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Abbreviations

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
DCD	Department for Community Development (Western Australia)
DChS	Department of Child Safety (Queensland)
DoCS	Department of Community Services (New South Wales)
DFC	Department for Families and Communities (South Australia)
DHCS	Department of Health and Community Services (Northern Territory)
DHHS	Department of Health and Human Services (Tasmania)
DHS	Department of Human Services (Victoria)
DIMIA	Department of Immigration, Multicultural and Indigenous Affairs (Australian Government)
OCYFS	Office for Children, Youth and Family Support (ACT)

Symbols

—	nil or rounded to zero
..	not applicable
n.a.	not available
M	males
F	females
P	persons
U	unknown

Notes

1. Percentages in all tables exclude unknown.
2. Percentages in tables may not add to 100 due to rounding.
3. All tables in this report use data provided by state and territory community services departments.

Summary

This report presents adoption statistics provided by state and territory community services departments for the period 1 July 2004 to 30 June 2005. The report covers all finalised adoptions, including information on adopted children, adoptive families and birth mothers. It provides data on the number of requests for information and the number of contact and information vetoes lodged by parties to an adoption. Important trends in the number of adoptions occurring in Australia over the last 30 years are also a key feature of the report.

The main points of interest in the report are as follows:

- There were 585 adoptions of children in Australia in 2004–05, an increase of 17% from 502 adoptions in 2003–04.
- 74% (434) of the adoptions were intercountry adoptions, 11% (65) were local adoptions and 15% (86) were ‘known’ child adoptions.
- The number of intercountry adoptions increased by 17%, from 370 adoptions in 2003–04 to 434 adoptions in 2004–05. This is the largest number of adoptions of children from outside of Australia on record.
- Local adoptions continued the general trend of the last 30 years and declined in number to 65 adoptions in 2004–05.
- Legislative changes introduced by state and territory departments around Australia over the last two decades have caused a downward trend in the number of ‘known’ child adoptions. This year however, ‘known’ child adoptions rose from a record low of 59 recorded in 2003–04 to 86 child adoptions.
- More than one-third of all children adopted (37%) were aged under 1 year. In local adoptions 88% of all children were aged under 1 year, while in intercountry adoptions 37% of children were aged under 1 year and a further 30% were 1 year of age. ‘Known’ child adoptions differed in that 95% of the children were aged 5 years and over.
- For intercountry adoptions, just under a third (32%) of all children adopted in 2004–05 were from China, 22% from South Korea, 14% from Ethiopia and 11% from the Philippines.
- For local adoptions, where the age of the birth mother was known, 74% of birth mothers were under the age of 30, with the mean age being 24 years.
- Of the 86 ‘known’ child adoptions, 60% were adoptions by step-parents, 34% by carers and 6% by other relatives.
- For local and intercountry adoptions, 83% of the adoptive mothers and 87% of the adoptive fathers were aged 35 years and over and most were married. Additionally, where the family composition of the adoptive family was known, 52% of children were adopted by people who had no other children in the family.
- There were 3,414 information applications lodged in 2004–05, of which 72% were made by the adopted person – where the age of the adopted person was known 90% of adopted people were aged over 25 years at the time of lodging an application for identifying information.
- There were 56 contact and identifying information vetoes lodged in 2004–05, which is similar to the number lodged in 2003–04 (63).

1 Adoptions in Australia 2004–05

Introduction

The Australian Institute of Health and Welfare (AIHW) is funded by the community services department in each state and territory to collect and publish national data on adoptions. The data included in this report are collected from each of the state and territory community services departments and collated and analysed by AIHW. Each state and territory in Australia has responsibility for all aspects of adoption within its jurisdiction and has its own legislation regarding adoption (see Appendix 1).

The statistics in this publication cover all finalised adoptions recorded by state and territory community services departments for the period 1 July 2004 to 30 June 2005. This report also contains data on the number of requests made for information about an adoption and the number of contact and information vetoes lodged by adopted persons, adoptive parents, birth parents and other relatives for the same period. Data are also included on trends in the number of adoptions.

The data in this report were extracted from the administrative systems of state and territory community services departments according to definitions and counting rules agreed to by those departments and the AIHW. Definitions of terms used in the collection are provided in the Glossary (Appendix 2). Note that the data reflect the different legislation, policies and practices in each state and territory regarding adoption, as described in Appendix 1. These differences should be taken into account when comparing data across jurisdictions.

When an adoption order is granted, the legal relationship between the child and the biological parents is severed. The legal rights of the adopted child are as if he or she had been born to the adoptive parents, and the legal rights that exist from birth with regard to the birth parents (inheritance and name, for instance) are removed. A new birth certificate is issued to the child bearing the name(s) of his or her adoptive parent(s) as the legal parent(s), and the new name of the child, where a change has occurred.

Access by the birth parents or other relatives to the adopted child (sometimes called 'open' adoption) is encouraged in most states and territories. The degree to which this process is encouraged varies across the jurisdictions (see Appendix 3).

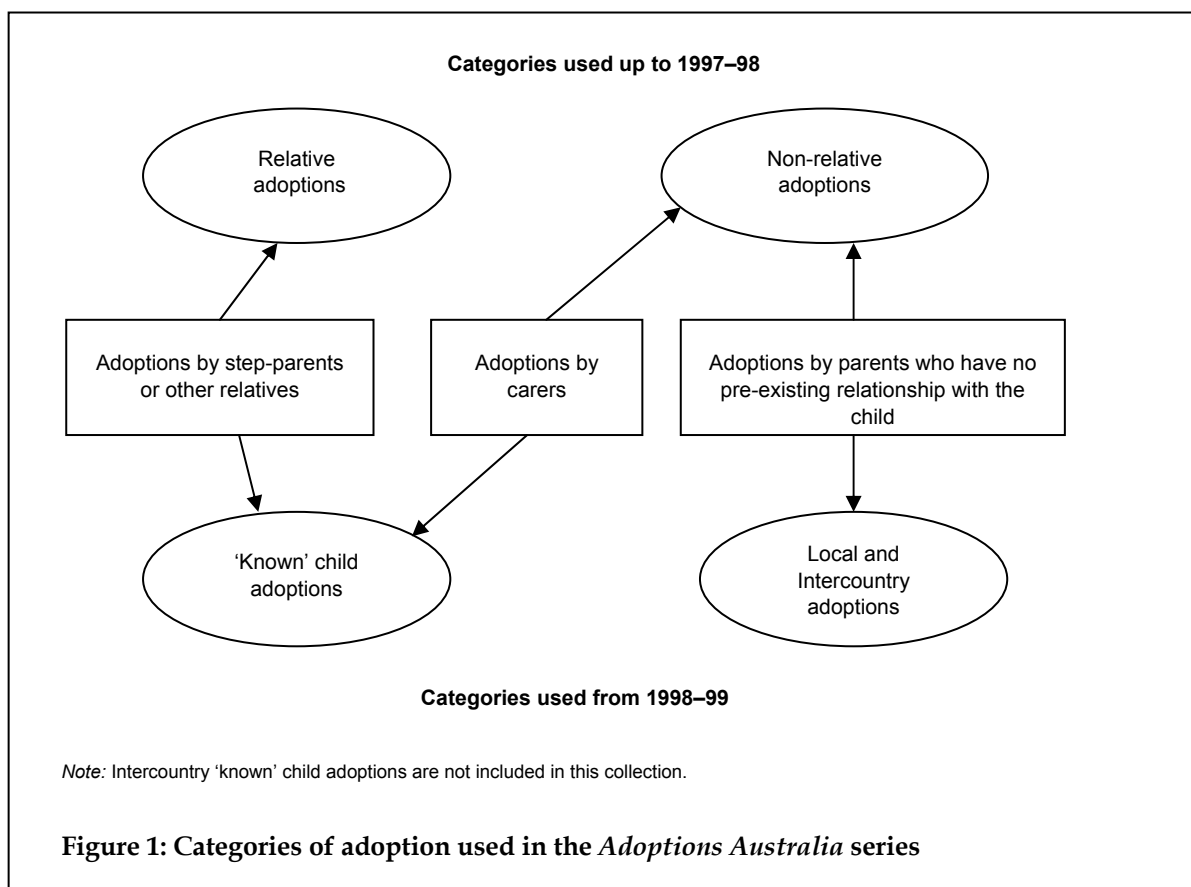
Categories of adoption

From 1998–99, the categories of adoption used in the *Adoptions Australia* series differ from those used in previous publications. The categories were changed in 1998–99 to better reflect the types of adoption that occurred, and to bring the terminology more into line with that used by state and territory community services departments.

The categories of adoption used in this publication are:

- **Local adoptions**, which are adoptions of children who were born in Australia or who were permanent residents of Australia before the adoption and who are legally available and placed for adoption but who generally have had no previous contact or relationship with the adoptive parents.
- **Intercountry adoptions**, which are adoptions of children from countries other than Australia who are legally available and placed for adoption but who generally have had no previous contact or relationship with the adoptive parents.
- **'Known' child adoptions**, which are adoptions of children who have a pre-existing relationship with the adoptive parent(s) and who are generally not able to be adopted by anyone other than the adoptive parent(s). 'Known' child adoptions include adoptions by step-parents, other relatives and carers (for a definition of carers, see Appendix 2). Intercountry 'known' child adoptions are not included in the tables.

Before 1998–99, adoptions were categorised as either 'relative' or 'non-relative' adoptions. The major difference between the categories used now and those used before 1998–99 is that adoptions by carers are now included with adoptions by step-parents and other relatives, rather than with adoptions by non-relatives (see Figure 1).

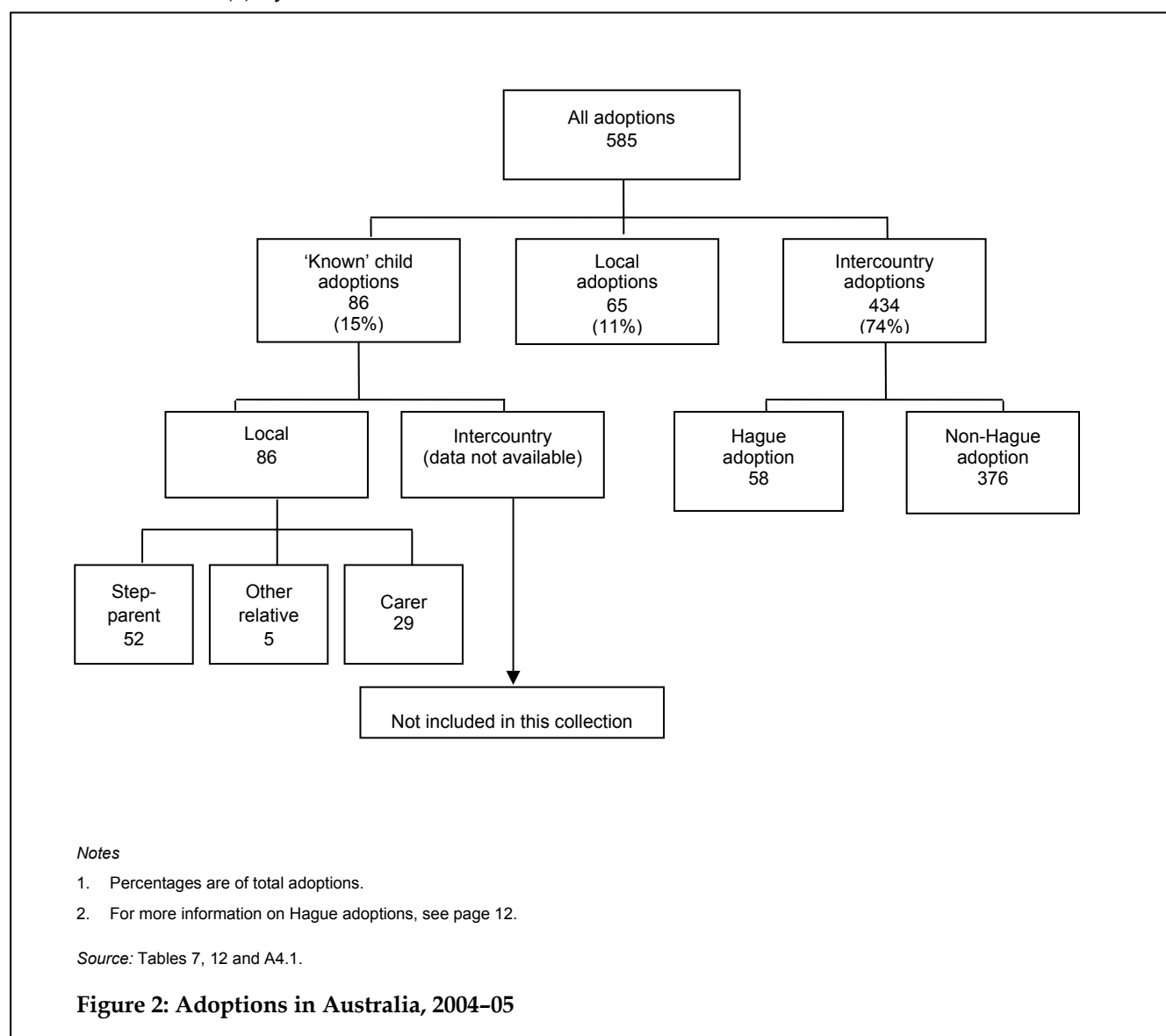


Overview of adoptions in 2004–05

In 2004–05 there were 585 adoptions of children in Australia. This is a rise of 17% from the 502 adoptions in 2003–04. This increase is largely due to the 17% rise in the number of intercountry adoptions, up from 370 in the previous year.

