

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]

*House of Representatives, 28 November 1962*

Words struck out by the Maori Affairs Committee are shown with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

*Hon. Mr Hanan*

## ADOPTION AMENDMENT

### ANALYSIS

Title	
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### A BILL INTITULED

#### An Act to amend the Adoption Act 1955

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Adoption Amendment Act 1962, and shall be read together with and deemed part of the Adoption Act 1955 (hereinafter referred to as the principal Act).

10 *Struck Out*

(2) This Act shall come into force on the first day of November, nineteen hundred and sixty-two.

#### *New*

15 (2) Sections 2, 4, 5, 6, 7, and 8 of this Act shall come into force on the first day of April, nineteen hundred and sixty-three.

**2. Interpretation**—Section 2 of the principal Act is hereby amended as follows:

- (a) By omitting from the definition of the term “adoption order”, the words “or the Maori Land Court”:

*Struck Out*

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- (b) By repealing paragraph (a) of the definition of the term “Child Welfare Officer”:

*New*

- (b) By repealing the definition of the term “Child Welfare Officer” and substituting the following definition: 10  
 “‘Child Welfare Officer’,—

“ (a) In relation to any application or proposed application by a Maori, whether jointly or singly, for an adoption order in respect of a Maori child, means a Welfare Officer appointed under section 4 of the Maori Welfare Act 1962; and 15

“ (b) In relation to any other application or proposed application for an adoption order, means a Child Welfare Officer appointed under the Child Welfare Act 1925; and includes, where the Court so directs, a Welfare Officer appointed under section 4 of the Maori Welfare Act 1962:”.

- (c) By repealing the definition of the term “Court”, and 25 substituting the following definition:

“ ‘Court’ means a Magistrate’s Court of civil jurisdiction:”.

**3. Witnessing of consents**—Subsection (8) of section 7 of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph: 30

“(aa) If given in the Cook Islands, it is witnessed by a Resident Commissioner, a Deputy Resident Commissioner, a Resident Agent, a Judge of the High Court of the Cook Islands, a Registrar or 35 Deputy Registrar of the High Court of the Cook Islands, or a solicitor of the Supreme Court of New Zealand:”.

**4. Jurisdiction of Maori Appellate Court**—(1) Subsection (6) of section 8 of the principal Act is hereby amended by omitting the words “if the order or orders were made by a Magistrate’s Court or to the Maori Appellate Court if the order or orders were made by the Maori Land Court”.

(2) Subsection (7) of section 8 of the principal Act is hereby amended by omitting the words “if the order or orders were made by a Magistrate’s Court, or to the Maori Appellate Court if the order or orders were made by the Maori Land Court”.

(3) Subsection (8) of section 8 of the principal Act is hereby amended by omitting the words “or the Maori Appellate Court”.

**5. Issue of adoption order where interim order has been made**—Section 13 of the principal Act is hereby amended by repealing subsections (2), (3), and (4), and substituting the following subsections:

“(2) The prescribed period mentioned in subsection (1) of this section shall be six months, or such shorter period as may in special circumstances be specified by the Court either in the interim order or, whether or not a shorter period has already been specified in the interim order, subsequent to the making of the interim order.

“(2A) Notwithstanding the foregoing provisions of this section, the Court may, if special circumstances render it desirable to do so, issue an adoption order before the termination of the prescribed period:

“Provided that no order under this subsection shall be made without a hearing by the Court.

“(3) Where an application is duly made to the Court under subsection (1) of this section, the Registrar shall issue the adoption order without any further hearing if—

“(a) A Child Welfare Officer has filed a report recommending that an adoption order be issued;

“(b) The interim order did not require the application to be dealt with by the Court; and

“(c) No proceedings for the revocation of the interim order have been commenced,—

but the adoption order shall not be issued without a further hearing in any other case.

“(4) In any case where a hearing by the Court of an application under this section is required as aforesaid—

“(a) The Registrar shall require a Child Welfare Officer to furnish a report on the application:

- “(b) The Registrar shall appoint a time and place for the hearing of the application, and in so doing shall allow reasonable time to enable the Child Welfare Officer to furnish his report as aforesaid:
- “(c) The Court shall consider any report which the Child Welfare Officer may furnish: 5
- “(d) The Registrar shall give the Child Welfare Officer reasonable notice of the hearing of the application, and the Child Welfare Officer shall be entitled to appear, cross-examine, call evidence, and address the Court.” 10

*Struck Out*

**6. Provisions as to Child Welfare Officers**—Section 18 of the principal Act is hereby amended by adding, as subsection (2), the following subsection: 15

“(2) Where any proceedings under this Act relate to the adoption of a Maori child or to the adoption of a child by a Maori, the Court, in its discretion, may direct that any function conferred on a Child Welfare Officer by this Act shall in respect of the proceedings be exercised by a Welfare Officer appointed under section 4 of the Maori Social and Economic Advancement Act 1945.” 20

**7. Appeals from certain decisions of Court**—Section 20 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection: 25

“(5) Any person may, at any time within one month after the date of the decision of the Court under this section, appeal to the Supreme Court against the decision.

**8. Repeal**—Section 21 of the principal Act is hereby repealed. 30

**9. Transitional provisions**—(1) All applications, matters, and proceedings relating to any adoption in respect of which the Maori Land Court had jurisdiction under section 21 of the principal Act and pending or in progress at the commencement of this Act shall be continued and completed in all respects as if this Act were not in force. 35

(2) Any right of appeal from a decision of the Maori Land Court existing at the commencement of this Act shall continue to exist and be exercised in all respects as if this Act were not in force. 40