



Australian Capital Territory

Supreme Court Rules¹ (Amendment)

Subordinate Law No. 30 of 1993²

We, Judges of the Supreme Court, make the following Rules of Court under section 36 of the *Supreme Court Act 1933*.

Dated 29 July 1993.

JEFFREY MILES

Chief Justice

J F GALLOP

Judge

T J HIGGINS

Judge

A G TOWILL

Registrar

Commencement

1. (1) This rule commences on the day on which these rules are notified in the *Gazette*.
- (2) The remaining rules commence on 31 July 1993.

Principal Rules

2. In these Rules, “Principal Rules” means the Supreme Court Rules.

Transitional

3. (1) The Principal Rules as amended by these Rules apply in relation to transitional adoption proceedings as if the whole of the *Adoption Act 1993* had been in operation at the time that the proceedings commenced.

- (2) Subsection (1) applies so as to enable—
 - (a) transitional adoption proceedings to be continued and dealt with under the *Adoption Act 1993*;
 - (b) proceedings incidental to transitional adoption proceedings to be instituted, continued and dealt with under the *Adoption Act 1993*; and
 - (c) an adoption order to be made accordingly under the *Adoption Act 1993*.

- (3) In this rule—

“repealed laws” has the same meaning as in the *Adoption Act 1993*;

“transitional adoption proceedings” means proceedings on an application to the Court for an order under the repealed laws that were pending immediately before 31 July 1993.

Substitution

4. Part 7 of the Principal Rules is repealed and the following Part substituted:

“PART 7—ADOPTION

“ORDER 76

“Division 1—Preliminary

Interpretation

- “1. (1) In this Part, unless the contrary intention appears—
‘Act’ means the *Adoption Act 1993*;

‘Director’ means the Director of Family Services appointed under section 7 of the *Children’s Services Act 1986*;

‘discharging order’ means—

- (a) an order of the Court under section 26 of the Act discharging an adoption order; or
- (b) an order of the Court under subsection 52 (1) of the Act discharging an interim order;

‘dispensing order’ means an order of the Court under subsection 35 (1) of the Act dispensing with the requirement for consent of a person to an adoption;

‘order for access to identifying information’ means an order of the Court under section 75 or 76 of the Act;

‘Register of Births’ means the Register of Births kept under the *Registration of Births, Deaths and Marriages Act 1963*;

‘variation order’ means an order of the Court under section 41 of the Act varying or revoking a condition of an adoption order.

“(2) Unless the contrary intention appears, an expression used in this Part has the same meaning as in the Act.

“(3) A reference in this Part to a Form by number is to be read as a reference to the Form in the Eighth Schedule which bears that number.

“Division 2—Adoption orders

References to applicants

“2. Unless the contrary intention appears, for the purposes of this Division, where an application for an adoption order is made on behalf of the proposed adoptive parent or parents by the Director or by the principal officer of a private adoption agency, the application is to be taken to have been made—

- (a) by the proposed adoptive parent; or
- (b) by the proposed adoptive parents jointly;

as the case requires.

Adoption orders—application

“3. (1) An application for an adoption order may be made—

- (a) by the proposed adoptive parent or parents; or
- (b) on behalf of the proposed adoptive parent or parents, by—

- (i) the Director; or
 - (ii) the principal officer of a private adoption agency.
- “(2) An application for an adoption order shall be—
- (a) in accordance with Form 1; and
 - (b) accompanied by an affidavit under rule 5, together with any documents to be filed under rule 6.
- “(3) An application for an adoption order and all proceedings in the application shall be entitled in the full name proposed to be given to the child sought to be adopted.

Adoption orders—notice of application

“4. (1) Where an application for an adoption order is made otherwise than by the Director, or the principal officer of a private adoption agency, the applicant or applicants shall give notice of the application to the Director in accordance with Form 2 no later than 28 days before the date fixed for hearing the application.

“(2) A notice under subrule (1) shall be accompanied by a copy of the affidavit under rule 5, and copies of any documents under rule 6, filed with the application.

“(3) A notice of an application for an adoption order for the purposes of section 22 of the Act shall be in accordance with Form 2.

Adoption orders—affidavit in support of application

“5. (1) An affidavit accompanying an application for an adoption order shall be made by—

- (a) the applicant; or
- (b) in the case of a joint application—each applicant jointly.