The main features regarding adoptions in 2004–05 (Figure 2) are:

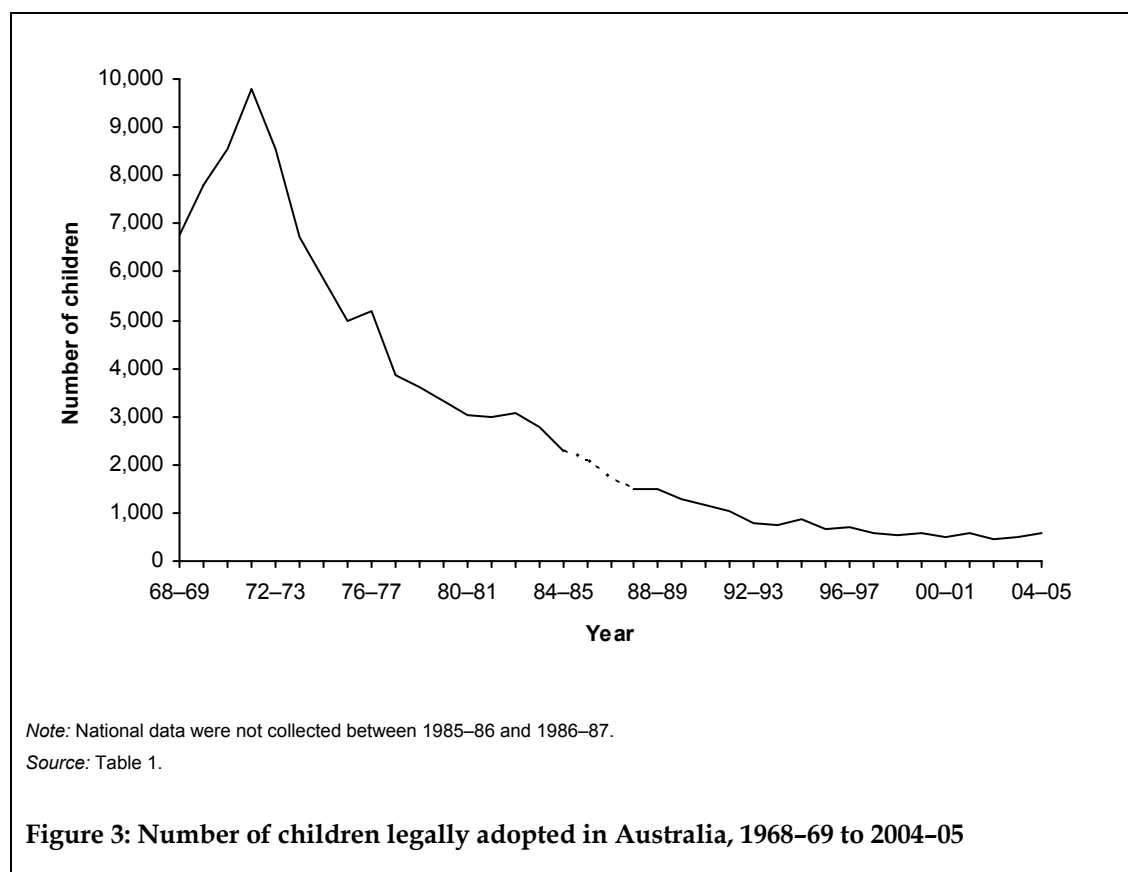
- 85% (499) were local and intercountry adoptions and 15% (86) were ‘known’ child adoptions
- there were 65 adoptions of local children and 434 placement adoptions of children from outside Australia
- almost three out of every four adoptions in 2004–05 were of children from outside Australia (74%), with only 151 adoptions (26%) being of local children (‘known’ child adoptions and local placement adoptions)
- of the 86 ‘known’ child adoptions, 60% (52) were adoptions by step-parents, 34% (29) by carers, and 6% (5) by other relatives.



Trends in adoption

There was a substantial fall in the number of adoptions between the early 1970s and the early 1990s, from 9,798 in 1971–72 to 1,052 in 1991–92 (Figure 3). Factors contributing to this overall fall in adoptions of children include:

- effective birth control leading to a decrease in the number of unplanned pregnancies
- the provision of income support for single parents and changed community attitudes to single parenthood, resulting in an alternative to adoption
- changes to legislation and practices in relation to adoptions by step-parents within states and territories whereby step-parents are encouraged to use arrangements other than adoption (see AIHW: Bentley & Broadbent 1997, Section 2.3)
- the introduction of alternative legal orders which transfer permanent guardianship and custody of a child to a person other than the parent, for example, permanent care orders in Victoria (see page 24).



Although numbers of adoptions have fluctuated in the past decade, they have generally followed the downward trend that began in the early 1970s, falling from 1,052 in 1991–92 to 472 in 2002–03 (Table 1). The fluctuations are due mainly to variations in the number of local and ‘known’ child adoptions. Since 2002–03, the number of adoptions have risen to 585; however data from future years are required to firmly establish that a reversal of the long term trend has occurred.

Table 1: Number of children legally adopted, by state and territory, 1968–69 to 2004–05

Year	NSW ^(a)	Vic	Qld ^(b)	WA	SA	Tas	ACT ^(c)	NT	Total
1968–69	1,715	1,789	1,448	540	797	348	100	36	6,773
1969–70	2,346	2,031	1,500	703	834	243	102	61	7,820
1970–71	3,275	2,057	1,562	301	879	289	122	68	8,553
1971–72	4,539	1,768	1,774	457	776	303	127	54	9,798
1972–73	3,315	1,765	1,678	717	649	268	121	29	8,542
1973–74	1,936	1,557	1,458	783	558	268	120	25	6,705
1974–75	1,799	1,168	1,394	528	551	243	123	33	5,839
1975–76	1,449	1,032	1,112	531	549	211	87	19	4,990
1976–77	1,770	908	1,014	497	658	185	82	74	5,188
1977–78	1,068	951	660	417	506	164	55	46	3,867
1978–79	1,020	956	563	380	415	173	56	40	3,603
1979–80	853	914	450	387	475	148	85	25	3,337
1980–81	794	711	454	305	505	140	74	35	3,018
1981–82	855	753	467	261	396	119	81	39	2,971
1982–83	926	692	555	270	424	117	59	29	3,072
1983–84	698	686	517	250	438	87	51	43	2,770
1984–85	623	631	331	293	222	97	74	23	2,294
1985–86 ^(d)	n.a.	n.a.	359	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87 ^(d)	n.a.	n.a.	334	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	280	114	309	191	416	120	36	28	1,494
1988–89	335	288	353	147	221	85	47	25	1,501
1989–90	360	212	278	128	174	71	50	21	1,294
1990–91	329	258	210	136	103	61	25	20	1,142
1991–92	310	185	232	120	112	58	23	12	1,052
1992–93	209	101	222	87	111	23	20	10	783
1993–94	188	112	206	85	106	37	21	9	764
1994–95	260	145	179	127	108	12	18	6	855
1995–96	204	131	170	75	48	17	19	4	668
1996–97	263	123	129	56	79	30	26	3	709
1997–98	200	114	111	69	48	19	15	1	577
1998–99	185	102	94	64	53	25	16	6	543
1999–00	154	122	105	79	59	19	24	4	566
2000–01	166	98	62	74	53	24	27	10	514
2001–02	207	110	49	79	62	20	23	11	561
2002–03	122	82	67	76	72	21	25	7	472
2003–04	115	120	65	59	79	26	33	5	502
2004–05	154	161	84	49	77	23	20	17	585

(a) Data on adoptions by step-parents for New South Wales are not included from 1987–88 to 1993–94.

(b) Data for 1986–87 and 1987–88 differ from previous reports due to updated figures.

(c) Data for 1998–99 differ from previous reports due to updated figures.

(d) National data were not collected in 1985–86 and 1986–87.

Source: AIHW 2004.

2 Detailed information

Local and intercountry adoptions

Local and intercountry adoptions are adoptions where the child is legally available and placed for adoption and the child and the adoptive parents have generally had no previous contact or relationship. Local adoptions are those of children who are residents of Australia; and intercountry adoptions are those of children whose country of habitual residence is a country other than Australia.

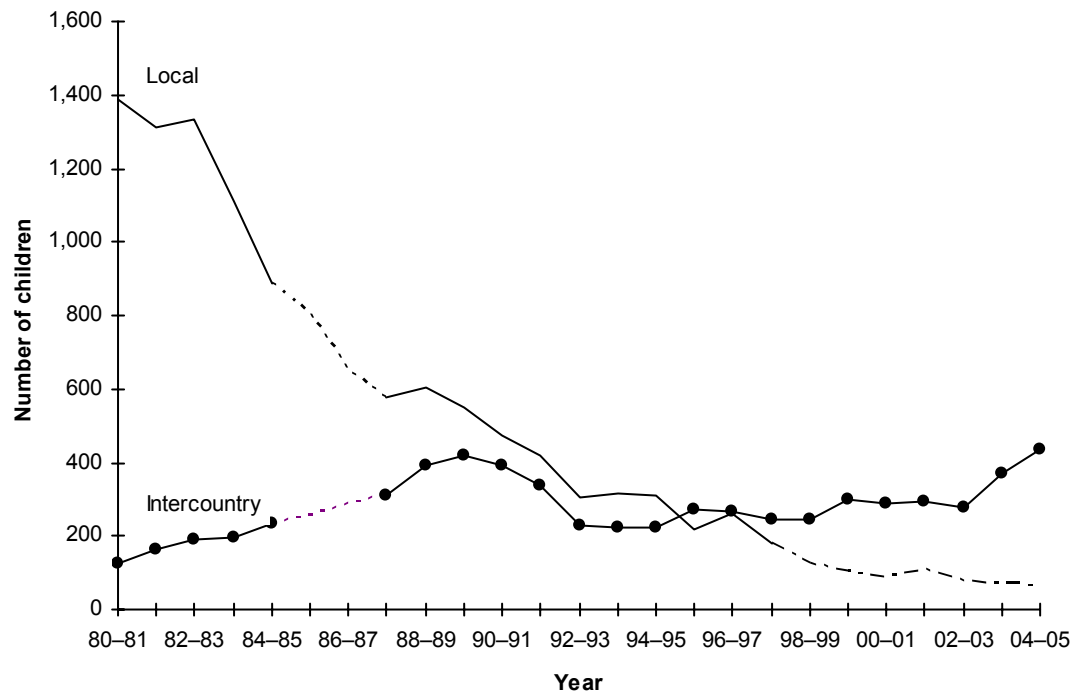
A child is legally available for local or intercountry adoption if all the necessary consents to the child's adoption have been obtained or dispensed with. Persons wishing to adopt a child must satisfy the department or agency concerned that they will be suitable parents. In Queensland, the Northern Territory and Tasmania, only married couples are allowed to adopt, whereas de facto couples are also eligible in all other jurisdictions (see Appendix 1). Same sex couples can also apply in Western Australia and the Australian Capital Territory. The circumstances under which single people can apply to adopt vary for each state and territory, with most only accepting applications under special circumstances. Other factors considered in the assessment of the suitability of potential parents are their parenting capacity, age, health, reasons for wanting to adopt, and the stability of their relationship.

Trends in adoptions by non-relatives (local and intercountry)

The number of adoptions by non-relatives has decreased significantly since the early 1980s, from more than 1,500 in 1980–81 to 371 in 1998–99. This was due mainly to the decrease in the number of adoptions of local children by non-relatives, from 1,388 in 1980–81 to 127 in 1998–99 (Figure 4). In 1998–99, this category of adoption was changed to 'local adoptions' and adoptions by carers were excluded (see Figure 1). The number of local adoptions has fluctuated since this time, but has fallen overall from 127 to 65 between 1998–99 and 2004–05 (Table 2).

The number of intercountry adoptions (called 'adoptions of overseas-born children by non-relatives' before 1998–99) increased from 127 in 1980–81 to 420 in 1989–90 then fell to 222 in 1993–94 (Figure 4). Between 1994–95 and 1998–99 the numbers fluctuated but there was a significant increase from 1998–99 to 1999–2000. The reason for much of this increase can be linked to the streamlining of processes for adoption of intercountry children as a result of the ratification by Australia of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption in December 1998 and the bilateral agreement which was signed with China in 1999 (see page 11).

From 1999–00, to 2002–03, the numbers of intercountry adoptions had remained fairly stable. However, there were increases of 17% in 2003–04 and 17% in 2004–05 in the number of intercountry adoptions from the previous year. This year has seen the largest number of intercountry adoptions on record (Table 6). This appears to be largely due to a significant increase in the number of children adopted from China and the Philippines (see Table A4.6).

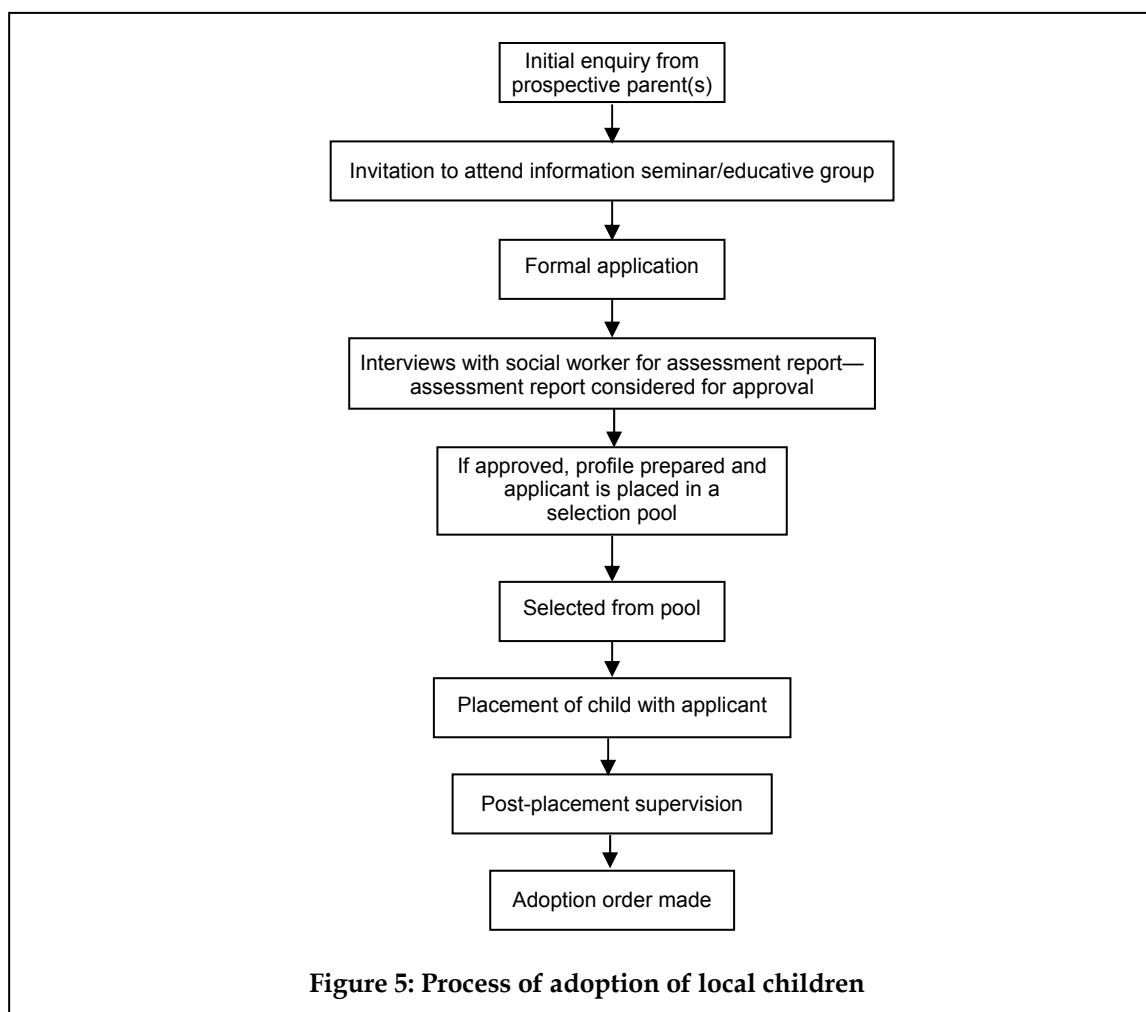


Note: National data were not collected between 1985-86 and 1986-87. The definition of local adoption changed in 1998-99 (see page 2).
Sources: Tables 2 and 6; AIHW 2004.

