>(c) the best interests of the child or young person.</p> <p><i>Note</i> See s 6 for the matters that must be taken into account by a decision-maker in forming a view about the best interests of a child or young person.</p> <p>(5) In considering an application to change the given name of the adopted child or young person, the court:</p> <p>(a) must consider the report provided under subsection (4); and</p> <p>(b) must retain the child's or young person's given name unless there are exceptional circumstances for changing the name; and</p> <p>(c) may give the child or young person additional given</p>

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				<p>names.</p> <p>Example - par (b)</p> <p>An exceptional circumstance would be if the given name is likely to make the child or young person vulnerable to ridicule or teasing in every day life in Australian society.</p> <p><i>Note</i> An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).</p> <p>(6) The registrar of the court must notify the registrar-general under the <i>Births, Deaths and Marriages Registration Act 1997</i> if a child's or young person's name is changed under this section.</p> <p>(7) This section does not prevent the changing of any name of an adopted child or young person, after the making of the adoption order, in accordance with the law of the Territory.</p> <p><i>Note</i> The <i>Births, Deaths and Marriages Registration Act 1997</i>, s 19 allows parents to apply for a change of name of a child.</p>
			89	<p>A person who was a parent or guardian of a child or young person but has, because of an adoption of the child or young person, ceased to be the parent or guardian of the child or young person must not take, lead, entice or decoy the child or young person away, or detain the child or young person with intent to deprive the adoptive parents of the custody of the</p>

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				<p>child or young person.</p> <p>Maximum penalty: 500 penalty units, imprisonment for 5 years or both.</p>
			90	<p>A person must not receive or harbour a child or young person on behalf of a person who, to his or her knowledge, has contravened section 89.</p> <p>Maximum penalty: 200 penalty units, imprisonment for 2 years or both.</p>
			91	<p>A person who was a parent or guardian of a child or young person but has, because of an adoption of the child or young person, ceased to be the parent or guardian of the child or young person must not:</p> <p>(a) interfere in or influence the upbringing of the child or young person or the relationship between the child or young person and the adoptive parents; or</p> <p>(b) except if an adoptive parent is a birth relative of the child or young person or a step-parent - otherwise than in accordance with the approval of the director-general or with division 3.7, communicate in any way with:</p> <p>(i) the child or young person until he or she attains the age of 18 years; or</p> <p>(ii) a person who, to his or her knowledge, is an adoptive parent of the child or young person.</p> <p>Maximum penalty: 50 penalty units, imprisonment for 6</p>

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				months or both.
	Children and Young People Act 2008	ACT		<p>526 Definitions--div 15.4.3</p> <p>In this division:</p> <p>care entities, for a child or young person for a placement, means the following entities:</p> <p>(a) for a child or young person placed with a foster carer--</p> <p>(i) the foster carer; and</p> <p>(ii) the foster care service supporting the foster carer;</p> <p>(b) for a child or young person placed with a residential care service--the residential care service.</p> <p>placement , for a child or young person, means placement of the child or young person by the director-general with a foster carer or a residential care service under section 512 (Director-general may place child or young person with out-of-home carer).</p>
			527	<p>(1) This section applies if the director-general places a child or young person with a foster carer or a residential care service under section 512 (Director-general may place child or young person with out-of-home carer).</p> <p>(2) Each care entity for the child or young person for the placement must keep the following things during the placement:</p>

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				<p>(a) protected information about the child or young person that the care entity possesses because of the placement;</p> <p>Example</p> <p>records made by the care entity about the child or young person because of the placement</p> <p><i>Note 1</i> <i>Protected information--see s 844.</i></p> <p><i>Note 2</i> An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).</p> <p>(b) personal items of the child or young person that the care entity possesses because of the placement.</p> <p><i>Note Personal items, for a child, young person or young adult--see the dictionary.</i></p>
			528	<p>(1) This section applies if a care entity for a child or young person for a placement keeps protected information or personal items under section 527.</p> <p>(2) The care entity must keep the protected information or personal items until the care entity gives the protected information or personal items to the director-general under subsection (3).</p> <p>(3) The care entity must give the protected information or personal items to the director-general if--</p>