“(2) An affidavit accompanying an application for an adoption order shall include a statement of—

- (a) the following particulars about the applicant:
 - (i) full name;
 - (ii) usual place of residence;
 - (iii) occupation;
 - (iv) domicile;
 - (v) date and place of birth;
 - (vi) state of health;
 - (vii) financial circumstances;

- (b) in the case of a joint application—
 - (i) the length of the applicants' relationship; and
 - (ii) the stability of the relationship and the applicant's commitment to the relationship;
- (c) the following information about the applicant's children, if any (whether birth children or adopted children):
 - (i) sex and date of birth;
 - (ii) the state of health of any living child;
 - (iii) if any child has died—the date of death;
- (d) the likelihood of any children being born to the applicant in the future;
- (e) the relationship (if any) to the applicant of the child sought to be adopted;
- (f) the period (if any) that the child to be adopted has been living with the applicant;
- (g) the full name to be given to the child to be adopted;
- (h) the amount and nature of any payment or reward in connection with the proposed adoption that the applicant has given or received, or agreed to give or receive;
- (j) whether the applicant has ever been refused an adoption order;
- (k) whether an adoption order or an interim order in the applicant's favour has been discharged;
- (m) if an arrangement has been made, or is to be made, for the child who is to be adopted to be brought from a place outside Australia for the purpose of the adoption—particulars of that arrangement, together with a statement about the matters referred to in paragraphs 20 (2) (a), (b) and (c) of the Act;
- (n) if the child to be adopted is an Aboriginal child—that fact, together with a statement about the matters referred to in paragraphs 21 (2) (a) and (b) of the Act; and
- (o) any conditions under section 40 of the Act which are sought by any person in relation to the adoption.

“(3) Where an affidavit under subrule (2) is made by 2 persons jointly, a reference in that subrule to the applicant is to be taken to be a reference to each of those persons.

Adoption orders—documents in support of application

“6. (1) The following documents shall be filed with an application for the adoption of a child:

- (a) any instrument of consent to the adoption, together with an affidavit verifying the making of that instrument;
- (b) any dispensing order in relation to the application;
- (c) the child’s birth certificate, together with—
 - (i) any document identifying the child as the person to whom the certificate relates; or
 - (ii) an affidavit or statement in writing by the Director that, having made due inquiry, the child is to the best of his or her belief the person to whom the certificate relates;
- (d) if the child to be adopted has been, or is to be, brought from a place outside Australia for the purpose of the adoption—any other documents necessary to support the application;
- (e) if the child to be adopted is an Aboriginal child—any other documents necessary to support the application.

“(2) Any other documents relevant to the matters stated in an affidavit under rule 5, including (where applicable) the applicants’ certificate of marriage, may be filed together with the relevant application.

“(3) Where it is impracticable to obtain a birth certificate of the child sought to be adopted—

- (a) the applicant or applicants shall, in the affidavit under rule 5, state why it is impracticable to obtain such a certificate; or
- (b) if the application is made by the Director, or the principal officer of a private adoption agency, the Director or that principal officer shall, in the report under paragraph 19 (1) (a) of the Act, state why it is impracticable to obtain such a certificate.

“(4) If a document filed under this rule is not written in English, there shall be filed with the document—

- (a) a translation into English of the document; and
- (b) an affidavit by the translator—
 - (i) stating his or her qualifications;
 - (ii) verifying that he or she is competent to make the translation; and

(iii) verifying the accuracy of the translation.

“(5) In this rule—

‘birth certificate’, in relation to a child, means a document which is—

- (a) the official certificate of birth of the child; or
- (b) any other written record of the birth of the child;

‘document’ includes—

- (a) a copy of an original document, being a copy verified as a true copy by a person having the custody of the original;
- (b) a copy of an entry in an official register, being a copy verified as a true copy by a person having custody of the register; or
- (c) an extract from a record in an official register, being an extract issued under the Convention Concerning the Issue of Certain Extracts from Civil Status Records to be sent Abroad signed at Paris on 27 September 1956.

Adoption orders—entry of appearance opposing application

“7. (1) A person who is given notice of an application for an adoption order may enter an appearance to oppose the application by filing with the Court a notice of appearance in accordance with Form 3 within 10 days after the date of service of the notice of the application.

“(2) A person entering an appearance to oppose an application for an adoption order shall, as soon as practicable after filing the notice of appearance, give a copy of the notice of appearance to—

- (a) except where the application is made by the Director, or the principal officer of a private adoption agency—
 - (i) the prospective adoptive parent or parents; or
 - (ii) if the application is made by a solicitor on behalf of the prospective adoptive parents—that solicitor;
- (b) if the application is made by the Director—the Director; or
- (c) if the application is made by the principal officer of an adoption agency—that principal officer.

“(3) Where a notice of an application is served on the Director under rule 4, the Director may enter an appearance to oppose the application by filing with the Court a notice of appearance in accordance with Form 3 within 10 days after the date of service of the notice of the application.

“(4) If the Director enters an appearance to oppose an application for an adoption order, he or she shall, as soon as practicable after filing the notice of appearance, give a copy of the notice of appearance to each person to whom notice of the application is required to be given under section 22 of the Act.

Form of interim order

“8. An interim order shall be in accordance with Form 4.

Form of adoption order

“9. An adoption order shall be in accordance with Form 5.