Figure 4: Non-relative adoptions, by type of adoption, 1980-81 to 1997-98, and local and intercountry adoptions, 1998-99 to 2004-05

Local adoptions

Generally, for local adoptions, the guardianship of a child for whom a general consent for adoption has been signed resides with the community services department or, in the case of some approved non-government adoption agencies, with the principal officer of the agency. The guardianship remains in force until the adoption order is made, the consent for adoption is revoked or some other specified event occurs. The process involved for the placement of local children with prospective adoptive parent(s) is demonstrated below (Figure 5).



Local adoptions in 2004–05

The principal features of the 65 local adoptions in 2004–05 were:

- 40% of these adoptions were of males and 60% of females (Table A4.1)
- 88% of these adoptions were of children aged under 1 year (Table A4.1)
- 74% (48) of the local adoptions were arranged by the community services departments, 25% (16) were arranged by non-government organisations and 2% (1) were unknown (Table A4.2)

- where the age of the birth mother was known, 74% of mothers were under the age of 30 years (Table 3), with the mean age being 24 years (unpublished AIHW data)
- 91% of the local children placed for adoption were born to mothers who were not married and 9% were born to mothers who were married (Table 3)
- data from the last two decades clearly indicate that the majority of local children placed for adoption are born to mothers who were not married (Table A4.3)
- 62% of the consents to the adoption were given by the birth mother only and 35% were given by both the mother and the father (Table 4)
- agreements made at the time of adoption indicate that the majority of local adoptions are now 'open', with only 8% requesting 'no contact or information exchange' (Table 5).

Table 2: Local non-relative adoptions, by state and territory, 1987–88 to 1997–98, and local adoptions, 1998–99 to 2004–05

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Local non-relative adoptions									
1987–88	171	109	153	65	32	29	11	8	578
1988–89	184	145	159	51	26	24	11	6	606
1989–90	144	135	128	27	74	26	7	6	547
1990–91	158	127	90	34	24	25	7	7	472
1991–92	151	91	96	19	29	16	11	5	418
1992–93	110	43	79	18	34	14	5	3	306
1993–94	98	72	77	35	22	17	8	1	314
1994–95	127	67	63	26	12	8	6	2	311
1995–96	67	59	45	25	5	7	9	—	217
1996–97	139	49	40	13	11	9	2	—	263
1997–98	87	27	28	23	5	6	1	1	178
Local adoptions									
1998–99	50	30	22	6	6	11	1	1	127
1999–00	31	34	24	10	3	2	2	—	106
2000–01	28	28	9	6	5 ¹	5	2	2	85
2001–02	54	22	10	13	3	2	3	—	107
2002–03	22	20	23	6	3	3	1	—	78
2003–04	24	23	14	3	6	1	2	—	73
2004–05	24	16	13	4	2	2	3	1	65

Notes

1. In 1996–97 and 1997–98, local children adopted by foster parents are included in local adoptions (six in 1996–97 and one in 1997–98). In other years, local children adopted by foster parents were included in relative adoptions.
2. Data relating to the years 1979–80 to 1984–85 are shown in previous issues of this publication.
3. From 1998–99, carers are included in the category 'known' child adoptions (see page 2).

Source: AIHW 2004.

Table 3: Local adoptions, by age and marital status of birth mother, 2004–05

Age (years)	Married		Not married		Total	
	No.	%	No.	%	No.	%
Under 20	0	0	20	34	20	31
20–24	1	17	16	27	17	26
25–29	0	0	11	19	11	17
30–34	4	67	6	10	10	15
35–39	0	0	4	7	4	6
40+	1	17	2	3	3	5
Unknown	0	0	0	0	0	
Total	6	100	59	100	65	100

Table 4: Local adoptions, by type of consent, 2004–05

Type of consent given	Number	Per cent
Mother only	40	62
Father only	1	2
Mother and father	23	35
Dispensations	1	2
Unknown	0	..
Total	65	100

Notes

1. A dispensation is usually provided by the relevant court in each state/territory when the birth parent(s) are unable to give consent themselves.
2. There were a total of 12 dispensations for father's consent in Western Australia and Queensland. These adoptions are included in the 'Mother only' category and not included in the 'Dispensations' category.
3. In New South Wales consent is required of both parents, therefore in 15 cases where consent was provided by only one parent (14 mothers and 1 father) the court made dispensations for the other parent; these cases are not recorded under dispensations.

Table 5: Local adoptions, by type of agreement, 2004–05

Type of agreement	Total	Per cent
Contact and information exchange	31	48
Contact only	3	5
Information exchange only	23	35
No contact or information exchange	5	8
Unknown	3	5
Total	65	100

Intercountry adoptions

Process of intercountry adoptions

The adoption process for intercountry children is strictly controlled by each state and territory under the relevant Adoption Act and by the Australian Government under the *Immigration (Guardianship of Children) Act 1946*. Although the Australian Government and the state and territory governments are jointly responsible for investigating and approving overseas adoption programs, a suitable central agency in the overseas country is required to administer the program in accordance with standards acceptable to Australia. Although each state and territory has its own legislation relating to intercountry adoption, the process is relatively similar across the jurisdictions (Figure 6).

In December 1998 Australia ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption:

The Convention establishes uniform standards and procedures between countries, including legally binding standards and safeguards, a system of supervision to ensure that these are observed, and channels of communication between authorities in countries of origin and countries of destination for children being adopted. (Williams 1998)

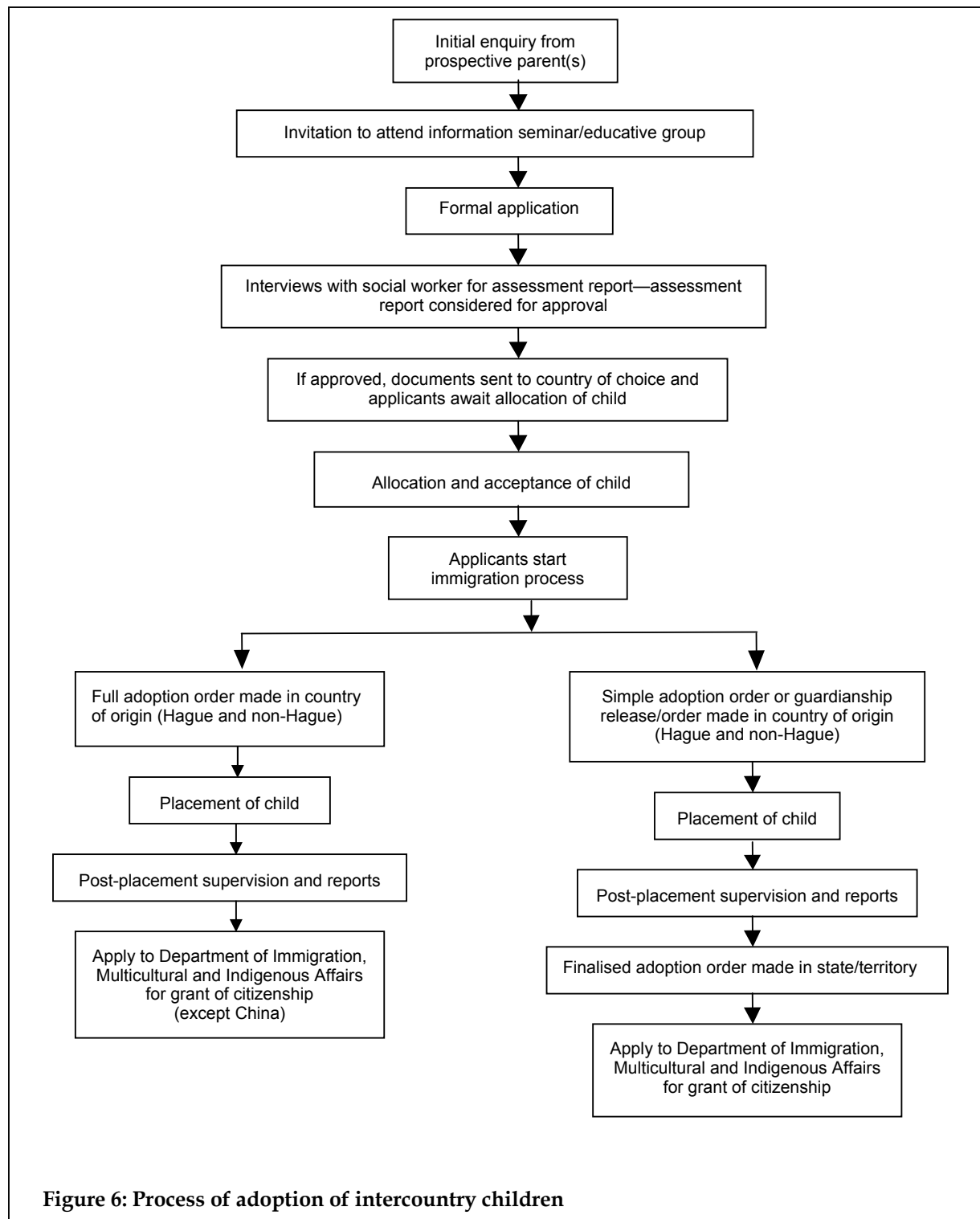
The Convention helps people in Australia who wish to adopt children from other countries because it establishes uniform procedures to be followed by the countries that are parties to the Convention. The Convention also ensures that the child's best interests are safeguarded.

From 1998–99 onwards, intercountry adoptions are reported on by whether they were 'Hague' or 'non-Hague' adoptions. The data on 'Hague' adoptions are also used by the Federal Attorney-General's Department – the Principal Central Authority for the Convention – to report to the Hague Conference on Private International Law on how Australia is adhering to the Convention. In accordance with its responsibilities for intercountry adoption, each state and territory has established a Central Authority under the Convention. These, in turn, report to the Principal Central Authority.

For those children who are adopted under the Hague Convention, the full adoption order can be made in the country of origin and is recognised by Australia. For children whose adoption orders are not finalised in the country of origin (both Hague and non-Hague adoptions), the Federal Minister for Immigration, Multicultural and Indigenous Affairs assumes guardianship of the child for immigration purposes until an adoption order is made. The Federal Minister delegates such guardianship to the relevant state or territory minister or department head, thereby allowing for the minister or department head to give consent to the adoption (Boss 1992:39).

As is evident from Table 7, adoptions of children from other countries that have not yet ratified or acceded to the Hague Convention are still in operation. However, with the exception of China, such adoptions only occur with countries with which Australia had a pre-existing bilateral agreement.

Although China is not currently one of the parties to the Convention, Australia signed a bilateral agreement with China in December 1999. This agreement has similar arrangements to the Hague Convention – in particular, it allows Australian residents to adopt children from China with the adoption order being finalised in the country of origin and automatically recognised in Australia. Australian citizenship is granted once the adoption order is made.



Intercountry adoptions in 2004–05

Intercountry adoptions rose significantly in 2004–05, with 434 children from outside of Australia adopted. This is the highest number of intercountry adoptions recorded in Australia. Two important developments in intercountry adoptions since the beginning of 1999 may have impacted on this overall increase.

First, in December 1998, Australia ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoptions. The Hague Convention helps people who wish to adopt children from overseas by establishing uniform standards and procedures between countries. More importantly, it also protects the rights of the children, by ensuring that their best interests are paramount in any intercountry adoption process. Since 1998, 38 additional countries have ratified or acceded to the Convention. In October 2005, a total of 66 countries were a party to the Convention (Hague Conference on Private International Law 2005).

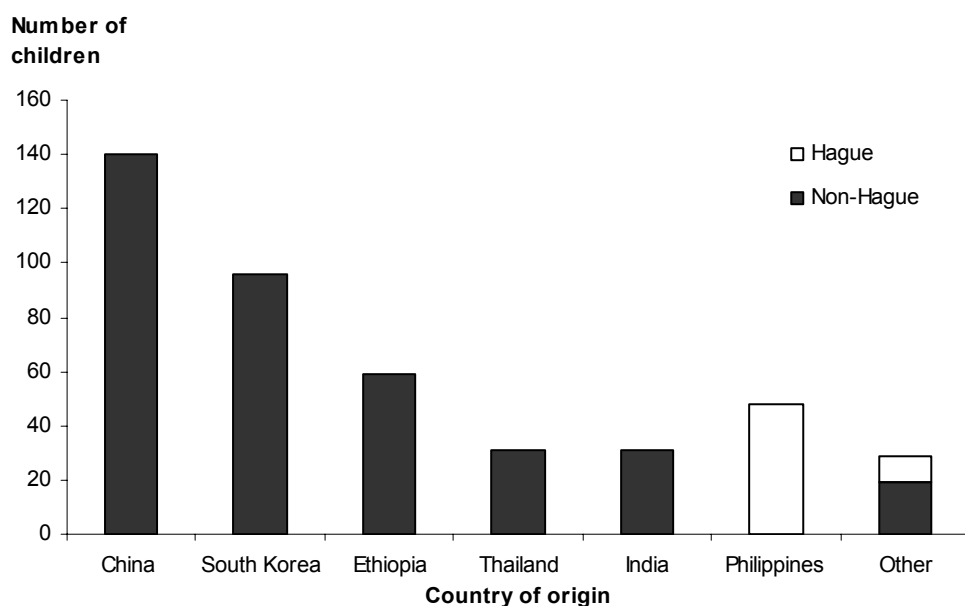
Second, in December 1999, Australia entered into a bilateral agreement with China. This agreement has similar arrangements to the Hague Convention – in particular, it allows Australian residents to adopt children from China, with the adoption order being finalised there and automatically recognised in Australia. Since the agreement was signed, the number of children adopted from China has increased each year, more than from any other country. A total of 353 children have been adopted from China since 1999.