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				<p>(a) the director-general asks the care entity to give the protected information or personal items to the director-general; or</p> <p>(b) the care entity stops being a care entity for this Act; or</p> <p>(c) 2 years have elapsed since the placement ended; or</p> <p>(d) the person to whom the protected information or personal items relate becomes an adult.</p> <p>(4) If protected information is given to the director-general under subsection (3), the protected information is a record of an agency under the <i>Territory Records Act 2002</i>, section 9 (Meaning of <i>record</i> of an agency etc).</p> <p>(5) This section is subject to division 15.5.4 (Entitlement to personal items and access to personal information).</p> <p><i>Note</i> Div 15.5.4 applies to young people who have left out-of-home care.</p>
			529	<p>(1) This section applies if--</p> <p>(a) a care entity for a child or young person for a placement keeps protected information or personal items under section 527; and</p> <p>(b) the care entity has not given the protected information or personal items to the director-general under section 528.</p> <p>(2) The director-general may, if satisfied on reasonable grounds that it is in the child's or young person's best</p>

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				<p>interests, direct the care entity to give the child or young person--</p> <p>(a) the protected information or personal items; or</p> <p>(b) access to the protected information or personal items.</p> <p>(3) A direction may be conditional.</p> <p>(4) If the director-general gives a care entity a direction, the care entity must comply with the direction.</p> <p>(5) If the direction is subject to a condition about the access to be given, the care entity must comply with the condition.</p> <p>(6) This section is subject to division 15.5.4 (Entitlement to personal items and access to personal information).</p> <p><i>Note</i> Div 15.5.4 applies to young people who have left out-of-home care.</p>
			529K - 529N	Division 15.5.4 (ss529K to 529N) deals with the entitlement of young people who have left out-of-home care to personal items and access to protected information.
			844	<p>In this Act:</p> <p>(1) protected information means information about a person that is disclosed to, or obtained by, an information holder because the information holder is, or has been, an information holder.</p>

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				(2) Without limiting subsection (1), protected information includes sensitive information.
			845	Section 845 defines several classes of information falling within the definition of 'sensitive information'.
	Human Rights Act 2004	ACT	11	<p><i>Note</i> Family has a broad meaning (see ICCPR General Comment 19 (39th session, 1990)).</p> <p>(1) The family is the natural and basic group unit of society and is entitled to be protected by society.</p> <p>(2) Every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind.</p> <p>Examples of distinction or discrimination</p> <p>Distinction or discrimination because of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability or other status.</p> <p><i>Note</i> An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).</p>
			30	So far as it is possible to do so consistently with its purpose, a Territory law must be interpreted in a way that is compatible with human rights.

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	Parentage Act 2004	ACT	6	<p>Purpose of pt 2</p> <p>This part sets out presumptions about parentage and provides for the Supreme Court to make a parentage declaration that establishes who is a parent of a child.</p> <p><i>Note</i> 'Parent' is defined in the Legislation Act, dict, pt 1 as follows:</p> <p>'parent', of a child, means--</p> <p>(a) the child's mother; or</p> <p>(b) the child's father; or</p> <p>(c) someone else who is presumed under the Parentage Act 2004, part 2 to be a parent of the child.</p>
			Division 2.2 (ss7 - 11)	Division 2.2 (Sections 7 to 11) establishes presumptions about parentage arising from marriage, civil union or civil partnership, domestic partnership, registered information, the finding of courts and medical procedures.
			Division 2.3 (ss12 - 14)	Division 2.3 sets out the effect of presumptions in division 2.2 and how these presumptions operate where there are conflicting presumptions.
			24	<p>Division 2.5 applies to a child if--</p> <p>(a) the child was conceived as a result of a procedure carried out in the ACT; and</p> <p>(b) neither birth parent of the child is a genetic parent of the</p>

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				<p>child; and</p> <p>(c) there is a substitute parent agreement, other than a commercial substitute parent agreement, under which 2 people (the 'substitute parents') have indicated their intention to apply for a parentage order about the child; and</p> <p>(d) at least 1 of the substitute parents is a genetic parent of the child; and</p> <p>(e) the substitute parents live in the ACT.</p>
			25	<p>(1) An application may be made to the Supreme Court for a parentage order about the child.</p> <p>(2) The application may be made by either or both of the substitute parents.</p> <p>(3) The application may only be made when the child is between the ages of 6 weeks and 6 months.</p>
			26	<p>(1) The Supreme Court must make a parentage order about the child if satisfied that--</p> <p>(a) the making of the order is in the best interests of the child; and</p> <p>(b) both birth parents freely, and with a full understanding of what is involved, agree to the making of the order.</p> <p>(2) However, the Supreme Court may dispense with the requirement under subsection (1) (b) in relation to a birth</p>