***Division 3—Orders for dispensing
with consent to adoption***

Dispensing orders—application

“10. (1) An application for a dispensing order shall be—

- (a) by motion on notice in accordance with Form 6; and
- (b) accompanied by an affidavit setting out the circumstances alleged to justify the requirement for consent to be dispensed with, including any circumstances referred to in paragraph 35 (1) (a), (b), (c) or (d) of the Act.

“(2) An affidavit under subrule (1) (b) shall be made by—

- (a) the applicant for the order; or
- (b) in the case of a joint application—each applicant jointly.

“(3) Unless subsection 35 (3) of the Act applies, an application for a dispensing order shall be made at the same time as the relevant application for an adoption order.

Dispensing orders—notice of application

“11. (1) No later than 28 days before the date fixed for hearing an application for a dispensing order, notice of the application, and of that date, shall be given to—

- (a) each person interested in the relevant application, or proposed application, for adoption;
- (b) except where the application for the dispensing order is made by the Director—the Director; and
- (c) if the Court considers it to be in the interests of justice—any person nominated by the Court.

“(2) A notice under subrule (1) shall be accompanied by a copy of the relevant affidavit under rule 10.

“(3) A notice of an application for a dispensing order shall be in accordance with Form 7.

“(4) On application, the Court may dispense with the requirement for giving notice under this rule.

Dispensing orders—entry of appearance opposing application

“12. (1) A person who is given notice of an application for a dispensing order may enter an appearance to oppose the application by filing with the Court a notice of appearance in accordance with Form 8 within 10 days after the date of service of the notice of the application.

“(2) A person entering an appearance to oppose an application for a dispensing order shall, as soon as practicable after filing the notice of appearance, give a copy of the notice of appearance to—

- (a) except where the application is made by the Director, or the principal officer of a private adoption agency—
 - (i) the prospective adoptive parent or parents; or
 - (ii) if the application is made by a solicitor on behalf of the prospective adoptive parents—that solicitor;
- (b) if the application is made by the Director—the Director; or
- (c) if the application is made by the principal officer of an adoption agency—that principal officer.

“(3) The Director may enter an appearance to oppose an application for a dispensing order by filing with the Court a notice of appearance in accordance with Form 8 within 10 days after the date of service of the notice of the application.

“(4) If the Director enters an appearance to oppose an application for a dispensing order, he or she shall give a copy of the notice of appearance to each person to whom notice of the application is required to be given under paragraphs 11 (1) (a) and (c).

Form of dispensing order

“13. A dispensing order shall be in accordance with Form 9.

Division 4—Variation of adoption orders

Variation orders—application

“14. An application for a variation order shall be—

- (a) by motion on notice in accordance with Form 10; and
- (b) accompanied by—
 - (i) a report from the Director (as required by subsection 41 (2) of the Act); and
 - (ii) an affidavit by the applicant setting out details of the variation or revocation sought and the circumstances alleged to justify the variation order.

Variation orders—notice of application

“15. (1) No later than 28 days before the date fixed for hearing an application for a variation order, notice of the application, and of that date, shall be given to each person interested in the application.

“(2) A notice under subrule (1) shall be accompanied by a copy of the relevant affidavit under rule 14.

“(3) A notice of an application for a variation order shall be in accordance with Form 11.

“(4) On application, the Court may dispense with the requirement for giving notice under this rule.

Variation orders—entry of appearance opposing application

“16. (1) A person who is given notice of an application for a variation order may enter an appearance to oppose the application by filing with the Court a notice of appearance in accordance with Form 12 within 10 days after the date of service of the notice of the application.

“(2) A person entering an appearance to oppose an application for a variation order shall, as soon as practicable after filing the notice of appearance, give a copy of the notice of appearance to—

- (a) the person in whose favour the order is sought; or
- (b) if the order is sought by a solicitor on that person’s behalf—that solicitor.

“Division 5—Discharge of interim orders and adoption orders

Discharging orders—application

“17. An application for a discharging order shall be—

- (a) by motion on notice in accordance with Form 13; and

- (b) accompanied by an affidavit setting out the circumstances alleged to justify the discharging order, including any allegation that the relevant interim order or adoption order, or any consent to the adoption, was obtained by fraud, duress or other improper means.

Discharging orders—notice of application

“18. For the purposes of subsection 26 (5) of the Act, a notice of an application for a discharging order shall be—

- (a) in accordance with Form 14; and
- (b) accompanied by a copy of the relevant affidavit under rule 17.

Discharging orders—entry of appearance opposing application

“19. (1) A person who is given notice of an application for a discharging order may enter an appearance to oppose the application by filing with the Court a notice of appearance in accordance with Form 15 within 10 days after the date of service of the notice of the application.

“(2) A person entering an appearance to oppose an application for a discharging order shall, as soon as practicable after filing the notice of appearance, give a copy of the notice of appearance to—

- (a) the person in whose favour the order is sought; or
- (b) if the order is sought by a solicitor on that person’s behalf—that solicitor.

