

South Australia

**Adoption (Restrictions on Publication)  
Amendment Bill 2009**

A BILL FOR

An Act to amend the *Adoption Act 1988*.

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**The Parliament of South Australia enacts as follows:**

### **Part 1—Preliminary**

#### **1—Short title**

This Act may be cited as the *Adoption (Restrictions on Publication) Amendment Act 2009*.

#### **5 2—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### **Part 2—Amendment of *Adoption Act 1988***

#### **10 3—Amendment of section 31—Publication of names etc of persons involved in proceedings**

Section 31—after subsection (2) insert:

- 15 (3) This section does not prohibit the publication of any material that identifies, or tends to identify, a person referred to in subsection (1) after the relevant proceedings have been finally disposed of if—
  - (a) that person consents to being identified; and
  - (b) the material does not identify, or tend to identify, any other person referred to in subsection (1) who does not consent to being identified.
- 20 (4) In subsection (3), a reference to the *consent* of a person is, if that person is a child, a reference to the consent of the parent or guardian of the child.

#### 4—Substitution of section 32

Section 32—delete the section and substitute:

##### 32—Prohibited advertising

- 5 (1) A person must not publish in the news media any prohibited adoption advertising.

Maximum penalty: \$20 000.

- 10 (2) A person must not publish in the news media any photograph of a child (whether from Australia or a country outside Australia) together with any prohibited adoption advertising relating to the child.

Maximum penalty: \$20 000.

- 15 (3) This section extends to the publication of matter in a country outside Australia, by a person resident or domiciled in the State, of the person's wish to adopt, or willingness to make arrangements for the adoption, of a child from that country in the State.

- (4) This section does not apply in relation to publication of any advertisement, news item or other matter approved by the Chief Executive.

- 20 (5) In this section—

*prohibited adoption advertising* means an advertisement, news item or other matter indicating (whether or not in relation to a particular child, born or unborn, and whether the child is from Australia or a country outside Australia) that—

- 25 (a) a person has a child that he or she wishes to have adopted; or  
(b) a person wishes to adopt a child; or  
(c) a person is willing to make arrangements with a view to the adoption of a child; or  
(d) a child or children are available for adoption.