

SUMMARY – Legislated Power to Prevent Adoptees seeing their original birth certificate – Comparison by State & Territory

State	Restrictions on Adopted Adults Rights to Knowledge of their Origins – Comparison by State
<p>ACT 1993 Division 5.3 Identifying Information</p>	<p>No restriction.</p>
<p>Vic 1984 Part VI</p>	<p>No restriction</p>
<p>NSW 2000 Chapter 8 Part 2</p>	<p>Current: No restriction on supply to the adopted adult if they were adopted after 2008.</p> <p>(Pre 2008 adoptions) Restriction “if, in the opinion of the Secretary, exceptional circumstances exist that make it necessary to do so to prevent serious harm to a party concerned.”</p> <p>Who can request that the Secretary restrict supply? - The adopted person, the “birth parent”, and the adoptive parent of a person who is 18 or more years of age and who has consented to the request being made.</p>

SUMMARY – Legislated Power to Prevent Adoptees seeing their original birth certificate – Comparison by State & Territory

<p>NT 1994 Part 6</p>	<p>Current (post 1994) Restriction – “The Minister shall not provide information to a person under this Part where he or she is satisfied that there are reasonable grounds for believing that the personal safety of another person may be endangered as a result of the provision of the information.”</p> <p>Adoptions under repealed legislation (pre 1994): “Notice of prohibition” can be applied for 3 year periods by a “relinquishing parent” or an adopted person.</p>
<p>Qld 2009 Part 11 Division 5</p>	<p>Restriction – “An application may be made to the Childrens Court for an order that the chief executive must not give stated information to a stated person... The court may make the order if satisfied there would be an unacceptable risk of harm to the applicant (other than the chief executive) or someone else if the information were given. “</p> <p>An application can be made by an adopted person, a “birth parent” (sic) or adoptive parent of an adopted person or the chief executive.</p> <p>This order can be made at the time of the adoption, or after the adoption order is made.</p>

SUMMARY – Legislated Power to Prevent Adoptees seeing their original birth certificate – Comparison by State & Territory

<p>SA 1988 From 17/12/17 Part 2A Open Adoptions 27, 27B</p>	<p>Restriction if the Chief Executive determines “in his or her absolute discretion” that disclosure:</p> <ul style="list-style-type: none"> - “would be an unjustifiable intrusion on the privacy of the person to whom the information relates.” OR - “would give rise to a serious risk to the life or safety of a person.”OR - (Pre-17th august, 1989 adoptees) “would not be in the best interests of the adopted person, taking into account the rights and welfare of the adopted person and any other prescribed matter.”
<p>Tas 1988 Part VI Division 2</p>	<p>Restriction on supply of birth certificates or information:</p> <ul style="list-style-type: none"> - An adopted adult can apply. BUT “a relevant authority may decide to refuse to give any or all of that information.” The reasons for the decision must be specified in writing. - The adopted adult can then apply for a review of a decision to the Secretary or the principal officer of an approved agency, and the decision can be to “refuse to give any or all of that information.” The reasons for the decision must be specified in writing. - The adopted adult then “may apply to a judge in chambers for an order permitting him to obtain that information” and this may be granted under best interests/special circumstances provisions but the information cannot be given unless the parent, if they can be found and if they have failed to agree in writing, has had “an opportunity to be heard in circumstances in which [their] identity is not disclosed to the applicant.”

SUMMARY – Legislated Power to Prevent Adoptees seeing their original birth certificate – Comparison by State & Territory

<p>WA</p> <p>1994</p> <p>Part 4</p>	<p>Restriction: The CEO is to give access to the information <i>unless the CEO thinks there is a good reason for not doing so.</i></p> <p>Also, information cannot be released by the CEO to adopted adults who had information vetoes placed on them which became ineffective in 2003 unless the adopted adult has attended an interview with an officer of the Department AND “all the parties to the adoption and their relatives have been provided with the information, counselling and mediation that the CEO thinks is necessary in the particular case.”</p>
-------------------------------------	---