
Adoption of Children (Amendment).

SCHEDULE 1—*continued.*
 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
 CONSTITUTION AND FUNCTIONS OF THE ADOPTION TRIBUNAL
 —*continued.*

(3) Different rules of the Tribunal may be made to apply in different circumstances.

60. Subsections (I), (II) and (III) of section 41 of the Interpretation Act, 1897, apply to and in respect of a rule of the Tribunal made under this Act in the same way as they apply to and in respect of a regulation referred to in those subsections. Gazettal, etc., of rules.

- 6P. (1) Judicial notice shall be taken of— Judicial notice, etc., of rules.
- (a) a rule of the Tribunal made or purporting to have been made under this Act and published in the Gazette; and
 - (b) the date of its publication.

(2) It shall be presumed, in the absence of evidence to the contrary, that all conditions and steps precedent to the making of a rule of the Tribunal under this Act have been complied with and performed.

DIVISION 3.—*Appeals.*

6Q. Except as provided by sections 6R and 6S, a decision of the Tribunal with respect to any proceedings before it shall be final and conclusive. Nature of decision of the Tribunal.

6R. (1) The Tribunal shall, if so required in writing by the Director or a party to any proceedings before the Tribunal, within the time and in the manner prescribed by the rules of the Tribunal, or may of its own motion, state a case for the decision of the Court of Appeal. Appeals.

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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
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 —*continued.*

(2) The decision of the Court of Appeal on the hearing of a case stated under subsection (1) shall be binding upon the Tribunal and upon the Director and all the parties to the proceedings in respect of which the case was stated.

Certain jurisdiction of Supreme Court not affected.

6s. Nothing in this Division derogates from or otherwise affects the jurisdiction of the Supreme Court under section 69 or 75 of the Supreme Court Act, 1970.

 DIVISION 4.—*Miscellaneous.*

Registrar and other officers of the Tribunal.

6t. (1) The registrar of a Division of the Supreme Court specified in section 38 (b) of the Supreme Court Act, 1970, being a Division nominated by the Minister, shall be the Registrar of the Tribunal.

(2) Except as provided by subsection (1), such officers and employees as may be necessary for the performance of the powers, authorities, duties and functions of the Tribunal may be appointed and employed under and subject to the Public Service Act, 1979.

Authentication of documents.

6u. Every document requiring authentication by the Tribunal may be sufficiently authenticated without the seal of the Tribunal if signed by the President or a Deputy President.

Judicial notice of certain signatures.

6v. Judicial notice shall be taken of the signature of the President, a Deputy President or the Registrar when appearing on a document issued by the Tribunal.

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SCHEDULE 1—*continued.*
 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
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 —*continued.*

6w. No proceedings lie against the Tribunal, a member or an officer of the Tribunal for or on account of any act, matter or thing done or ordered to be done or omitted or suffered to be done by the Tribunal, member or officer, and purporting to be done, ordered, omitted or suffered for the purposes of carrying out the provisions of this Act, if the Tribunal, member or officer has acted in good faith and with reasonable care.

Certain
 proceedings
 prohibited.

6x. For the purposes of section 18 of the Defamation Act, 1974, the proceedings of the Tribunal shall be deemed to be an inquiry within the meaning of that section.

Application
 of the
 Defamation
 Act, 1974.

6y. (1) The President shall, as soon as practicable after 1st March in each second year, prepare and forward to the Minister a report on the administration of this Act and the regulations for the two-yearly period ending on that date.

Biennial
 report.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

(4) (a) Section 46 (3)—

After “the court”, insert “or the Tribunal”.

(b) Section 46 (4)—

After “court”, insert “or the Tribunal”.

(5) Section 72—

Omit the section.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE ADOPTION TRIBUNAL.
—*continued.*

(6) Schedule 1—

At the end of the Act, insert :—

Sec. 6c (5).

SCHEDULE 1.

PROVISIONS RELATING TO THE MEMBERSHIP OF THE TRIBUNAL.

PART 1.

THE PRESIDENT AND DEPUTY PRESIDENTS.

Qualifica-
tion.

1. A person is qualified to be appointed as the President or a Deputy President if he is the Chief Justice of the Supreme Court or a Judge of that Court.

Appoint-
ment.

2. The President or a Deputy President shall, subject to this Part of this Schedule, be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment as the President or a Deputy President.

