

TASMANIA

ADOPTION AMENDMENT BILL 2007

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 24 amended (Court to be satisfied as to certain matters)
5. Section 96A inserted
 96A. Reviews of decisions
6. Section 118 amended (Regulations)

ADOPTION AMENDMENT BILL 2007

*(Brought in by the Minister for Health and Human Services,
the Honourable Larissa Tahireh Giddings)*

A BILL FOR

An Act to amend the *Adoption Act 1988*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Adoption Amendment Act 2007*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Adoption Act 1988** is referred to as the Principal Act.

*No. 41 of 1988

Adoption Amendment Act 2007
Act No. of

s. 4

4. Section 24 amended (Court to be satisfied as to certain matters)

Section 24 of the Principal Act is amended as follows:

(a) by omitting paragraph (a) from subsection (1) and substituting the following paragraph:

(a) the prospective adoptive parents –

(i) satisfy the prescribed requirements relating to approval of adoptive parents; or

(ii) satisfy those prescribed requirements as varied by the Secretary under subsection (6); and

(b) by inserting the following subsection after subsection (5):

(6) At his or her own discretion or on written application by a principal officer, the Secretary in writing may vary the prescribed requirements relating to approval of particular prospective adoptive parents, by altering or omitting any one or more of those prescribed requirements, if the Secretary is satisfied that there are special circumstances relevant to the needs of a particular child.

5. Section 96A inserted

After section 96 of the Principal Act, the following section is inserted in Division 1:

96A. Reviews of decisions

- (1) A person aggrieved by any of the following decisions made by the Secretary or a principal officer may apply to the Magistrates Court (Administrative Appeals Division) for a review of that decision:
 - (a) refusal to accept an application for assessment of the suitability of the person to adopt a child;
 - (b) refusal to approve the person as a prospective adoptive parent;
 - (c) refusal to extend the term of an approval of the person as a prospective adoptive parent;
 - (d) withdrawal of an approval of the person as a prospective adoptive parent.
- (2) In determining an application referred to in subsection (1), the Magistrates Court (Administrative Appeals Division) –
 - (a) is to receive and hear evidence, both oral and documentary, in the absence of the public; and

Adoption Amendment Act 2007
Act No. of

s. 6

- (b) is to ensure that it does not, in the reasons for its decision or otherwise, disclose any information or material that identifies or may lead to the identification of the applicant for review.
- (3) Unless the Magistrates Court (Administrative Appeals Division) otherwise orders, a record or document that relates to a review under this section must not be made available to, or be open to inspection by, any person.

6. Section 118 amended (Regulations)

Section 118 of the Principal Act is amended by inserting after subsection (3) the following subsections:

- (4) The regulations may be made so as to apply differently according to such factors as are specified in the regulations.
- (5) The regulations may authorise any matter to be from time to time determined, applied or regulated by any person or body specified in the regulations.