“Division 6—Access to identifying information

Access to identifying information—application

“20. An application for an order for access to identifying information shall be by motion on notice in accordance with Form 16.

Access to identifying information—notice of application

“21. (1) Notice of an application for an order for access to identifying information shall be given to—

- (a) the Director; and
- (b) any person—
 - (i) whose approval would be sufficient under Division 3 of Part V of the Act to entitle the applicant to the identifying information; and
 - (ii) who has refused to give that approval.

“(2) A notice under subrule (1) shall be in accordance with Form 17.

Access to identifying information—entry of appearance opposing application

“22. (1) A person who is given notice of an application for an order for access to identifying information may enter an appearance to oppose the application by filing with the Court a notice of appearance in accordance with Form 18 within 10 days after the date of service of the notice of the application.

“(2) A person entering an appearance to oppose an application for an order for access to identifying information shall, as soon as practicable after filing the notice of appearance, give a copy of the notice of appearance to—

- (a) the person in whose favour the order is sought; or
- (b) if the order is sought by a solicitor on that person’s behalf—that solicitor.

Form of order for access to identifying information

“23. An order for access to identifying information shall be in accordance with Form 19.

“Division 7—General procedures

Applications by motion without notice

“24. An application under the Act may be made upon motion without notice, except where—

- (a) otherwise provided by the Act or this Order; or
- (b) the Court otherwise orders.

Service of notice of applications

“25. (1) A notice of an application for an order under the Act shall be served on a person by giving a copy of the notice to the person personally, unless Order 11 applies.

“(2) If notice of an application for an order under the Act is required to be served on the Director, or on the principal officer of a private adoption agency, service may be effected for the purposes of the Act and this Order by giving that notice personally to a member of the staff of the Director’s office, or to a member of the staff of that agency, as the case requires.

“(3) Due service of a notice of an application for an order under the Act shall be proved by the affidavit of the person who served the notice.

“(4) An affidavit of personal service shall be in accordance with Form 20.

Chambers hearings

“26. Unless the Court otherwise orders, an application for an order under the Act shall be heard in Chambers.

Evidence

“27. (1) An application for an order under the Act may be heard on evidence on affidavit.

“(2) A party to proceedings on an application for an order under the Act may, after giving 7 days’ notice to any other parties, apply to the Court to have the application heard on oral evidence.

“(3) The Court may, on an application under subrule (2) or of its own motion, order that an application for an order under the Act be heard—

- (a) on oral evidence; or
- (b) partly on oral evidence and partly on evidence on affidavit.

“(4) The Court may make any other order necessary for carrying out an order under subrule (3).

Adjournments, extensions of time, directions

“28. (1) Upon application by a party to proceedings, the Court may—

- (a) extend the time limited by this Order for the doing of an act or the taking of a step in the proceedings (whether or not that period has expired);
- (b) adjourn any proceedings under the Act; and
- (c) give directions with respect to the proceedings.

“(2) An extension of time may be granted subject to such conditions as the Court thinks fit.

“(3) The costs of an application under this rule shall be borne by the applicant or applicants.

“(4) An application under this rule may be made orally to the Court upon the hearing of the proceedings by the Court.”.

Substitution

5. The Eighth Schedule to the Principal Rules is repealed and the following Schedule substituted:

EIGHTH SCHEDULE

FORM 1

O. 76 r. 3

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

APPLICATION FOR ADOPTION ORDER

In the Supreme Court

of the Australian Capital Territory

No. of [year]

In the matter of the adoption of [full name to be given to the child]

Application is hereby made to the Court [*by/*on behalf of] the proposed adoptive parents mentioned below for the adoption of the child mentioned below.

Particulars of proposed adoptive parent(s)

Adoptive father

Adoptive mother

Full name:

Occupation:

Address:

Date of birth:

Relationship, if any, to the child:

Particulars of the child proposed to be adopted

Full name in which the birth of the child is registered:

Sex:

Date of birth:

Place of birth:

Father's full name:

Mother's full maiden name:

Mother's full name at the date of birth of the child:

This application is made—

- * personally by the proposed adoptive parent(s).
- * on behalf of the proposed adoptive parents by [name(s)], solicitor(s).
- * by the Director of Family Services.
- * by [full name], principal officer of [name], a private adoption agency.

Date:

Signature:

Address for service:

[Address of a place not more than 10 kilometres from the office of the Registrar]

- * Strike out where inapplicable.

NOTE

If the name of a birth parent of the child to be adopted is unknown to the proposed adoptive parent(s), care should be taken to ensure that this information is not disclosed to the proposed adoptive parent(s) in filling out this form. In such a case, if practicable, this form should be filled out and signed by the solicitor(s) for the proposed adoptive parent(s), by the Director of Family Services or by the principal officer of the relevant adoption agency (as appropriate).