Bilateral agreements which existed prior to the Hague Convention ratification remain in place, with the understanding that they will be reviewed on a regular basis to ensure that they comply with the principles of the Convention. The most recent review, in 2004, recommended that the bilateral agreements with China, Fiji, Hong Kong, South Korea and Taiwan continue. This was endorsed by the Community and Disability Services Ministers' Council in July 2005. A further review will take place in 2009.

The main points to note regarding the 434 intercountry adoptions in 2004–05 are:

- 41% of the children adopted were male and 59% were female (Table A4.1)
- 54% of intercountry children were aged 1–4 years, with 37% aged under 1 year
- 140 (32%) of the 434 intercountry children adopted were from China, 96 (22%) from South Korea, 59 (14%) from Ethiopia and 48 (11%) from the Philippines (Figure 7)
- there were 58 Hague adoptions – 48 from the Philippines, 5 from Lithuania, 3 from Colombia and 2 from Sri Lanka; except for the 3 Colombian, 5 Lithuanian and 2 Sri Lankan adoptions, the finalised adoption orders were made after the children arrived in Australia (Table A4.4)
- the number of intercountry adoptions in each state and territory was proportional to its respective population in Victoria, Queensland, Western Australia, Tasmania and the Australian Capital Territory. In New South Wales there were less adoptions than would be expected while in South Australia and the Northern Territory there were more than the number of adoptions expected (Table A4.5).

The number of adoptions from China increased considerably, from 112 in 2003–04 to 140 in 2004–05, which accounts for almost half of the 17% rise in total intercountry adoptions this financial year. Adoptions from South Korea, the Philippines and Ethiopia have also increased considerably over the last 10 years, while the adoptions from Fiji and Romania have now all but ceased (Table A4.6). Since 1993–94, of the total number of intercountry children adopted, 29% came from South Korea, 11% from India and 10% from Thailand, Ethiopia and China respectively (Table A4.6).



Source: Table 7.

Figure 7: Intercountry adoptions, by child's country of origin, 2004-05

Table 6: Intercountry adoptions, by state and territory, 1987-88 to 2004-05

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1987-88	105	n.a.	22	37	83	34	15	12	n.a.
1988-89	148	31	48	36	64	41	17	9	394
1989-90	216	50	30	20	41	23	32	8	420
1990-91	162	105	25	22	43	16	16	4	393
1991-92	145	67	27	24	50	13	10	2	338
1992-93	95	37	19	14	40	9	9	4	227
1993-94	89	30	26	16	34	14	10	3	222
1994-95	85	59	21	9	35	2	9	4	224
1995-96	105	57	37	29	29	9	4	4	274
1996-97	81	56	41	13	49	15	12	2	269
1997-98	69	64	43	14	37	8	10	—	245
1998-99	57	59	36	20	45	12	11	4	244
1999-00	55	76	60	26	56	13	11	4	301
2000-01	85	60	40	20	44	14	18	8	289
2001-02	71	74	33	29	54	16	9	8	294
2002-03	61	59	29	24	68	15	15	7	278
2003-04	66	86	49	44	72	22	26	5	370
2004-05	88	132	65	29	74	18	12	16	434

Notes

1. Data relating to 1979-80 to 1986-87 are shown in previous issues. No data on adoptions were collated nationally for 1985-86 to 1986-87.
2. Before 1998-99, 'intercountry adoption' was referred to as 'adoptions of overseas-born children by non-relatives'.

Source: AIHW 2004.

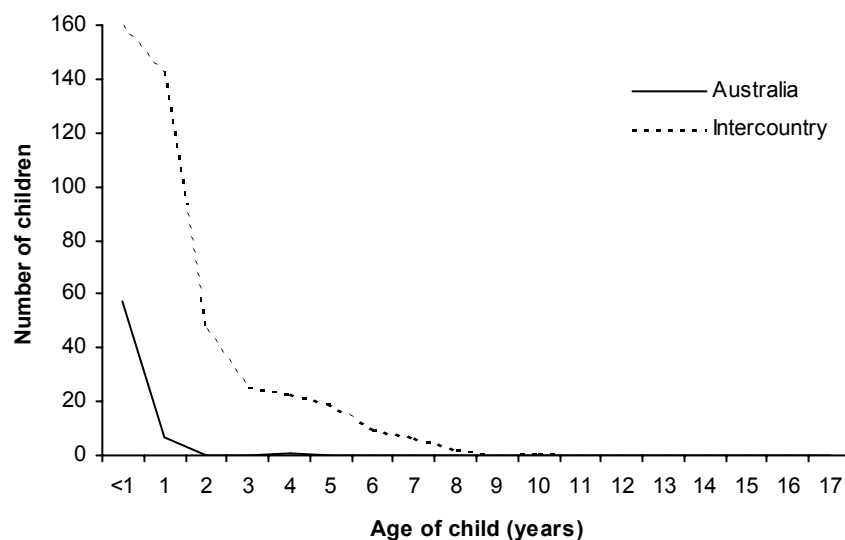
Table 7: Intercountry adoptions, by country of birth and state and territory, 2004–05

Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Hague adoptions									
Colombia	3	—	—	—	—	—	—	—	3
Lithuania	—	2	—	—	3	—	—	—	5
Philippines	11	19	7	2	4	1	1	3	48
Sri Lanka	—	1	—	—	—	—	1	—	2
Non-Hague adoptions									
Azerbaijan	2	—	—	—	—	—	—	—	2
China	33	42	18	14	21	6	3	3	140
Ethiopia	14	13	16	1	8	5	2	—	59
Fiji	—	1	—	—	—	—	—	—	1
Guatemala	—	1	—	—	—	—	—	—	1
Hong Kong	—	2	—	1	—	—	—	—	3
India	—	14	—	—	10	1	—	6	31
Nicaragua	1	—	—	—	—	—	—	—	1
South Korea	20	23	14	8	21	4	4	2	96
Taiwan	—	—	6	—	4	—	—	—	10
Thailand	4	13	4	3	3	1	1	2	31
United Kingdom	—	1	—	—	—	—	—	—	1
Total intercountry	88	132	65	29	74	18	12	16	434

Note: The adoptions from India that are counted as non-Hague adoptions occurred before 1 October 2003.

Ages of children

In local and intercountry adoptions, children adopted from within Australia tend to be younger than children adopted from other countries (Figure 8). In 2004–05, 88% of children in local adoptions were aged under 1 year, compared with 37% of children adopted from other countries (Table A4.1). This may be due to the fact that it is a more lengthy process to adopt a child from another country than it is to adopt a child in Australia. It could also be that children identified by intercountry organisations as available for adoption tend to be older.



Source: AIHW unpublished data. See also Table A4.1.

Figure 8: Age distribution of local and intercountry adoptions, by age of child, 2004-05

Other intercountry adoptions

There is a type of intercountry adoption that is excluded from this collection because it falls outside the responsibility of the state and territory community services departments. These are adoptions by Australian citizens or permanent residents who have lived overseas for 12 months or more and have adopted a child through an overseas agency. In such cases, the prospective adoptive parents are required to prove that they were not living overseas for the purpose of bypassing the legal requirements for the entry of adopted children into Australia, and that they have lawfully acquired full parental rights in adopting the child. The child is then required to have a visa specific to adoption in order to enter Australia.

In 2004-05, there were 35 such visas issued for children whose adoptive parents were overseas for 12 months or more (Department of Immigration, Multicultural and Indigenous Affairs, pers. comm., 16 August 2005). This is a similar number to the previous year, when 34 visas were issued (AIHW 2004:15). A further 377 visas were issued for standard intercountry adoptions (Table A4.7).

Placement of children

The AIHW also collects data on the number of local and overseas children who were placed with their adoptive parent(s) during 2004–05 regardless of whether their adoption orders were finalised by 30 June 2004.

Most of the other tables in this publication relate to the number of adoption orders that were finalised within the financial year, but do not count the number of children who were actually placed with their adoptive families during the financial year. The number of children placed for adoption and the number of orders made are different for two reasons. First, some children placed for adoption in a particular year may not have their adoption order finalised until the following year. Second, some adoption orders finalised in a particular year may relate to children who were placed in the previous year.

In relation to intercountry adoptions, children who were adopted from most countries party to the Hague Convention and from China do not have to wait for the adoption order to be finalised in Australia. The adoption order is finalised in the country of origin. However, as is evident in Table A4.4, this does not currently apply to children from the Philippines or India adopted under the Convention.

There were 467 children placed for local or intercountry adoption in 2004–05 (Table 8), which is 32 less than the 499 local and intercountry adoptions that were finalised during the same period (Figure 2).

Table 8: Placement adoptions: number of children who were placed for adoption, regardless of whether the adoption order was finalised, 2004–05

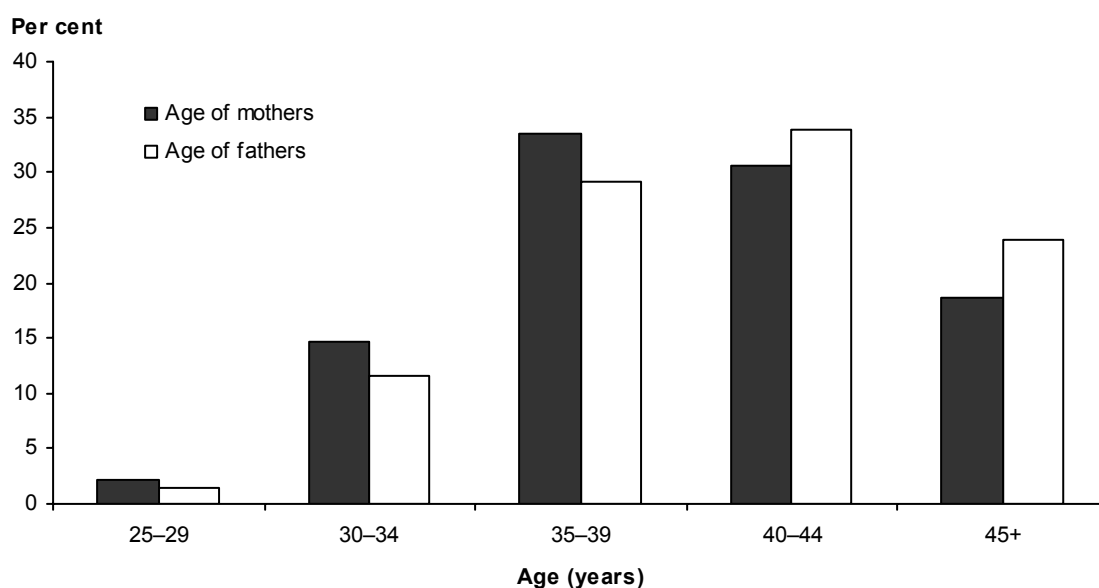
Type of adoption	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Local placement	21	17	13	7	2	2	5	0	67
Intercountry placement									
Hague adoption	18	21	10	2	9	3	4	1	68
Non-Hague adoption	71	84	60	32	51	13	11	10	332
Total	110	122	83	41	62	18	20	11	467

Characteristics of adoptive families

The AIHW collects information on the characteristics of the adoptive families of children in intercountry and local adoptions. Each jurisdiction has different requirements for eligibility to adopt a child, and these are outlined in Appendix 1.

The main points to note in relation to the characteristics of families of children in local and intercountry adoptions in 2004–05 are:

- the majority of adoptive mothers, 412 (83%), were aged 35 and over, with 245 (49%) aged 40 years and over (Figure 9)
- more than half of adoptive fathers (278 or 58%) were aged over 40 years, with 115 (24%) aged 45 years and over (Figure 9)
- 474 children (95%) were adopted by couples who were married, 18 (4%) by single people and 7 (1%) by de facto couples (Table 9)
- where the composition of the adoptive family was known, 203 children (52%) were adopted by parent(s) who had no other children in the family, 104 (27%) by parent(s) who had only other adopted children, 69 (18%) by parent(s) who had biological children only and 11 (3%) by parent(s) with both adopted and biological children in the family (Table 10)
- 43 children were adopted with their siblings in a total of 19 sibling group adoptions, most of these being two children adopted together through intercountry adoptions (Table A4.9).



Source: Table A4.8.

Figure 9: Local and Intercountry adoptions, by age of adoptive parent(s), 2004–05

Table 9: Local and intercountry adoptions, by family type of the adoptive parent(s), 2004–05

Type of adoption	Marital status of the adoptive parent(s)				Total
	Married couples	De facto couples	Single person	Unknown ^(a)	
Local adoptions	64	1	0	0	65
Intercountry					
Hague adoption	58	0	0	0	58
Non-Hague adoption	352	6	18	0	376
Total local and intercountry adoptions	474	7	18	0	499

(a) 'Unknown' includes only couples whose marital status (married or de facto) was unknown.

