

Adoption (Amendment) Bill (No. 2)

EXPLANATORY MEMORANDUM

Clause 1 sets out the purpose of the Act.

Clause 2 provides for the Act to come into operation on a day to be proclaimed.

Clause 3 cites the **Adoption Act 1984** as the Principal Act.

Clause 4 substitutes a new definition of “non-citizen child” in section 4 (1) of the Principal Act.

Clause 5 makes consequential amendments to sections 33 (6) and 36 of the Principal Act so that it is the Director-General as guardian who gives consent to adoption in the case of a non-citizen child and no longer the Commonwealth Minister or delegate under the **Immigration (Guardianship of Children) Act 1946**.

Clause 6 substitutes a new section 47 in the Principal Act to make the Director-General of the Department of Community Services guardian of a non-citizen child who arrives in Victoria for the purpose of adoption or of a non-citizen child who is in Victoria and an application will be made in another State for adoption. Provisions of section 46 of the Principal Act will apply for ceasing of guardianship.

Clause 7 makes consequential amendment to section 121 (5) of the Principal Act, which relates to restriction of publication and the prohibition period, by removing reference to guardianship under the Commonwealth **Immigration (Guardianship of Children) Act 1946**.

Clause 8 contains the necessary transitional provision.

