

## **Part 2A—Open adoptions**

### **27—Right to obtain information once adopted person turns 18**

- (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—
  - (a) the names and dates of birth (if known) of the person's birth parents;
  - (b) any other information in the possession of the Chief Executive relating to the birth parents and the circumstances of the adoption<sup>1</sup>;
  - (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;
  - (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.
- (2) Subject to this Part, if an adopted person has attained the age of 18 years, a birth parent of the person or, if the birth parents consent or are dead or cannot be located, a person who would have been a relative of the person if the adoption order had not been made, may obtain—
  - (a) the names of the adoptive parents and the adopted person;
  - (b) any other information in the possession of the Chief Executive relating to the adoptive parents and the adopted person;
  - (c) any message, information or item given to the Chief Executive by an adopted person or adoptive parent with instructions that it be provided to the birth parent.
- (3) Subject to this Part, if an adopted person has attained the age of 18 years, an adoptive parent of the person may, with the consent of the adopted person, obtain—
  - (a) any information in the possession of the Chief Executive relating to the adopted person's birth parents;
  - (b) any message, information or item given to the Chief Executive by a birth parent with instructions that it be provided to the adoptive parents.
- (3a) Subject to this Part, if an adopted person's birth parent was also an adopted person and is dead or cannot be located, the adopted person may obtain—
  - (a) the names of the birth parent's birth parents (if known); and
  - (b) any other information in the possession of the Chief Executive relating to the birth parent's birth parents.
- (4) In providing information under this section the Chief Executive must not reveal the name of a person (other than a birth parent and any siblings of the whole or half blood of the adopted person who have attained the age of 18 years) who would have been a relative of the adopted person if the adoption order had not been made.
- (5) Nothing in this section entitles a person to obtain information the disclosure of which the Chief Executive has determined, in his or her absolute discretion, would—
  - (a) be an unjustifiable intrusion on the privacy of the person to whom the information relates; or

- (b) give rise to a serious risk to the life or safety of a person; or
  - (c) in the case of information relating to a person adopted before 17 August 1989—  
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.
- (6) The Chief Executive must establish and maintain written guidelines regarding the  
exercise of the Chief Executive's discretion under subsection (5).
- (7) The Chief Executive must give a copy of the guidelines, on request, to any person.

**Note—**

- 1 See also section 41 in relation to birth certificates.

**27A—Information may be provided earlier, in the Chief Executive's discretion**

The Chief Executive will disclose information to an adopted person or a birth parent  
before an entitlement to the information arises under section 27, if consent to the  
disclosure is given by—

- (a) in the case of disclosure to an adopted person—
  - (i) the adoptive parents; and
  - (ii) if the name of a birth parent is to be disclosed—that parent; or
- (b) in the case of disclosure to a birth parent—
  - (i) the adoptive parents; and
  - (ii) if the adopted person has attained the age of 12 years—the adopted  
person.

**27B—Limitation of right to obtain information relating to adoption prior to  
commencement of Act in certain cases**

- (1) An old section 27B direction that is in effect immediately before the relevant day will,  
unless revoked earlier, continue to have effect until the expiry day.
- (2) Subject to this section, the Chief Executive must not disclose information in  
contravention of an old section 27B direction.
- (3) If an adoptive parent lodged an old section 27B direction but no such direction was  
lodged by the adopted person before the relevant day, the adoptive parent's old section  
27B direction does not operate to prevent the disclosure of information that is relevant to  
the welfare or whereabouts of the adopted person.
- (4) A person who lodged an old section 27B direction may, at any time before the expiry  
day, give the Chief Executive a written statement setting out the person's wishes in  
relation to contact by another party to the adoption.
- (5) The Chief Executive must, as soon as is reasonably practicable after receiving a  
statement of wishes from a person, give a copy of the statement to the Registrar.
- (6) If the Chief Executive discloses information under section 27 to a person who has given  
the Chief Executive a statement of wishes, the Chief Executive must ensure that a copy  
of the statement accompanies the information disclosed.
- (7) In this section—

*expiry day* means the day that falls 5 years after the relevant day;

*old section 27B* means section 27B of this Act as in force immediately before the  
relevant day;

*old section 27B direction* means a direction lodged under subsection (1), (2) or (3) of old section 27B directing the Chief Executive not to disclose information in the Chief Executive's possession that would enable the person who lodged the direction to be traced continued in effect under this section;

*relevant day* means the day on which section 20 of the *Adoption (Review) Amendment Act 2016* comes into operation.

### **27C—Interviews**

The Chief Executive may, before providing information to a person under this Part, invite the person to participate in an interview with a person authorised by the Chief Executive.

### **27D—Minister's power to authorise disclosure**

Despite anything contained in this Part, the Minister may authorise disclosure of any information if the disclosure is necessary in the interests of the welfare of an adopted person.

### **27E—Requirement for consent is waived on death**

A requirement under this Part that the consent of a person be obtained before information may be disclosed is waived on the death