Table 10: Local and intercountry adoptions, by composition of the adoptive family, for selected states and territories^(a), 2004–05

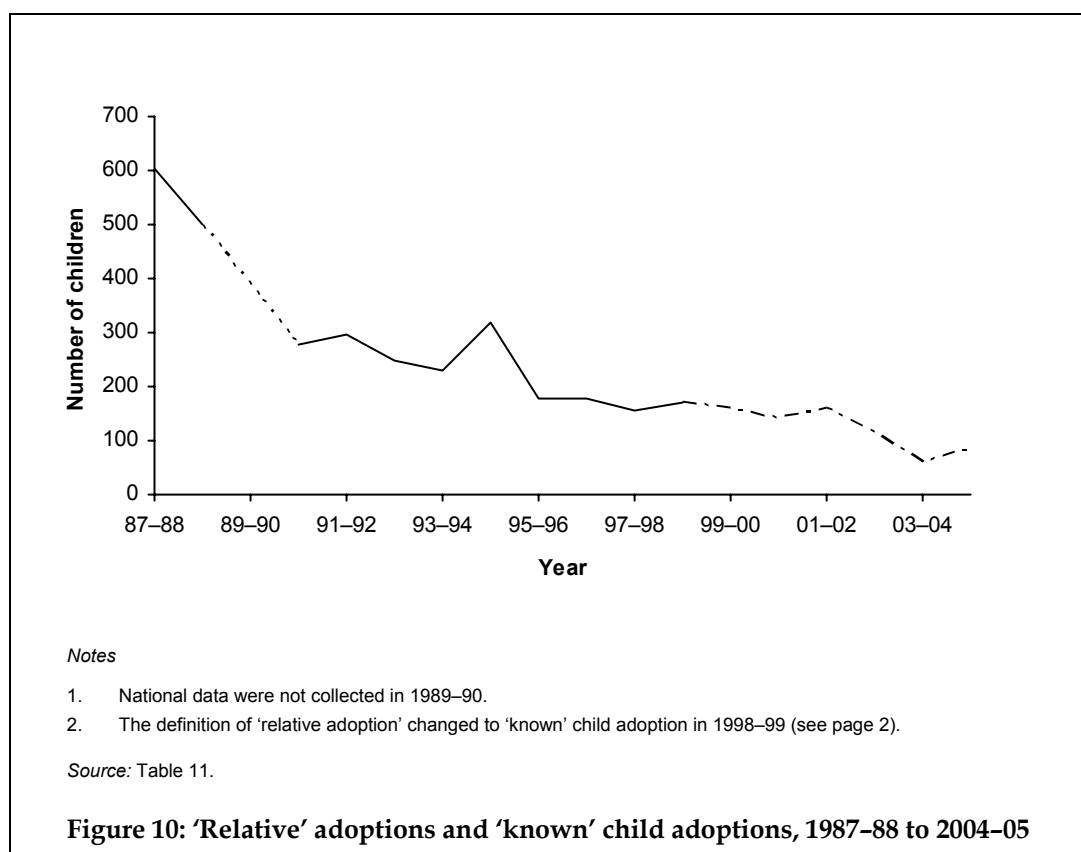
Type of adoption	Composition of the adoptive family				Unknown	Total
	No other children in the family	Biological children only	Adopted children only	Both biological and adopted children		
Local adoptions	22	1	16	2	24	65
Intercountry						
Hague adoption	25	10	8	1	14	58
Non-Hague adoption	156	58	80	8	74	376
Total Local and intercountry adoptions	203	69	104	11	112	499

(a) New South Wales was unable to report on composition of family for all 90 of its adoptive families.

‘Known’ child adoptions

‘Known’ child adoptions are adoptions where the child and the adoptive parent(s) have a pre-existing relationship and the child is generally not available for adoption by anyone other than the adoptive parent(s). These include adoptions by step-parents, other relatives and carers (foster parents and other non-relatives). The number of these adoptions has fallen significantly over the past decade, except for a sharp rise in the year 1994–95, when New South Wales data included adoptions by step-parents for the first time and significant changes in practice occurred as a result of the *Adoption Act 1994* being introduced in Western Australia (Figure 10).

The overall trend in the reduction of ‘known’ child adoptions is reflective of the changes that have occurred in the legislation governing the practices of community services departments around Australia.



However, in 2004-05 the number of known adoptions rose by almost 46% from a record low of 59 in 2003-04, to 86 (Table 11).

The majority of 'known' child adoptions are by step-parents wishing to incorporate children into the new family. The aim of step-parent adoption is to provide the child with a clear legal position and status within the new family arrangement (Tasmania DCHS 1994). Adoption by relatives other than step-parents is less common because most states and territories have policies that promote the use of parental responsibility orders, rather than adoption, when placing children in the care of relatives other than parents (Stonehouse 1992). These types of adoptions are generally discouraged because of the confusion and distortion that may occur to biological relationships. For example, if a child were adopted by his or her grandmother, then the birth parent would become the child's sibling.

In Western Australia, adoptions by relatives other than step-parents are no longer permitted under the 2003 amendments made to the *Adoption Act 1994* and adoptions by carers can occur only when the child has been in their care for at least 3 years. In all other states and territories, legislative provisions allow for adoptions by carers or relatives other than step-parents only in exceptional circumstances, that is, when a guardianship or custody order would not adequately provide for the welfare of the child.

The main points to be noted regarding the 86 'known' child adoptions in 2004-05 are that:

- 52 (60%) were by step-parents, 29 (34%) were by carers (this includes foster parents and other non-relatives) and 5 (6%) were by other relatives (Table 12)
- where the sex of the child was known, 42 adoptions (49%) were of female children and 43 (51%) of male children (Table 13)
- 62% of 'known' child adoptions were of children aged between 5 and 14 years, while only 5% were of children aged under 5 years (Table 13).

Table 11: Relative adoptions of local children, 1987–88 to 1997–98, and ‘known’ child adoptions, by state and territory, 1998–99 to 2004–05

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Relative adoptions									
1987–88	4	5	131	89	301	57	10	8	605
1988–89	2	112	146	60	131	20	19	10	500
1989–90	n.a.	27	120	81	59	22	11	7	n.a.
1990–91	9	26	95	80	36	20	2	9	277
1991–92	13	27	109	77	33	29	2	5	295
1992–93	4	21	124	55	37	—	6	3	250
1993–94	1	10	103	50	50	6	3	5	228
1994–95	48 ^(a)	19	95	92 ^(b)	61	2	3	—	320
1995–96	32	15	88	21	14	1	6	—	177
1996–97	43	18	48	30	19	6	12	1	177
1997–98	44	23	40	32	6	5	4	—	154
‘Known’ child adoptions^(c)									
1998–99	78	13	36	38	2	2	2	1	172
1999–00	68	12	21	43	—	4	11	—	159
2000–01	53	10	13	48	4	5	7	—	140
2001–02	82	14	6	37	5	2	11	3	160
2002–03	39	3	15	46	1	3	9	—	116
2003–04	25	11	2	12	1	3	5	—	59
2004–05	42	13	6	16	1	3	5	—	86

(a) Before 1994–95 New South Wales data excluded adoptions by step-parents.

(b) Western Australia introduces the *Adoptions Act 1994* into its legislation.

(c) From 1998–99 adoptions by foster parents and other carers were included in these data. In previous years they were included in adoptions by non-relatives.

Note: Data relating to the years 1979–80 to 1986–87 are shown in previous issues of this publication.

Source: AIHW 2004.

Table 12: ‘Known’ child adoptions: relationship of adoptive parent(s), 1998–99 to 2004–05

	Step-parent	Other relative	Carer	Unknown	Total
1998–99	116	8	48	—	172
1999–00	114	2	43	—	159
2000–01	98	1	29	12	140
2001–02	103	5	52	—	160
2002–03	72	2	29	13	116
2003–04	31	3	25	—	59
2004–05	52	5	29	—	86

Source: AIHW 2004.

Table 13: 'Known' child adoptions: relationship of adoptive parents, by age and sex of child, 2004–05

Age (years)	Step-parent			Other relative			Carer			Total		
	M	F	P	M	F	P	M	F	P	M	F	P
Number												
Under 1	—	—	—	—	—	—	—	—	—	—	—	—
1–4	2	—	2	2	—	2	—	—	—	4	—	4
5–9	7	5	12	1	—	1	4	7	11	12	12	24
10–14	9	10	19	1	—	1	3	6	9	13	16	29
15+	8	10	18	1	—	1	5	4	9	14	14	28
Unknown	—	—	1	—	—	—	—	—	—	—	—	1
Total	26	25	52	5	—	5	12	17	29	43	42	86
Per cent												
Under 1	—	—	—	—	—	—	—	—	—	—	—	—
1–4	8	—	4	40	—	40	—	—	—	9	—	5
5–9	27	20	24	20	—	20	33	41	38	28	29	28
10–14	35	40	37	20	—	20	25	35	31	30	38	34
15+	31	40	35	20	—	20	42	24	31	33	33	33
Total	100	100	100	100	—	100	100	100	100	100	100	100

Source: AIHW 2004.

Adoption of Indigenous children

The Aboriginal Child Placement Principle outlines a preference for the placement of Aboriginal and Torres Strait Islander children with Indigenous people when the children are placed outside their family (Lock 1997:50). The Principle has the following order of preference for the placement of Indigenous children:

- with the child's extended family
- within the child's Indigenous community
- with other Indigenous people.

Where these options are not available or appropriate, Indigenous children may be adopted by other families. In Western Australia and Victoria, legislation permits the birth parents to specify the type of adoptive family they would like for their child.

In 2004–05, there were four Indigenous children adopted in Australia – two by Indigenous adoptive parents and two by non-Indigenous adoptive parents (Table 14). Since 1991–92, the number of Indigenous children adopted in accordance with the Aboriginal Child Placement Principle has fluctuated, with no real trend apparent.

Table 14: Indigenous adoptions, by relationship to adoptive parents and Indigenous status of adoptive parents, 1991–92 to 2004–05

Year	Indigenous			Non-Indigenous			Total
	Relative	Non-relative	Total	Relative	Non-relative	Total	
1991–92	2	3	5	—	3	3	8
1992–93	—	5	5	—	2	2	7
1993–94	1	6	7	—	6	6	13
1994–95	—	7	7	—	5	5	12
1995–96	—	2	2	—	5	5	7
1996–97	2	1	3	—	4	4	7
1997–98	—	3	3	—	1	1	4
1998–99	—	—	—	—	3	3	3
1999–00	1	1	2	—	—	—	2
2000–01	1	2	3	1	—	1	4
2001–02	—	1	1	2	3	5	6
2002–03	—	—	—	2	—	2	2
2003–04	—	—	—	—	1	1	1
2004–05	1	1	2	1	1	2	4
Total	8	32	40	6	34	40	80

Notes

1. From 1998–99, relative refers to 'known' child adoptions and non-relative refers to local adoptions.
2. For the parents to be included in the 'Indigenous' category, at least one of the parents must be Indigenous.
3. If the Indigenous status of the parents was not known, the child was included in the non-Indigenous category.

Source: AIHW 2004.

Permanent care orders

Permanent care orders provide an alternative to adoption. They were introduced in Victoria in 1992 to overcome the uncertainty often associated with placing children on guardianship or custody orders. Permanent care orders grant permanent guardianship and custody of a child to a third party. Unlike adoption orders, permanent care orders do not change the legal status of the child and they expire when the child turns 18 or marries. There is also provision for an application to be made to revoke or amend a permanent care order.

The granting of a permanent care order is usually the final step in the process of permanent family placement for children who have been abused or neglected, or who are in need of care and protection for other reasons and are unable to remain safely within the birth family. The aim of placing a child on a permanent care order is to provide an opportunity for the child to develop a stable caring relationship with nurturing caregivers without severing the tie with the biological family.

In 2004–05, there were 205 permanent care orders granted in Victoria, an increase of 27% from the previous year (Table 15). A total of 1,681 permanent care orders have been granted by the Department of Human Services in Victoria since their inception in 1992.

Table 15: Number of permanent care orders granted in Victoria, 1992–93 to 2004–05

Year	Males	Females	Unknown	Total
1992–93	7	4	—	11
1993–94	36	38	—	74
1994–95	65	70	—	135
1995–96	56	54	—	110
1996–97	54	41	—	95
1997–98	63	61	—	124
1998–99	67	75	—	142
1999–00	68	90	—	158
2000–01	81	79	1	161
2001–02	99	92	—	191
2002–03	48	66	—	114
2003–04	86	75	—	161
2004–05	115	90	—	205

Source: AIHW 2004.

Access to information

Adoption law in Australia has undergone significant change in the past decade in relation to access to information. Currently, all states and territories have legislation that grants certain rights to information to adopted people who are aged 18 years or older, and to their adoptive and birth families. However, the extent of these rights and of the protection of the privacy of parties to the adoption vary among the jurisdictions.

Information applications

All states and territories have established adoption information services or information and contact registers (or other similar systems). The requirements for accessing these registers differ for each jurisdiction. For example, in Victoria, Tasmania and the Northern Territory, people requesting information must attend an interview with an approved counsellor before the information can be released.

In New South Wales, adopted persons and birth parents have the right to information without mandatory counselling, except when the information to be released will be distressing (e.g. the death of the other party). An interview is required, however, when one of the parties wishes to lodge a contact veto. In Western Australia a person who wishes to gain access to information that was previously restricted by an information veto and where a contact veto is in place, is required to be interviewed by an approved counsellor and sign an undertaking not to contact the vetoer. There are penalties of \$10,000 and 12 months imprisonment for breaching an undertaking.

The purpose of counselling is to ensure that the rights of all involved parties are fully understood and that people are made aware of some of the issues which may arise in the search and reunion process.

A description of the policies and practices relating to access to information in each state and territory is given in Appendix 6.

The main points to note regarding access to information for 2004–05 are:

- there were 3,414 information applications made – 2,845 for identifying information and 569 for non-identifying information (Table 16); this is about the same number (3,407) as were lodged in 2003–04 (Table 18)
- 2,475 (71%) of the information applications (both identifying and non-identifying) were made by the adopted person, 568 (17%) by the birth parents (mainly the birth mother), 211 (6%) by other birth relatives, 74 (2%) by a child of the adopted person, 38 (1%) by adoptive parents and 45 (1%) by other adoptive relatives (Table 16)
- where the age of adopted persons seeking identifying information was known, (90%) were aged 25 years or older and more than half (64%) were aged 35 years or older (Table 17)
- where the sex of the adopted persons seeking identifying information was known, 789 (53%) were female and 692 (47%) were male (Table 17).

Table 16: Information applications lodged, by person lodging application, 2004–05

Person lodging the application	NSW ^(a)	Vic	Qld	WA ^(b)	SA	Tas	ACT	NT	Total
Identifying information									
Adopted person	699	471	447	222	277	82	17	23	2,238
Adoptive mother	—	—	—	8	5	—	—	—	13
Adoptive father	—	—	—	2	3	—	2	—	7
Birth mother	127	—	103	61	63	7	8	2	371
Birth father	12	—	7	11	12	3	—	—	45
Other birth relative(s)	18	—	29	19	13	13	6	2	100
Other adoptive relative(s)	22	—	—	—	21	—	—	2	45
Child of adopted person	—	—	—	20	—	1	—	3	24
Unknown	—	—	2	—	—	—	—	—	2
Total	878	471	588	343	394	106	33	32	2,845
Non-identifying information									
Adopted person	..	—	47	185	4	—	1	..	237
Adoptive mother	..	2	1	10	—	—	—	..	13
Adoptive father	..	3	—	2	—	—	—	..	5
Birth mother	..	61	6	60	—	—	—	..	127
Birth father	..	14	1	10	—	—	—	..	25
Other birth relative(s)	..	88	—	23	—	—	—	..	111
Other adoptive relative(s)	..	—	—	—	—	—	—	..	—
Child of adopted person	..	34	—	16	—	—	—	..	50
Other	..	—	—	1	—	—	—	..	1
Total	..	202	55	307	4	—	1	..	569

(a) 'Child of adopted person' is included in the category 'other adoptive relative'.