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				<p>parent if satisfied that--</p> <p>(a) the birth parent is dead or incapacitated; or</p> <p>(b) the applicants cannot contact the birth parent after making reasonable inquiries.</p> <p>(3) In deciding whether to make a parentage order, the Supreme Court must take the following into consideration, if relevant:</p> <p>(a) whether the child's home is, and was at the time of the application, with both substitute parents;</p> <p>(b) whether both substitute parents are at least 18 years old;</p> <p>(c) if only 1 of the child's substitute parents has applied for the order, and the other substitute parent is alive at the time of the application, whether--</p> <p>(i) the other substitute parent freely, and with a full understanding of what is involved, agrees to the making of the order in favour of the applicant substitute parent; or</p> <p>(ii) the applicant substitute parent cannot contact the other substitute parent to obtain his or her agreement under subparagraph (i);</p> <p>(d) whether payment or reward (other than for expenses reasonably incurred) has been given or received by either of the child's substitute parents, or either of the child's birth parents, for or in consideration of--</p>

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				<p>(i) the making of the order; or</p> <p>(ii) the agreement mentioned in subsection (1) (b); or</p> <p>(iii) the handing over of the child to the substitute parents; or</p> <p>(iv) the making of any arrangements with a view to the making of the order;</p> <p>(e) whether both birth parents and both substitute parents have received appropriate counselling and assessment from an independent counselling service;</p> <p>(f) if a birth parent is dead or incapacitated or cannot be contacted--any evidence before the court that the birth parent no longer intended or intends the substitute parents to obtain a parentage order about the child.</p> <p>(4) The Supreme Court may take into consideration anything else it considers relevant.</p> <p>(5) For subsection (3) (e), a counselling service is not independent if it is connected with--</p> <p>(a) the doctor who carried out the procedure that resulted in the birth of the relevant child; or</p> <p>(b) the institution where the procedure was carried out; or</p> <p>(c) another entity involved in carrying out the procedure.</p> <p>(6) The Supreme Court must make a parentage order under</p>

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				<p>subsection (1)--</p> <p>(a) if both substitute parents apply for the order--in favour of both substitute parents; or</p> <p>(b) if only 1 substitute parent applies for the order, and the other substitute parent is dead or incapacitated at the time of the application (unless the court is satisfied that, at the time of death or incapacitation, the deceased or incapacitated substitute parent no longer intended or intends to apply for a parentage order about the child)--in favour of both substitute parents; or</p> <p>(c) if, in any other case, only 1 substitute parent applies for the order--in favour of the applicant substitute parent.</p>
			28	<p>(1) On the making of a parentage order about a child, the child has as his or her surname--</p> <p>(a) if the order is made in favour of both substitute parents and they are both known by the same surname--that surname; or</p> <p>(b) in any other case--a name the Supreme Court, on the application of either or both of the substitute parents, approves in the parentage order.</p> <p>(2) On the making of a parentage order about a child, the child has as his or her given name or names a name or names the Supreme Court, on the application of either or both of the substitute parents, approves in the parentage order.</p>

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				<p>(3) Despite subsection (2), if the child has been generally known by a particular name or names, the Supreme Court may, in the parentage order, order that the child will have that name or those names as his or her given name or names.</p> <p>(4) This section does not prevent a name of a child being later changed in accordance with Territory law.</p>
			29	<p>(1) If a parentage order is made about a child, the provisions of the <i>Adoption Act 1993</i> mentioned in subsection (3) (the 'applied provisions') apply in relation to the parentage order as if the parentage order were an order made under that Act for the adoption of the child and the child were an adopted child.</p> <p>(2) For that application--</p> <p>(a) a reference in an applied provision to the adoptive parent or adoptive parents is a reference to the substitute parent or substitute parents in whose favour the parentage order was made; and</p> <p>(b) a reference in an applied provision to the adopted child or adopted person is a reference to the child about whom the parentage order was made; and</p> <p>(c) a reference in an applied provision to the commencement of the <i>Adoption Act 1993</i> were a reference to the commencement of this Act; and</p> <p>(d) a reference in section 48 to the director-general were a</p>

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				<p>reference to the registrar-general; and</p> <p>(e) any other necessary changes were made.</p> <p>(3) The applied provisions of the <i>Adoption Act 1993</i> are as follows:</p> <p>section 43 (General effect) other than subsections (1) (c) and (2)</p> <p>section 44 (Disposition of property)</p> <p>section 47 (Distribution of property by trustee or personal representative)</p> <p>section 48 (Bequest by will to unascertained adopted person)</p> <p>section 49 (Gifts between living people)</p> <p>section 60 (Confidentiality of records) other than subsection (1) (a)</p> <p>section 62 (3) (Provision of information)</p> <p>division 5.3 (Identifying information) other than section 77, section 78 and section 79.</p>