FORM 2

O. 76 r. 4

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

NOTICE OF APPLICATION FOR ADOPTION ORDER

In the Supreme Court
of the Australian Capital Territory

No. of [year]

In the matter of the adoption of [full name to be given to the child]

To: [full name], of [address]—

An application for the adoption of [full name in which the birth of the child to be adopted is registered] has been set down for [*hearing by the Court/*the sittings of the Court commencing] on [date].

If you intend to oppose the application, you should enter an appearance and give notice of your appearance to the person(s) signing below within 10 days after service of this notice.

This notice is given—

- * personally by the proposed adoptive parent(s).
- * on behalf of the proposed adoptive parents by [name(s)], solicitor(s).
- * by the Director of Family Services.
- * by [full name], principal officer of [name], a private adoption agency.

Date:

Signature:

Address for service:

[Address of a place not more than 10 kilometres
from the office of the Registrar]

- * Strike out where inapplicable.

NOTE

If the name of a birth parent of the child to be adopted is unknown to the proposed adoptive parent(s), care should be taken to ensure that this information is not disclosed to the proposed adoptive parent(s) in filling out this form. In such a case, if practicable, this form should be filled out and signed by the solicitor(s) for the proposed adoptive parent(s), by the Director of Family Services or by the principal officer of the relevant adoption agency (as appropriate).

FORM 3
AUSTRALIAN CAPITAL TERRITORY
Adoption Act 1993

O. 76 r. 7

NOTICE OF APPEARANCE OPPOSING APPLICATION FOR ADOPTION ORDER

In the Supreme Court

of the Australian Capital Territory

No. of [year]

In the matter of the adoption of [full name to be given to the child]

To: the Registrar—

Enter an appearance in the Court for [full name, address and occupation of person appearing] opposing the application for the adoption of [full name in which the birth of the child to be adopted is registered].

* [Full name] appears in person.

* [Full name] appears by [full name(s) and address], solicitor(s).

Date:

Signature:

Address for service:

[Address of a place not more than 10 kilometres from the office of the Registrar]

* Strike out where inapplicable.

FORM 4

O. 76 r. 8

AUSTRALIAN CAPITAL TERRITORY
Adoption Act 1993
INTERIM ORDER

In the Supreme Court

of the Australian Capital Territory

No. of [year]

In the matter of the adoption of [full name to be given to the child]

Before:

Date:

An application has been made to the Court [*by/*on behalf of] [full name, address and occupation of each proposed adoptive parent] for an order for the adoption of [full name in which the birth of the child to be adopted is registered].

The Court is satisfied that it could lawfully make an order for the adoption of the child by the proposed adoptive parents.

The Court therefore orders—

1. That the determination of the application be postponed until [date].
2. That [full name of each proposed adoptive parent] have the custody of the child until that date.
3. [Any further orders].

By the Court:

, Registrar

* Strike out where inapplicable.

FORM 5

O. 76 r. 9

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

ADOPTION ORDER

In the Supreme Court

of the Australian Capital Territory

No. of [year]

In the matter of the adoption of [full name to be given to the child]

Before:

Date:

An application has been made to the Court [*by/*on behalf of] [full name, address and occupation of each proposed adoptive parent] for an order for the adoption of [full name in which the birth of the child to be adopted is registered].

The Court orders—

1. That the child become, by this order, the adopted child of [full name of each adoptive parent].
2. That the child bear, by this order, the following name: [full name to be given to adopted child].
3. [Any further orders].

By the Court:

, Registrar

* Strike out where inapplicable.

FORM 6

O. 76 r. 10

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

APPLICATION FOR DISPENSING WITH CONSENT TO ADOPTION

In the Supreme Court

of the Australian Capital Territory

No. of [year]

In the matter of the adoption of [full name to be given to the child]

Application is hereby made to the Court [*by/*on behalf of] [full name, address and occupation of each proposed adoptive parent] for the Court to dispense with the requirement for the consent of [full name] for the purposes of an application for the adoption of [full name in which the birth of the child to be adopted is registered].

This application for a dispensing order is made—

- * personally by the proposed adoptive parent(s).
- * on behalf of the proposed adoptive parents by [name(s)], solicitor(s).
- * by the Director of Family Services.
- * by [full name], principal officer of [name], a private adoption agency.

Date:

Signature:

Address for service:

[Address of a place not more than 10 kilometres from the office of the Registrar]

- * Strike out where inapplicable.

NOTE

If the name of a birth parent of the child to be adopted is unknown to the proposed adoptive parent(s), care should be taken to ensure that this information is not disclosed to the proposed adoptive parent(s) in filling out this form. In such a case, if practicable, this form should be filled out and signed by the solicitor(s) for the proposed adoptive parent(s), by the Director of Family Services or by the principal officer of the relevant adoption agency (as appropriate).