(b) A person may lodge an application in more than one 'relative status' category. A person may also lodge separate applications for identifying and non-identifying information. Numbers for adoptive mothers includes 8 joint applications by adoptive parents for identifying information and 6 joint applications by adoptive parents for non-identifying information.

Notes

1. Data predominantly relate to applicants who are party to a local adoption. Very few applicants are party to an intercountry adoption.
2. 'Identifying information' is information, such as the original birth certificate (adopted persons) or the amended birth certificate (birth parents), that identifies the actual person about whom the information is being sought. 'Non-identifying information' does not identify the person about whom the information is sought. This can include age of birth parent(s) and place of birth.

Table 17: Identifying information applications lodged by the adopted person, by age, sex and Indigenous status, for selected states and territories^(a), 2004–05

Age	Indigenous			Non-Indigenous				Total			
	M	F	P	M	F	U	P	M	F	U	P
18–19	0	0	0	22	36	0	58	22	36	0	58
20–24	1	0	1	42	43	11	96	43	43	11	97
25–34	5	6	11	175	200	22	397	180	206	22	408
35–44	8	6	14	212	214	45	471	220	220	45	485
45+	4	14	18	195	243	44	482	199	257	44	500
Unknown	2	4	6	26	23	0	49	28	27	0	55
Total	20	30	50	672	759	122	1,553	692	789	122	1,603

(a) New South Wales was unable to provide data for this table.

Note: If Indigenous status was unknown, the person was included in the non-Indigenous category.

Table 18: Information applications and contact and information vetoes lodged, 1995–96 to 2004–05

Year	Information applications lodged	Contact and information vetoes lodged
1995–96	5,567	426
1996–97	4,455	259
1997–98	4,324	174
1998–99	5,430	174
1999–00	5,008	146
2000–01	4,304	113
2001–02	4,159	88
2002–03	3,744	137
2003–04	3,407	63
2004–05	3,414	56

Note: Contact vetoes lodged do not necessarily relate directly to the information applications lodged—contact vetoes may have been lodged in relation to adoptions for which information may never be requested.

Source: AIHW 2004.

Contact and identifying information vetoes

In the case of an identifying information veto (or, in Queensland, an objection) a party to an adoption may, in some states and territories, make an application requesting that identifying information not be released to any other party to the adoption. A contact veto can also be lodged when a person does not wish to be contacted by another party to the adoption. These vetoes are legally binding and if a person receives identifying information and goes on to contact the other party when a contact veto is in place, legal action can be taken. Contact and information vetoes can, however, be lifted by the person who lodged them. In some states and territories, vetoes have a limited life and new applications need to be lodged for vetoes to continue. There is no provision for vetoes in Victoria. In New South Wales a contact veto cannot be lodged in respect of adoption orders made after 26 October 1990 and in South Australia information vetoes cannot be lodged on adoption orders made after 17 August 1989. In Western Australia, as a result of changes made in 2003, no new contact or information vetoes are permitted to be lodged.

It is not necessary for information applications to be lodged prior to lodging a contact veto. For instance, contact vetoes may be lodged in relation to adoptions for which information may never be requested.

The principal features of contact and identifying information vetoes lodged in 2004–05 are:

- there were 56 contact and identifying information vetoes lodged (Table 19)
- the number of vetoes lodged each year has significantly decreased over the last decade, from 426 in 1995–96, to a record low of 56 vetoes lodged in 2004–05 (Table 18)
- as in previous years, the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information (Table 18).

The total number of vetoes in place at 30 June 2005 was 9,069 comprising 5,582 contact vetoes and 3,487 identifying information vetoes (Table 20). The majority of vetoes in place at 30 June 2005 were lodged by the adopted person (55% of contact vetoes and 59% of information vetoes) and the birth mother (38% of contact vetoes and 39% of information vetoes). A small proportion were lodged by adoptive parents (Table 20).

Table 19: Contact or identifying information vetoes lodged, by person lodging veto, for selected states and territories^(a), 2004–05

Contact vetoes	NSW ^(b)	Qld ^(c)	SA ^(d)	Tas ^(e)	ACT ^(f)	NT ^(g)	Total
Adopted person	8	—	..	14	—	3	25
Adoptive mother	..	—	..	—	—	..	—
Adoptive father	..	—	..	—	—	..	—
Birth mother	2	1	..	2	—	—	5
Birth father	1	—	..	—	—	—	1
Other birth relative(s)	..	—	..	—	—	..	—
Other adoptive relative(s)	..	—	..	—	—	..	—
Total	11	1	..	16	—	3	31
Identifying information vetoes							
Adopted person	..	5	7	..	..	..	12
Adoptive mother	..	—	2	..	..	..	2
Adoptive father	..	—	2	..	..	..	2
Birth mother	..	4	5	..	..	..	9
Birth father	..	—	—	..	..	..	—
Other birth relative(s)	..	—	—	..	..	..	—
Other adoptive relative(s)	..	—	—	..	..	..	—
Total	..	9	16	..	..	..	25

- (a) Victoria and Western Australia are not included in the total. In Victoria, no veto system operates. In Western Australia, amendments to the *Adoption Act 1994* gazetted in 2003 prohibit the placement of any new information or contact vetoes on adoptions after 1 June 2003. However, adopted persons turning 18, where adoptive parents have existing contact vetoes, have 12 months in which to request the continuation of the current veto.
- (b) In New South Wales, only adopted persons and birth parents may lodge a contact veto and there is no provision in New South Wales law for a veto against the supply of information.
- (c) In Queensland, identifying information can be provided to birth parents who signed an adoption consent and persons who were adopted before June 1991, providing an objection to the disclosure of identifying information has not been lodged by one of the parties to the adoption.
- (d) All vetoes in South Australia restrict both contact and information. Data supplied do not include 98 veto renewals.
- (e) The release of identifying information cannot be vetoed in Tasmania.
- (f) In the Australian Capital Territory, the release of identifying information cannot be vetoed.
- (g) In the Northern Territory, both contact and identifying information are vetoed in the same veto lodgment and only the adopted person and birth parent are able to lodge vetoes with respect to adoptions finalised before 1994. There were also 2 renewals of vetoes lodged.

Table 20: Number of information and contact vetoes in place at 30 June 2005, by person lodging the application, for selected states and territories^(a)

	NSW ^(b)	Qld ^(c)	WA ^(d)	SA ^(e)	Tas ^(f)	ACT ^(g)	NT ^(h)	Total
Contact vetoes	Number							
Adopted person	2,347	176	346	..	122	41	14	3,046
Adoptive mother	..	..	296	..	1	17	..	314
Adoptive father	..	..	12	..	9	15	..	36
Birth mother	1,801	68	197	..	19	22	5	2,112
Birth father	53	—	9	..	1	1	..	64
Other birth relative(s)	..	..	3	..	3	1	..	7
Other adoptive relative(s)	..	..	1	..	—	2	..	3
Other	..	..	—	..	—	—	..	—
Total	4,201	244	864	..	155	99	19	5,582
	Per cent							
Adopted person	56	72	36	..	79	41	74	55
Adoptive mother	..	..	22	..	1	17	..	6
Adoptive father	..	..	19	..	6	15	..	1
Birth mother	43	28	20	..	12	22	26	38
Birth father	1	—	2	..	1	1	..	1
Other birth relative(s)	..	..	1	..	2	1	..	—
Other adoptive relative(s)	..	..	—	..	—	2	..	—
Other	..	..	—	..	—	—	..	—
Total	100	100	100	..	100	100	100	100
Identifying information vetoes	Number							
Adopted person	..	1,696	..	364	..	..	..	2,060
Adoptive mother	..	..	..	21	..	..	..	21
Adoptive father	..	..	..	15	..	..	..	15
Birth mother	..	1,151	..	224	..	..	..	1,375
Birth father	..	5	..	8	..	..	..	13
Other birth relative(s)	..	..	..	—	..	..	..	—
Other adoptive relative(s)	..	..	..	1	..	..	..	1
Total	..	2,854	..	633	..	..	..	3,487
	Per cent							
Adopted person	..	59	..	58	..	..	..	59
Adoptive mother	..	..	..	3	..	..	..	1
Adoptive father	..	..	..	2	..	..	..	—
Birth mother	..	40	..	35	..	..	..	39
Birth father	..	—	..	1	..	..	..	1
Other birth relative(s)	..	..	..	—	..	..	..	—
Other adoptive relative(s)	..	..	..	—	..	..	..	—
Total	..	100	..	100	..	..	..	100

(continued)

- (a) Victoria is not included in the total, as no veto system operates in that state.
- (b) In New South Wales, only adopted persons and birth parents may lodge a contact veto and there is no provision in New South Wales law for a veto against the supply of information.
- (c) In Queensland, identifying information can be provided to birth parents who signed an adoption consent and persons who were adopted before June 1991, providing an objection to the disclosure of identifying information has not been lodged by one of the parties to the adoption.
- (d) In Western Australia, amendments to the *Adoption Act 1994* gazetted in 2003 prohibit the placement of any new vetoes on adoptions after 1 June 2003. However, adopted persons turning 18, where adoptive parents have existing contact vetoes, have 12 months in which to request the continuation of the current veto. All existing information vetoes were removed on 1 June 2005.
- (e) All vetoes in South Australia restrict both contact and information vetoes. In South Australia, 'Adoptive mother' includes 3 vetoes from adoptive parents and 'Birth mothers' includes 58 vetoes from birth parents.
- (f) In Tasmania, contact veto applications were not implemented until 18 June 1999 and the release of identifying information can't be vetoed.
- (g) In the Australian Capital Territory, the release of identifying information cannot be vetoed.
- (h) In the Northern Territory, both contact and identifying information are vetoed in the same veto lodgment and only the adopted person and birth parent are able to lodge vetoes with respect to adoptions finalised before 1994.

Appendix 1: Summary of legislation

Commonwealth

Immigration (Guardianship of Children) Act 1946

Marriage Act 1961

Family Law Reform Act 1996

New South Wales

Adoption Act 2000

Adoption Regulation 2003

Level of court

Supreme Court of New South Wales

Step-parent adoptions

Applications may be made to the Supreme Court by a step-parent for formal adoption of a step-child. The child must be at least 5 years old. A social worker is appointed by the New South Wales Department of Community Services (DoCS) to provide a written assessment of the case which is submitted with the application to court.

Other-relative adoptions

There is provision for adoptions by relatives other than step-parents. The child must have an established relationship of at least 5 years with the applicant/s. These adoptions are made only in exceptional circumstances, that is, where a guardianship or custody order or other order made through the Family Court would not adequately provide for the interests and welfare of the child.

Carer adoptions

In some circumstances children may be adopted by their carers, if the parent consents or the Supreme Court dispenses with consent, and adoption is seen to be in the child's best interests and all alternatives having been considered, adoption is preferable to any other order.

Local and intercountry adoptions

Eligibility requirements:

- Applicants for adoption must be resident in New South Wales, over 21 years of age, may be a single person, or a couple who have been living together continuously for 3 years and one applicant must be an Australian citizen. Gazetted selection criteria apply and are available on the DoCS website at <http://www.community.nsw.gov.au/adoptions/>.
- The main consideration for any adoption order being made is that it is in the best interests of the child concerned in both childhood and later life.

- Arrangements must be made by DoCS or an accredited adoption service provider such as Centacare Adoption Services, Anglicare Adoption Services and Barnardos Australia.

Adoption of Indigenous children

Aboriginal and Torres Strait Islander children must be placed in accordance with the Aboriginal and Torres Strait Islander Child Placement Principles outlined in the Act.

Victoria

Adoption Act 1984

Adoption Regulations 1998

Adoption (Amendment) Act 1991

Disability Services and other Acts (Amendment) Act 1997

Adoption (Amendment) Act 2000

Level of court

Supreme Court and County Court

Step-parent and other-relative adoptions

In all cases of placement with relatives, attempts will be made to place the child on a guardianship order, or another order made through the Family Court. An adoption order in favour of a relative or step-parent will be made only if exceptional circumstances exist, and an order from the Family Court would not make adequate provision for the welfare and interests of the child.

A solicitor may prepare an application for formal adoption by a step-parent or other relative. The application must be notified to the Victorian Department of Human Services (DHS) or an approved non-government adoption agency for the preparation of an assessment report on the prospective adoptive parents. The report is submitted with the application to the County or Supreme Court.

Adoptions are arranged by DHS or an approved non-government agency, including Uniting Care Connections, Anglicare Western, Anglicare Gippsland, Centacare Catholic Family Services, Loddon Mallee Permanent Care St Lukes Anglicare, and Child and Family Services Ballarat.

Local and intercountry adoptions

Eligibility requirements:

- a married/de facto couple of more than 2 years
- a single person in certain circumstances.

Adoptions are arranged by DHS or an approved non-government organisation (see 'Step-parent' and other-relative adoptions).

Adoption of Indigenous children

The Adoption Act recognises the principles of Aboriginal self-management and self-determination, and that adoption is not available in Aboriginal child care arrangements. Restrictive eligibility criteria are in place for the selection of adoptive parents for Indigenous children. The birth parent(s) of an Indigenous child can place the condition on adoption that

the child go to Indigenous adoptive parents, or that a right of access be granted to the natural parents, other relatives and members of the Aboriginal community.

Queensland

Adoption of Children Act 1964

Adoption of Children Regulation 1999

Level of court

The Director-General of the Department of Child Safety (DChS) is solely responsible for the making of adoption orders in Queensland. The Children's Court or Supreme Court may be involved with the dispensation of consent. The Supreme Court also has the power to recognise adoption orders made under the law of a country outside the Commonwealth and the territories of the Commonwealth as well as the power to discharge an adoption order for the adoption of a child made under the *Adoption of Children Act 1964*.

Step-parent adoptions

Adoption by step-parents can be arranged only through the DChS.