Deputy
Presidents

3. (1) A Deputy President, while holding office as a Deputy President, shall, subject to the conditions of appointment specified in the instrument of his appointment and to any direction given to him by the President, have the powers, authorities, privileges and immunities and perform the duties of the President.

(2) No person shall be concerned to inquire whether or not any occasion has arisen authorising a Deputy President to exercise or perform the powers, authorities or duties of the President and all acts or things done or omitted or suffered to be done by a Deputy President when exercising or performing those powers, authorities or duties shall be as valid and effectual and shall have the same consequences as if they had been done or omitted or suffered to be done by the President.

Adoption of Children (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
 CONSTITUTION AND FUNCTIONS OF THE ADOPTION TRI-
 BUNAL—*continued.*

4. (1) The appointment of the Chief Justice or a Judge of the Supreme Court as the President or a Deputy President shall not, nor shall his service as the President or a Deputy President, affect his tenure of the office of Chief Justice or Judge of the Supreme Court, as the case may be, or his rank, title, status, precedence, salary or other rights or privileges as a holder of that office.

Effect of appointment to the Tribunal of Judges of the Supreme Court.

(2) The Chief Justice or a Judge of the Supreme Court may, notwithstanding that he is the President or a Deputy President, exercise his powers as the Chief Justice or a Judge of the Supreme Court, as the case may be.

(3) The service, as the President or a Deputy President, of the Chief Justice or a Judge of the Supreme Court shall, for all purposes, be taken to be service as the Chief Justice or a Judge of the Supreme Court, as the case may be.

5. The Governor may remove the President or a Deputy President from office upon the address of both Houses of Parliament, but not otherwise.

Removal from office.

6. Where a person who has been appointed, in accordance with this Act, as the President or a Deputy President ceases, in accordance with the law for the time being in force relating to the Chief Justice or Judges of the Supreme Court, to be the Chief Justice or a Judge of the Supreme Court, he shall thereupon cease to be the President or a Deputy President, as the case may be.

Cessation of office.

PART 2.

MEMBERS OTHER THAN THE PRESIDENT AND DEPUTY PRESIDENTS.

7. In this Part of this Schedule, "member" means a person appointed, for the time being, as a member of the Tribunal other than the President or a Deputy President.

Interpretation: Sch. 1, Pt. 2.

8. A person who is of or above the age of 65 years shall not be appointed as a member.

Age of members.

Adoption of Children (Amendment).

SCHEDULE 1—*continued.*

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE ADOPTION TRI-
BUNAL—*continued.***

Term of
office of
members.

9. A member shall, subject to this Part of this Schedule, be appointed for such term, not exceeding 3 years, as is specified in the instrument of his appointment and shall, if otherwise qualified, be eligible for reappointment as a member.

Remunera-
tion of and
allowances
for
members.

10. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

Removal
from
office.

11. The Governor may remove a member from office for inability, misbehaviour or failure to comply with the terms and conditions of his appointment.

Vacation
of office.

12. A member shall be deemed to have vacated his office—

- (a) if he dies;
 - (b) if he resigns his office by writing under his hand addressed to the Governor;
 - (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
 - (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (e) if he is convicted in New South Wales of a felony or a misdemeanour punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales, would be a felony or a misdemeanour so punishable;
 - (f) if he is removed from office by the Governor; or
 - (g) upon his attaining the age of 65 years.
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SCHEDULE 2.

Sec. 5 (2).

FURTHER AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION AND FUNCTIONS OF THE ADOPTION TRIBUNAL.

Column 1.	Column 2.	
Provision of the Principal Act.	Matter to be omitted.	Matter to be inserted.
Sections 8 (1), (2); 9; 14 (1), (3); 18 (1), (2), (4); 19 (2), (3), (4); 20; 21 (1), (2); 22 (1), (3), (4); 23; 24; 25 (1), (2), (3), (4); 26 (1), (7); 31 (1), (2), (3); 32 (1), (4), (5); 33; 34 (3), (5) (c); 38 (1), (2); 41 (1), (2), (3); 42 (1); 43 (1), (2); 47 (1), (3), (4); 50 (2) (b), (2) (c); 56; 62; 64; 66; 68; 73 (1) (e).	Court (<i>wherever occurring</i>)	Tribunal
Section 14 (2)	rules of Court	the rules of the Tribunal
Sections 28 (1), (2), (3); 47 (6); 61; 62; 63.	nominated officer (<i>wherever occurring</i>)	Registrar
Section 46 (3)	a court (<i>where secondly occurring</i>)	the Tribunal
Section 53 (2)	the Court	the Tribunal or a court
Section 64	heard in open court	open to the public

SCHEDULE 3.