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

NOTICE OF APPLICATION FOR DISPENSING ORDER

In the Supreme Court
of the Australian Capital Territory No. of [year]

In the matter of the adoption of [full name to be given to the child]

To: [full name], of [address]—

An application for the Court to dispense with the requirement for the consent of [full name] for the purposes of an application for the adoption of [full name in which the birth of the child to be adopted is registered] has been set down for [*hearing by the Court/*the sittings of the Court commencing] on [date].

If you intend to oppose the application for the Court to dispense with the requirement for consent, you should enter an appearance and give notice of your appearance to the person(s) signing below within 10 days after service of this notice.

This notice is given—

- * personally by the proposed adoptive parent(s).
- * on behalf of the proposed adoptive parents by [name(s)], solicitor(s).
- * by the Director of Family Services.
- * by [full name], principal officer of [name], a private adoption agency.

Date:

Signature:

Address for service: [Address of a place not more than 10 kilometres from the office of the Registrar]

- * Strike out where inapplicable.

NOTE

If the name of a birth parent of the child to be adopted is unknown to the proposed adoptive parent(s), care should be taken to ensure that this information is not disclosed to the proposed adoptive parent(s) in filling out this form. In such a case, if practicable, this form should be filled out and signed by the solicitor(s) for the proposed adoptive parent(s), by the Director of Family Services or by the principal officer of the relevant adoption agency (as appropriate).

FORM 8
 AUSTRALIAN CAPITAL TERRITORY
Adoption Act 1993

O. 76 r. 12

NOTICE OF APPEARANCE OPPOSING APPLICATION FOR DISPENSING ORDER

In the Supreme Court
 of the Australian Capital Territory No. of [year]

In the matter of the adoption of [full name to be given to the child]

To: the Registrar—

Enter an appearance in the Court for [full name, address and occupation of person appearing] opposing the application for the Court to dispense with the requirement for the consent of [full name] for the purposes of an application for the adoption of [full name in which the birth of the child to be adopted is registered].

* [Full name] appears in person.

* [Full name] appears by [full name(s) and address], solicitor(s).

Date:

Signature:

Address for service: [Address of a place not more than 10 kilometres from the office of the Registrar]

* Strike out where inapplicable.

FORM 9

O. 76 r. 13

AUSTRALIAN CAPITAL TERRITORY
Adoption Act 1993

ORDER FOR DISPENSING WITH CONSENT TO ADOPTION

In the Supreme Court
 of the Australian Capital Territory No. of [year]

In the matter of the adoption of [full name to be given to the child]

Before:

Date:

An application has been made to the Court [*by/*on behalf of] [full name, address and occupation of each proposed adoptive parent] for the Court to dispense with the requirement for the consent of [full name] to the adoption mentioned above.

The Court orders that the requirement for [full name] to consent to the adoption of [full name in which the birth of the child to be adopted is registered] be dispensed with for the purposes of an application by or on behalf of [full name of each proposed adoptive parent] for the adoption of that child.

By the Court: , Registrar

* Strike out where inapplicable.

FORM 10

O. 76 r. 14

AUSTRALIAN CAPITAL TERRITORY
Adoption Act 1993

APPLICATION FOR THE VARIATION OF AN ADOPTION ORDER

In the Supreme Court
 of the Australian Capital Territory No. of [year]

In the matter of the adoption of

Application is hereby made to the Court [**by/*on behalf of*] [*full name, address and occupation of person in whose favour the variation order is sought*] for the Court to [**vary/*revoke*] a condition of the order for the adoption of [*full name of adopted child*] dated [*date*].

This application is made—

- * personally by [*full name*] in [**his/*her*] capacity as [**adopted child/*adoptive parent/*birth parent*].
- * by [*full name*], on behalf of [*full name of adopted child*].
- * by [*name(s)*], solicitor(s), on behalf of [*full name*] in [**his/*her*] capacity as [**adopted child/*adoptive parent/*birth parent*].

Date:

Signature:

Address for service:

[*Address of a place not more than 10 kilometres from the office of the Registrar*]

- * Strike out where inapplicable.
-

FORM 11

O. 76 r. 15

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

NOTICE OF APPLICATION FOR VARIATION ORDER

In the Supreme Court

of the Australian Capital Territory

No. of [year]

In the matter of the adoption of

To: [full name], of [address]—

An application for the Court to [*vary/*revoke] a condition of the order for the adoption of [full name of adopted child] dated [date] has been set down for [*hearing by the Court/*the sittings of the Court commencing] on [date].

If you intend to oppose the application, you should enter an appearance and give notice of your appearance to the person(s) signing below within 10 days after service of this notice.