Other-relative adoptions

There is provision under the Act for adoptions by relatives other than step-parents in exceptional circumstances, that is, when a guardianship or custody order will not adequately provide for the interests and welfare of the child. However, no order has been made in favour of a relative other than a step-parent in recent years.

Local and intercountry adoptions

Eligibility requirements:

- General adoption – one applicant must be an Australian citizen and applicants must reside or be domiciled in Queensland. Applicants must be infertile, married for at least 2 years and in good health. The applicants must not have custody of more than one child at the time of application.
- Intercountry adoption – one applicant must be an Australian citizen and applicants must reside or be domiciled in Queensland. Applicants can have no more than four children in their custody and must be married for 2 years and in good health.
- Special-needs adoption – applicants must be in good health, one applicant must be an Australian citizen, and applicants must reside or be domiciled in Queensland.

The DChS is the only agency legally authorised to arrange adoptions in Queensland.

Adoption of Indigenous children

The placement of an Indigenous child requiring an adoptive placement is undertaken in accordance with the requirements of the *Adoption of Children Act 1964* and the DChS Aboriginal and Torres Strait Islander Child Placement Principle. Prospective parents of the same, or a similar, Indigenous or cultural background as the child are selected after consultation with appropriate Indigenous services or community groups to facilitate decision making.

The Act makes provision for a child to be adopted by adoptive parents with a different racial and cultural background from the child where it is apparent that there are no prospective

parents from the child's background or where it is in a child's best interests for the placement to occur. However, it is not the policy of the DChS to place children from an Indigenous background with non-Indigenous adoptive parents.

Review of *Adoption of Children Act 1964*

The Department of Child Safety is currently reviewing Queensland's adoption legislation and it is anticipated that a draft bill will be released for consultation in 2005.

Western Australia

Adoption Act 1994

Adoption Regulation 1995

Level of court

Family Court of Western Australia

Step-parent adoptions

Amendments effective from June 2003 require people considering step-parent adoption to obtain a determination from the Family Court of Western Australia that a step-parent order would be preferable to a consent (parenting) order. Once given that go-ahead, the necessary Schedule 1 information and counselling will be provided by the Department for Community Development.

The consent of the non-custodial birth parent, or an order from the Family Court of Western Australia to dispense with such consent, is required. An adoption plan needs to be negotiated between the non-custodial birth parent and the adoptive parent, or dispensed with by the court, before the adoption can be finalised. Consents to the adoption become effective once the proposed adoption plan has been considered by the Department.

Step-parents wishing to adopt their step-child must give 60 days notice to the Department for Community Development (DCD) of their intention to apply for an order of adoption. It may be necessary to engage the services of a solicitor for this purpose, as well as to make the application to the Family Court of Western Australia for an adoption order.

The Department for Community Development is required to provide a complete assessment report to the court.

Other-relative adoptions

Adoption by relatives is not permitted under the 2003 amendments made to *Adoption Act 1994*.

Adoption severs the legal link that child has with his or her birth parents.

It is considered that parenting orders or consent orders made by the Family Court of Western Australia can better address the needs of the child in situations where relatives wish to care for a related child. These orders can retain the legal link the child has with their birth family, while addressing the day-to-day care needs of the child.

Carer adoptions

Carer adoptions can occur when it is considered that the best interests of the child are served by the child being adopted by eligible and approved carers. The carers must have had the full-time care of the child for at least 3 consecutive years. The Department for Community Development must have arranged or approved the placement of the child with the carer and

must be satisfied that the child will not return to live with the birth family or extended family. It is required that the birth parents give their consent to the adoption or that there is an order from the Family Court of Western Australia dispensing with consent. Unless dispensed with by the Family Court, an adoption plan is a legal requirement. The Family Court finalises the adoption by the granting of an adoption order.

Local and intercountry adoptions

All known birth parents must be asked to give consent. Birth parents are involved in the selection process of adoptive parents by choosing a family from non-identifying profiles.

All adoptions are arranged through the Department for Community Development.

Applicants must meet specific eligibility criteria before being considered for assessment.

An adoption plan is required to be made between birth parents and adopting parents, or an application to the Family Court made to dispense with the adoption plan, before the adoption order is granted in the Family Court of Western Australia.

The child's first given name is expected to be retained by the adoptive parents.

Adoption of Indigenous children

Amendments to the *Adoption Act 1994* have included the Aboriginal and Torres Strait Islander children – Placement for Adoption Principle, the appointment of an approved Aboriginal and Torres Strait Islander agency for consultation and the requirement to consult with relevant Aboriginal and Torres Strait Islander staff about the placement or the potential adoption of an Aboriginal or Torres Strait Islander child. Preference is given to the placement of Aboriginal children with Aboriginal adoptive parents unless the child's birth parents specifically request otherwise.

South Australia

Adoption Act 1988

Adoption (Miscellaneous) Amendment Act 1996

Level of court

Youth Court of South Australia

Step-parent adoptions

In all cases, 'Leave to proceed' granted in the Family Court is required before step-parents can apply to adopt a step-child.

Adoption by step-parents is granted only in exceptional circumstances, that is, when there is no other order which will adequately provide for the interests and welfare of the child. These adoptions can be arranged only through the South Australian Department for Families and Communities (DFC).

Other-relative adoptions

There is provision for adoptions by relatives other than step-parents in exceptional circumstances, that is, when there is no other order which will adequately provide for the interests and welfare of the child.

Adoption by relatives can be arranged only through the DFC.

Local and intercountry adoptions

Eligibility requirements:

- a married couple or a de facto couple of more than 5 years
- a single person in particular circumstances.

Adoptions can be arranged only through the DFC.

Adoption of Indigenous children

Restrictive eligibility criteria apply for adoptive parents in accordance with the Aboriginal Child Placement Principle.

Tasmania

Adoption Act 1988

Adoption Regulations 1992

Level of court

Magistrate sitting alone

Step-parent adoptions

Adoption by step-parents is possible in some circumstances. If the child's father has not legally established his paternity, and does not do so within 30 days of the mother signing the consent to adoption, an application may be made through the Department of Health and Human Services (DHHS). If the child's paternity has been legally established, adoption is possible only in special circumstances which justify adoption and when other available orders will not provide adequately for the welfare and interest of the child. All applications for an adoption order in favour of a step-parent adoption must be made through the DHHS.

Other-relative adoptions

The court's power to make an adoption order in favour of a relative is limited to special circumstances which justify adoption and when other available orders will not provide adequately for the welfare and interests of the child. All applications for an adoption order in favour of a relative must be made through the DHHS.

Local and intercountry adoptions

Eligibility requirements:

- a married couple of more than 3 years, with any period of time spent in de facto relationship before marriage included in time assessment
- a single person only in special circumstances relating to the welfare and interests of the child.

Adoptions by non-relatives can be arranged by DHHS or a non-government organisation approved by the Minister for Health and Human Services.

Adoption of Indigenous children

Not included in legislation although birth parents may express wishes about race of adoptive parents. The cultural differences of Indigenous people are recognised; placement within the Aboriginal community is the preferred option.

Australian Capital Territory

Adoption Act 1993

Level of court

Supreme Court

Step-parent adoptions

Adoption by step-parents can only be arranged only through the Office for Children, Youth and Family Support (OCYFS).

Other-relative adoptions

There is provision for adoptions by relatives other than step-parents in exceptional circumstances, that is, when a guardianship or custody order will not adequately provide for the interests and welfare of the child.

Adoption by relatives can be arranged only through the OCYFS.

Local and intercountry adoptions

Eligibility requirements:

- a married couple of more than 3 years
- a de facto couple of more than 3 years
- a single person in particular circumstances.

Adoptions by non-relatives must be arranged through the OCYFS.

Adoption of Indigenous children

Restrictive eligibility criteria apply for adoptive parents in accordance with the Aboriginal Child Placement Principle.

Northern Territory

Adoption of Children Act 1994

Level of court

Local Court

Step-parent adoptions

Other arrangements are sought before an adoption order is considered.

Other-relative adoptions

There is provision for adoptions by relatives other than step-parents in exceptional circumstances, that is, when a guardianship or custody order will not adequately provide for the interests and welfare of the child.

Local and intercountry adoptions

Eligibility requirements:

- a married couple of 2 years or more
- a single person in exceptional circumstances.

All local adoptions must be arranged through the Department of Health and Community Services. In April 2005, the Department resumed responsibility for intercountry adoptions, following cessation of operations by the South Australian based Australians Aiding Children Adoption Agency, which had provided a valued service to the Territory over the previous five and a half years.

Adoption of Indigenous children

Adoptions of Indigenous children can occur only if alternative custody with the child's extended family cannot be arranged. If an order is made it must comply with the Aboriginal Child Placement Principle.

Appendix 2: Glossary

Adoption

Adoption is the legal process by which a person legally becomes a child of the adoptive parents and legally ceases to be a child of his/her existing parents.

Adoption order

An adoption order is a judicial or administrative order made by a competent authority under adoption legislation by which the adoptive parent becomes the legal parent of the child.

Adoptive parent

An adoptive parent is a person who becomes the parent of a child or adult as the result of an adoption order.

Age of child

For 'known' child adoptions, the age of an adopted child is the age at the time of the adoption order. For local and intercountry adoptions, it is the age at which the child was placed with the adoptive family. Age is calculated from date of birth, in completed years.

Arranging body

An arranging body is defined as an agency authorised under adoption legislation to make the decision about the placement of a child. Adoptions can be arranged by state and territory community services departments or by an authorised non-government agency. Arranging bodies fall into two categories:

Government

This may be a state or territory community services department (see page viii of this report) or another government authority.

Non-government agency

A non-government agency is an agency in Australia that is not owned or controlled by the Australian Government or by a state or territory government. This includes church organisations, registered charities, non-profit organisations, companies, and cooperative societies and associations.

Country of origin

Refers to the country of habitual residence. This will generally be the country of birth of a child.

Hague Convention (Intercountry Adoption)

The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption establishes uniform standards and procedures for adoptions between countries. The Convention includes legally binding safeguards and a system of supervision, and establishes channels of communication between countries. The Convention came into effect in Australia on 1 December 1998.

For intercountry adoptions, a 'Hague country' is a country that has ratified or acceded to the Convention, and a 'non-Hague country' is a country that has not ratified or acceded to the Convention.

Indigenous status

A person is defined as Indigenous if he or she is of Indigenous descent, identifies as an Indigenous person, and is accepted as such by the community with which he or she is associated.

Intercountry adoptions

Intercountry adoptions are placement adoptions of children from countries other than Australia who are legally available for adoption, but generally have had no previous contact with the adoptive parents. An intercountry adoption can be classified as a 'Hague adoption', if the country has ratified or acceded to the Hague Convention, or a 'non-Hague adoption', if the country has not ratified or acceded to the Hague Convention. A non-Hague adoption may also be known as a bilateral adoption.

'Known' child adoptions

'Known' child adoptions are adoptions of children who are Australian residents where the adoptive parents are seeking to adopt a particular child who is known to them. These types of adoptions are broken down into the following categories depending on the child's relationship to the adoptive parent(s):

Step-parent

A 'step-parent' is the spouse (married or de facto) of the child's natural parent or adoptive parent. Foster parents are not included in this category.

Other relative(s)

This category includes any other relative of the child, such as grandparent, sister, brother, aunt, uncle. For Indigenous children, 'other relative' includes those related through kinship arrangements.

Carer

This category includes foster parents or other non-relatives who have been caring for the child before the adoption.

Local adoptions

'Local adoptions' are placement adoptions of children who are born in Australia or who are permanent residents of Australia before the adoption takes place and who are legally available for adoption, but generally have had no previous contact with the adoptive parents.

Marital status of adoptive parent(s)

Marital status of the adoptive parent(s) should be counted at the time of the adoption order using the following categories:

Married

This includes situations where there are two adoptive parents who are legally married to each other and living together at the time of the adoption order.

De facto

This includes situations where there are two adoptive parents who are not legally married, but who are living together in a de facto relationship.

Single

This includes situations where there is one adoptive parent who is not legally married or living in a de facto relationship.

Marital status of birth mother

Married

The birth mother is classified as married if she was legally married at the time of the birth. In situations where the adopted child's birth father was legally married to the child's birth mother but died before the birth, the birth mother is classified as 'married'.

Not married

The birth mother is classified as not married if she was not legally married to the birth father. This includes situations where the birth mother was living in a de facto relationship.

Appendix 3: Provisions for ‘open’ adoptions

New South Wales

New South Wales practice recognises that a variety of relationships may exist between a child’s adoptive and birth families. The child’s adoption plan, which may include the regular exchange of information and/or contact, is usually presented to the court at the time an adoption order is sought. Increasingly, birth parents are participating in the choice of the adopting family for their child. The Department of Community Services or agency which arranged the adoption will help with mediating ongoing contact after the adoption order.

Victoria

The *Adoption Act 1984* provides that an adoption order can include conditions regarding information exchange and/or access between the parties. After signing the consent, birth parents are given the opportunity to express wishes concerning contact and information exchange, which are considered when placement decisions are made. At the time of signing the adoption consent, birth parents are asked if they wish to be actively involved in selecting an adoptive family. Birth parents are encouraged to consider profile information on approved adoption applicants who have been assessed as suitable for the child, and to indicate the couple with whom they would prefer the child to be placed. After placement, there may be direct contact between the parties, or an exchange of information. When the arrangements form part of the adoption order, there is a legally binding way to resolve any disputes that may arise.

Queensland

Under the provisions of the *Adoption of Children Act 1964*, identifying information remains confidential until an adopted person reaches 18 years of age.

It is possible for adoptive parents and members of a child’s birth family to exchange correspondence via Adoption Services before a child turns 18 years of age, where both parties agree to the exchange of correspondence. Families participating in the exchange of correspondence have no direct contact with each other and only non-identifying information can be communicated.

Western Australia

Since the *Adoption Act 1994*, all adoptions are considered open. All parties to an adoption have access to information, which is either ‘identifying’ or ‘non-identifying’. The level of information depends on, first, when the adoption took place and, second, whether someone has requested that the Department for Community Development block the release of identifying information. The 2003 amendments to the *Adoption Act 1994* mean that no new information vetoes can be placed.

Adoption plans, which are a requirement for an adoption, specify if contact will occur between the parties to an adoption and what level this will take. The contact details can be renegotiated at a later stage through agreement and by approval of the Family Court of Western Australia.

South Australia

Since the commencement of the *Adoption Act 1988*, 'open' arrangements are possible between parties to the adoption. This can involve access to information or contact between the parties. The arrangements are not legally binding and are to be facilitated and mediated by the DFC.