Sec. 5 (1).

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 6, definition of "Foster parent"—

After the definition of "Father", insert :—

"Foster parent" means any person who has the care and custody of a child, being a child—

(a) who—

- (i) has been admitted to State control; and

Adoption of Children (Amendment).

SCHEDULE 3—continued.
**MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.**

(ii) is a ward within the meaning of the Child Welfare Act, 1939; or

(b) who—

(i) has been committed to the care of the Minister to be dealt with as a ward admitted to State control; and

(ii) has not been absolutely discharged from the supervision and control of the Minister under the Child Welfare Act, 1939.

(2) Section 8 (2)—

Omit “thirty days”, insert instead “60 days”.

(3) (a) Section 18 (2) (a)—

Omit “or” where secondly occurring.

(b) Section 18 (2) (a1)—

After section 18 (2) (a), insert :—

(a1) the applicant, or either of the applicants, is the mother or father of the child; or

(c) Section 18 (3)—

Omit “a person, or by persons, in whose favour a consent referred to in subsection (2) of section 27 has been given”, insert instead “an applicant, or by applicants, referred to in subsection (2),”.

Adoption of Children (Amendment).

SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(4) (a) Section 21 (1) (a)—

Before “the Director”, insert “except as provided by subsection (1A),”.

(b) Section 21 (1A)—(1C)—

After section 21 (1), insert :—

(1A) The Tribunal may dispense with the making of a report referred to in subsection (1) (a)—

(a) generally in respect of applications made on behalf of applicants by the principal officer of a private adoption agency where the Tribunal is satisfied that the standard of applications made by that principal officer justifies such a dispensation; or

(b) in respect of a particular application made on behalf of an applicant or applicants by the principal officer of a private adoption agency where the Tribunal is satisfied that the particulars of that application and the report of that principal officer justify such a dispensation.

(1B) The Director may make a report referred to in subsection (1) (a) to the Tribunal notwithstanding that the Tribunal has, under subsection (1A), dispensed with the making of the report.

Adoption of Children (Amendment).

SCHEDULE 3—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(1c) The Tribunal may, in respect of an application made by a person other than the Director, require the Director to make a report referred to in subsection (1) (a) within a period of 6 months after the date of the making of the application or such other period as the Tribunal may, having regard to the circumstances of the case, specify.

(c) Section 21 (2)—

After “him”, insert “or by the principal officer of a private adoption agency”.

(d) Section 21 (3)—

After “parent”, insert “or foster parent”.

(5) Section 21A—

After section 21, insert :—

Religious
upbringing
of child.

21A. (1) Where the mother or father or a guardian of a child in respect of whom an application for an adoption order is made has not, in an instrument of consent to adoption of the child, expressed any wish with respect to the religious upbringing of the child—

- (a) it shall not be relevant, in the exercise or performance by the Tribunal of its powers, authorities, duties and functions under section 21, that the applicant or each of the applicants does not have a religious conviction or affiliation; and

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SCHEDULE 3—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued.

(b) section 17 does not operate so as to require, and the Tribunal shall not, in making an order for the adoption of the child, require, the applicant or each of the applicants to give any undertaking with respect to the religious upbringing of the child.

(2) Nothing in subsection (1) affects the consideration by the Tribunal under section 21 (1) (c) (i) (b) of the religious upbringing or convictions (if any) of the child.

(6) (a) Section 22 (1) (a)—

Omit the paragraph, insert instead :—

(a) to any person whose consent to the adoption **of the child—**

(i) is required under section 26;

(ii) has not been dispensed with by an order made by virtue of section 32 (1); **and**

(iii) has not been given; and

(b) Section 22 (1A)—

Omit the subsection, insert instead :—

(1A) Except as the Tribunal may otherwise determine, nothing in subsection (1) requires a notice referred to in that subsection to be given or sent to—

(a) a person referred to in subsection (1) (a) if that person is a person to whom section 32 (1) (h) applies; or