This notice is given—

- * personally by [full name], who is seeking the variation of the adoption order in [*his/*her] capacity as [*adopted child/*adoptive parent/*birth parent].
- * by [full name], on behalf of [full name of adopted child].
- * by [name(s)], solicitor(s), on behalf of [full name], who is seeking the variation of the adoption order in [*his/*her] capacity as [*adopted child/*adoptive parent/*birth parent].

Date:

Signature:

Address for service:

[Address of a place not more than 10 kilometres
from the office of the Registrar]

- * Strike out where inapplicable.

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

NOTICE OF APPEARANCE OPPOSING APPLICATION FOR VARIATION ORDER

In the Supreme Court

of the Australian Capital Territory

No. of [year]

In the matter of the adoption of

To: the Registrar—

Enter an appearance in the Court for [full name, address and occupation of person appearing] opposing the application for the Court to [*vary/*revoke] a condition of the order for the adoption of [full name of adopted child] dated [date].

* [Full name] appears in person.

* [Full name] appears by [full name(s) and address], solicitor(s).

Date:

Signature:

Address for service:

[Address of a place not more than 10 kilometres from the office of the Registrar]

* Strike out where inapplicable.

FORM 13
 AUSTRALIAN CAPITAL TERRITORY
Adoption Act 1993
 APPLICATION FOR DISCHARGE OF
 [*INTERIM ORDER/*ADOPTION ORDER]

O. 76 r. 17

In the Supreme Court
 of the Australian Capital Territory No. of [year]

In the matter of the adoption of †[full name to be given to the child]
 †[full name of adopted child]

Application is hereby made to the Court for the discharge of the [*interim order/*adoption order] dated [date] in relation to the adoption of the child mentioned above in favour of—

† [full name, address and occupation of each proposed adoptive parent].

† [full name, address and occupation of each adoptive parent].

This application is made—

* personally by [full name] in [*his/*her] capacity as ‡[state capacity in which application is made].

* by [name(s)], solicitor(s), on behalf of [full name] in [*his/*her] capacity as ‡[state capacity in which application is made].

Date:

Signature:

Address for service: [Address of a place not more than 10 kilometres from the office of the Registrar]

* Strike out where inapplicable.

† Insert where applicable.

‡ (A) In the case of an application for the discharge of an interim order, state the nature of the relationship of the person seeking the discharge to the child who is the subject of the order, or the capacity in which that person is otherwise interested in seeking the discharge of the order.

(B) In the case of an application for the discharge of an adoption order, state whether the application is made by (or on behalf of) the Minister, the Director of Family Services, the Community Advocate, the adopted child, an adopted parent or a birth parent.

FORM 14

O. 76 r. 18

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

NOTICE OF APPLICATION FOR DISCHARGE OF
[*INTERIM ORDER/*ADOPTION ORDER]

In the Supreme Court
of the Australian Capital Territory No. of [year]

In the matter of the adoption of †[full name to be given to the child]
‡[full name of adopted child]

To: [full name], of [address]—

An application has been made for the discharge of the [*interim order/*adoption order] dated [date] in relation to the adoption of—

† [full name in which the birth of the child proposed to be adopted is registered].

‡ [full name of the adopted child].

That order was made in favour of—

† [full name and address of each proposed adoptive parent].

‡ [full name and address of each adoptive parent].

This application has been set down for [*hearing by the Court/*the sittings of the Court commencing] on [date].

If you intend to oppose the application, you should enter an appearance and give notice of your appearance to the person(s) signing below within 10 days after service of this notice.

This notice is given—

- * personally by [full name], who is seeking the discharge of the order in his or her capacity as ‡[state capacity in which application is made].
- * by [name(s)], solicitor(s), on behalf of [full name], who is seeking the discharge of the order in his or her capacity as ‡[state capacity in which application is made].

Date:

Signature:

Address for service: [Address of a place not more than 10 kilometres from the office of the Registrar]

* Strike out where inapplicable.

† Insert where applicable.

‡ (A) In the case of an application for the discharge of an interim order, state the nature of the relationship of the person seeking the discharge to the child who is the subject of the order, or the capacity in which that person is otherwise interested in seeking the discharge of the order.

(B) In the case of an application for the discharge of an adoption order, state whether the application is made by (or on behalf of) the Minister, the Director of Family Services, the Community Advocate, the adopted child, an adopted parent or a birth parent.

FORM 15

O. 76 r. 19

AUSTRALIAN CAPITAL TERRITORY

*Adoption Act 1993*NOTICE OF APPEARANCE OPPOSING APPLICATION FOR DISCHARGE OF
[*INTERIM ORDER/*ADOPTION ORDER]

In the Supreme Court

of the Australian Capital Territory

No. of [year]

In the matter of the adoption of †[full name to be given to the child]

†[full name of adopted child]

To: the Registrar—

Enter an appearance in the Court for [full name, address and occupation of person appearing] opposing the application for the discharge of the [*interim order/*adoption order] dated [date] in relation to the adoption of—

† [full name in which the birth of the child proposed to be adopted is registered].

† [full name of the adopted child].

* [Full name] appears in person.

* [Full name] appears by [full name(s)], solicitor(s).

Date:

Signature:

Address for service:

[Address of a place not more than 10 kilometres
from the office of the Registrar]

* Strike out where inapplicable.

† Insert where applicable.

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

APPLICATION FOR ACCESS TO IDENTIFYING INFORMATION

In the Supreme Court

of the Australian Capital Territory

No. of [year]

In the matter of the adoption of

Application is hereby made to the Court for an order of entitlement to access to, and to apply for, identifying information of the following type in relation to the adoption of [full name]:

Particulars of identifying information

[Here insert particulars]

This application is made—

- * personally by [full name] in [*his/*her] capacity as [state capacity by virtue of which entitlement is claimed].
- * by [name(s)], solicitor(s), on behalf of [full name] in his or her capacity as [state capacity by virtue of which entitlement is claimed].

Date:

Signature:

Address for service:

[Address of a place not more than 10 kilometres from the office of the Registrar]

- * Strike out where inapplicable.

FORM 17
 AUSTRALIAN CAPITAL TERRITORY
Adoption Act 1993

O. 76 r. 21

NOTICE OF APPLICATION FOR ACCESS TO IDENTIFYING INFORMATION

In the Supreme Court
 of the Australian Capital Territory No. of [year]

In the matter of the adoption of

To: [full name], of [address]—

An application for an order of entitlement to access to, and to apply for, identifying information of the following type in relation to the adoption of [full name] has been set down for [*hearing by the Court/*the sittings of the Court commencing] on [date]:

Particulars of identifying information

[Here insert particulars]

If you intend to oppose the application, you should enter an appearance and give notice of your appearance to the person(s) signing below within 10 days after service of this notice.

This application is made—

- * personally by [full name], who is seeking the order in [*his/*her] capacity as [state capacity by virtue of which entitlement is claimed].
- * by [name(s)], solicitor(s), on behalf of [full name], who is seeking the order in [*his/*her] capacity as [state capacity by virtue of which entitlement is claimed].

Date:

Signature:

Address for service:

[Address of a place not more than 10 kilometres from the office of the Registrar]

- * Strike out where inapplicable.

FORM 18

O. 76 r. 22

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

NOTICE OF APPEARANCE OPPOSING APPLICATION FOR ACCESS TO IDENTIFYING INFORMATION

In the Supreme Court
of the Australian Capital Territory No. of [year]

In the matter of the adoption of

To: the Registrar—

Enter an appearance in the Court for [full name, address and occupation of person appearing] opposing the application dated [date] for an order for entitlement to access to, and to apply for, identifying information in relation to the adoption of [full name].

* [Full name] appears in person.

* [Full name] appears by [full name(s) and address], solicitor(s).

Date:

Signature:

Address for service: [Address of a place not more than 10 kilometres from the office of the Registrar]

* Strike out where inapplicable.

FORM 19

O. 76 r. 23

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

ORDER FOR ACCESS TO IDENTIFYING INFORMATION

In the Supreme Court
of the Australian Capital Territory No. of [year]

In the matter of the adoption of

Before:

Date:

An application has been made to the Court for an order of entitlement to access to, and to apply for, particular identifying information in relation to the adoption of [full name].

The Court orders that [full name of person in whose favour the order is sought] is hereby entitled to access to, and to apply for, identifying information of the following type in relation to the adoption of [full name of adopted person]:

Particulars of identifying information

[Here insert particulars]

By the Court: _____, Registrar

FORM 20

O. 76 r. 25

AUSTRALIAN CAPITAL TERRITORY

Adoption Act 1993

AFFIDAVIT OF PERSONAL SERVICE OF NOTICES OF APPLICATION

In the Supreme Court

of the Australian Capital Territory

No. of [year]

In the matter of the adoption of

I, [full name, address and occupation], [*make oath/*affirm] and say:

1. On [date of service], I duly served [full name of person served] with a copy of a notice of the application mentioned above by delivering it to that person personally at [address].
2. I identified the person served in the following way:

[Here set out the way in which the deponent identified the person served.]
- *3. I served [*the Director of Family Services/*the principal officer of [name], an adoption agency] by giving the copy of the notice to a member of staff of [*the office of the Director/*that adoption agency], that member of staff being identified as such in the following way:

[Here set out the way in which the deponent determined that the person was such a member of staff.]

[*Sworn/*Affirmed] by the deponent on [date] at [time]—

Signature:

Witness:

affidavit is sworn or affirmed]

[Signature, name and title of person before whom

* Strike out where inapplicable.

NOTE

1. Reprinted as at 18 December 1992. See also Subordinate Laws Nos. 4, 11, 20, 22, 23 and 28, 1993.
2. Notified in the ACT Gazette on 30 July 1993.