Tasmania

In general, Tasmania promotes openness. 'Open' adoptions are arranged if it is the wish of the birth and adoptive parents.

Australian Capital Territory

Legislation allows for conditional orders (i.e. where contact frequency and other arrangements can be specified). Since the new legislation in 1993, all adoptions are regarded as 'open', that is, some form of contact or information exchange is encouraged. Conditional orders are now routinely recommended to the court.

Northern Territory

'Open' adoptions have been available since the *Adoption of Children Act 1994* was introduced. It is an option for relinquishing parents.

Appendix 4: Appendix tables

Table A4.1: Adoptions, by age, type of adoption and sex, 2004–05

Age (years)	'Known' child adoptions				Local adoptions			Intercountry adoptions			Total			
	M	F	U	P	M	F	P	M	F	P	M	F	U	P
Number														
Under 1	—	—	—	—	24	33	57	85	74	159	109	107	—	216
1–4	4	—	—	4	2	6	8	78	158	236	84	164	—	248
5–9	12	12	—	24	—	—	—	15	23	38	27	35	—	62
10–14	13	16	—	29	—	—	—	1	—	1	14	16	—	30
15+	14	14	—	28	—	—	—	—	—	—	14	14	—	28
Unkown	—	—	1	1	—	—	—	—	—	—	—	—	1	1
Total	43	42	1	86	26	39	65	179	255	434	248	336	1	585
Per cent														
Under 1	—	—	—	—	92	85	88	47	29	37	44	32	—	37
1–4	9	—	—	5	8	15	12	44	62	54	34	49	—	42
5–9	28	29	—	28	—	—	—	8	9	9	11	10	—	11
10–14	30	38	—	34	—	—	—	1	—	0	6	5	—	5
15+	33	33	—	33	—	—	—	—	—	—	6	4	—	5
Unkown	—	—	100	1	—	—	—	—	—	—	—	—	100	—
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Note: Data from New South Wales, Western Australia and Tasmania for 'known' child adoptions include persons aged 18 years or older (11 in total).

Table A4.2: Local adoptions, by type of arranging body, 2004–05

Arranging body	Number of local adoptions
Government	48
Non-government agency	16
Unknown	1
Total	65

Table A4.3: Local adoptions, by marital status of birth mother, 1987–88 to 2004–05

Year	Married		Not married		Unknown	Total
	No.	%	No.	%		
1987–88	65	11	503	89	10	578
1988–89	73	12	528	88	5	606
1989–90	80	15	461	85	6	547
1990–91	72	15	397	85	3	472
1991–92	67	16	348	84	3	418
1992–93	45	15	259	85	2	306
1993–94	53	17	259	83	2	314
1994–95	55	18	243	82	13	311
1995–96	17	11	138	89	62	217
1996–97	26	14	163	86	74	263
1997–98	20	15	116	85	42	178
1998–99	14	12	103	88	10	127
1999–00	10	13	70	87	26	106
2000–01	14	19	58	81	16	88
2001–02	7	7	87	93	13	107
2002–03	5	7	70	93	3	78
2003–04	6	8	65	92	2	73
2004–05	6	9	59	91	—	65

Source: AIHW 2004.

Table A4.4: Inter-country adoptions from Hague countries, by type of order under which the child entered Australia, 2004–05

Country of origin	Adoption order in		Total
	country of origin	Guardianship order	
Colombia	3	0	3
Lithuania	5	0	5
Philippines	0	48	48
Sri Lanka	2	0	2
Total	10	48	58

Table A4.5: Proportion of intercountry adoptions by state and territory and the proportion of the total population by state and territory, 2000-01 to 2004-05

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total ^(a)
Number of intercountry adoptions									
2000-01	85	60	40	20	44	14	18	8	289
2001-02	71	74	33	29	54	16	9	8	294
2002-03	61	59	29	24	68	15	15	7	278
2003-04	66	86	49	44	72	22	26	5	370
2004-05	88	132	65	29	74	18	12	16	434
Proportion of total intercountry adoptions									
2000-01	29.4	20.8	13.8	6.9	15.2	4.8	6.2	2.8	100
2001-02	24.1	25.2	11.2	9.9	18.4	5.4	3.1	2.7	100
2002-03	21.9	21.2	10.4	8.6	24.5	5.4	5.4	2.5	100
2003-04	17.8	23.2	13.2	11.9	19.5	5.9	7.0	1.3	100
2004-05	20.3	30.4	15.0	6.7	17.1	4.1	2.8	3.7	100
Population at 31 December ('000)									
2000	6,527.4	4,770.0	3,592.4	1,887.7	1,508.0	471.4	316.8	196.3	19,270.0
2001	6,608.8	4,836.2	3,664.3	1,913.9	1,515.7	472.1	320.3	197.6	19,528.9
2002	6,671.4	4,902.9	3,750.5	1,940.5	1,524.1	474.4	322.7	197.4	19,784.0
2003	6,716.3	4,948.0	3,840.1	1,969.0	1,531.4	480.0	322.6	198.7	20,008.7
2004	6,760.0	5,002.3	3,919.5	1,998.4	1,537.9	484.0	324.3	200.8	20,229.8
Proportion of total population at 31 December									
2000	33.9	24.8	18.6	9.8	7.8	2.4	1.6	1.0	100
2001	33.8	24.8	18.8	9.8	7.8	2.4	1.6	1.0	100
2002	33.7	24.8	19.0	9.8	7.7	2.4	1.6	1.0	100
2003	33.6	24.7	19.2	9.8	7.7	2.4	1.6	1.0	100
2004	33.4	24.7	19.4	9.9	7.6	2.4	1.6	1.0	100

(a) Total population includes other territories comprising Jervis Bay Territory, Christmas Island and the Cocos {Keeling} Islands.

Sources: AIHW 2004; ABS various years.

Table A4.6: Intercountry adoptions, by country of origin, 1993–94 to 2004–05

Country of birth	1993 –94	1994 –95	1995 –96	1996 –97	1997 –98	1998 –99	1999 –00	2000 –01	2001 –02	2002 –03	2003 –04	2004 –05	Total
Number													
China	—	—	3	1	—	—	1	15	39	46	112	140	357
Colombia	22	16	40	23	14	11	17	15	9	7	7	3	184
Ethiopia	3	—	5	16	37	34	46	37	36	39	45	59	357
Fiji	—	—	13	—	18	12	5	3	5	—	1	1	58
India	22	29	20	35	28	30	37	40	40	33	29	31	374
South Korea	64	71	94	84	69	70	77	75	93	101	98	96	992
Philippines	14	22	22	27	19	10	29	18	12	18	29	48	268
Romania	—	3	—	5	5	17	36	22	2	1	—	—	91
Sri Lanka	33	18	14	—	3	5	3	4	3	2	2	2	89
Thailand	20	25	18	34	26	25	33	35	27	17	39	31	330
Other ^(a)	44	40	45	44	26	30	17	25	28	14	8	23	344
Total	222	224	274	269	245	244	301	289	294	278	370	434	3,444
Per cent													
China	—	—	1	—	—	—	—	5	13	16	30	32	10
Colombia	10	7	15	9	6	5	6	5	3	3	2	1	5
Ethiopia	1	—	2	6	15	14	15	13	12	14	12	14	10
Fiji	—	—	5	—	7	5	2	1	2	—	<1	0	2
India	10	13	7	13	11	12	12	14	14	12	8	7	11
South Korea	29	32	34	31	28	29	26	26	32	36	26	22	29
Philippines	6	10	8	10	8	4	10	6	4	6	8	11	8
Romania	—	1	—	2	2	7	12	8	<1	<1	—	0	3
Sri Lanka	15	8	5	—	1	2	1	1	<1	1	<1	0	3
Thailand	9	11	7	13	11	10	11	12	10	6	11	7	10
Other ^(a)	20	18	16	16	11	12	6	9	10	5	2	5	10
Total	100	100	100	100	100	100	100	100	100	100	100	100	100

(a) Other includes Argentina, Bangladesh, Bolivia, Brazil, Cambodia, Canada, Chile, Costa Rica, Croatia, England, Germany, Ghana, Greece, Guatemala, Honduras, Hong Kong, Italy, Japan, Lebanon, Lithuania, Macedonia, Malaysia, Malta, Mauritius, Morocco, Nepal, New Zealand, Pakistan, Papua New Guinea, Peru, Poland, Portugal, Samoa, Serbia, South Africa, Taiwan, Tonga, Turkey, Uganda, United Kingdom, Uruguay, United States of America, Vanuatu and Yugoslavia.

Note: Before 1998–99, 'intercountry adoption' was referred to as 'adoptions of overseas-born children by non-relatives'.

Source: AIHW 2004.

Table A4.7: Visa subclass 102 issued during 2004–05

Country of birth	State/territory adoptions	Parents living overseas 12 months	Total
Brazil	—	1	1
Cambodia	1	—	1
China, Peoples Republic of	141	4	145
Colombia	3	—	3
Ethiopia	20	—	20
Fiji	—	3	3
Guatemala	1	—	1
HKSAR of the PRC ^(a)	6	2	8
India	24	—	24
Indonesia	—	3	3
Jamaica	—	1	1
Japan	—	1	1
Korea, Republic of	96	—	96
Lithuania	5	—	5
Malaysia	—	1	1
Papua New Guinea	—	2	2
Philippines	41	1	42
Solomon Islands	—	1	1
South Africa, Republic of	—	2	2
Sri Lanka	—	2	2
Taiwan	12	1	13
Thailand	27	3	30
Tonga	—	4	4
Turkey	—	1	1
Tuvalu	—	1	1
Uganda	—	1	1
Total	377	35	412

(a) Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China (PRC)

Notes

1. This table relates to visa subclass 102 that were issued during the financial year 2004–05. Not all children who are issued visas entered Australia during 2004–05.
2. Only the persons recorded by the Department of Immigration, Multicultural and Indigenous Affairs are included in this table.

Source: DIMIA, pers. comm., 17 August 2005.

Table A4.8: Local and intercountry adoptions, by age of the adoptive parent(s), 2004–05

Type of adoption	Age (years)							Total
	Under 25	25–29	30–34	35–39	40–44	45+	Unknown	
Age of mother								
Local adoptions	—	2	12	28	19	3	1	65
Intercountry								
Hague adoption	—	1	8	22	17	10	—	58
Non-Hague adoption	2	8	53	117	116	80	—	376
Total local and intercountry adoptions	2	11	73	167	152	93	1	499
Age of father								
Local adoptions	—	—	13	28	19	4	1	65
Intercountry								
Hague adoption	—	1	6	15	19	17	—	58
Non-Hague adoption	—	6	37	97	125	94	—	359
Total local and intercountry adoptions	—	7	56	140	163	115	1	482

Note: Totals for the father do not add to total number adoptions (499) as 17 women were single.

Table A4.9: Local and intercountry adoptions, by number of sibling groups placed together, 2004–05

Type of adoption	Number of sibling adoptions
Local adoptions	—
Intercountry	
Hague adoption	2
Non-Hague adoption	17
Total sibling adoptions	19

Note: A total of 43 children were adopted as part of a sibling group in 2004–05.

Appendix 5: Countries party to the Hague Convention

Country	Date Convention came into effect	Country	Date Convention came into effect
Albania	1 January 2001	Lithuania ^(a)	1 August 1998
Andorra ^(a)	1 May 1997	Luxembourg	1 November 2002
Australia	1 December 1998	Madagascar	1 September 2004
Austria	1 September 1999	Malta ^(a)	1 February 2005
Azerbaijan ^(a)	1 October 2004	Mauritius ^(a)	1 January 1999
Belarus	1 November 2003	Mexico	1 May 1995
Belguim	1 September 2005	Moldova, Republic of ^(a)	1 August 1998
Bolivia	1 July 2002	Monaco ^(a)	1 October 1999
Brazil	1 July 1999	Mongolia ^(a)	1 August 2000
Bulgaria	1 September 2002	Netherlands	1 October 1998
Burkina Faso	1 May 1996	New Zealand ^(a)	1 January 1999
Burundi ^(a)	1 February 1999	Norway	1 January 1998
Canada	1 April 1997	Panama	1 January 2000
Chile	1 November 1999	Paraguay ^(a)	1 September 1998
Colombia	1 November 1998	Peru	1 January 1996
Costa Rica	1 February 1996	Philippines	1 November 1996
Cyprus	1 June 1995	Poland	1 October 1995
Czech Republic	1 June 2000	Portugal	1 July 2004
Denmark	1 November 1997	Romania	1 May 1995
Ecuador	1 January 1996	San Marino	1 February 2005
El Salvador	1 March 1999	Slovak Republic	1 October 2001
Estonia ^(a)	1 June 2002	Slovenia	1 May 2002
Finland	1 July 1997	South Africa ^(a)	1 December 2003
France	1 October 1998	Spain	1 November 1995
Georgia ^(a)	1 August 1999	Sri Lanka	1 May 1995
Germany	1 March 2002	Sweden	1 September 1997
Guatemala ^(a)	1 March 2003	Switzerland	1 January 2003
Guinea ^(a)	1 February 2004	Thailand	1 August 2004

(continued)

Appendix 5: Countries party to the Hague Convention (cont.)

Hungary	1 August 2005	Turkey	1 September 2004
Iceland ^(a)	1 May 2000	United Kingdom	1 June 2003
India	1 October 2003	Uruguay	1 April 2004
Israel	1 June 1999	Venezuela	1 May 1997
Italy	1 May 2000	<i>Total countries</i>	<i>66</i>
Latvia	1 December 2002		

(a) These countries have acceded to the Convention.

Notes

1. This information is correct as at 12 August 2005.
2. The following countries have signed, but are yet to ratify, the Convention: China, Ireland, Russian Federation and United States of America.

Source: Hague Conference on Private International Law website URL http://www.hcch.net/index_en.php?act=conventions.status&cid=69.

Appendix 6: Access to information and veto systems

New South Wales

Access to information

In New South Wales, the *Adoption Act 2000* enables an adopted person 18 years or older to have access to his or her original birth certificate and to information that will give knowledge of his or her origins. It also enables birth parents to have access to details of their child's adopted identity when that child reaches 18 years of age, and to information that will give birth parent(s) knowledge of the child's life after adoption, such as their health and welfare while the child is under the age of 18 years. With the permission of the adoptive parents identifying information may be released.

Adoptive parents receive non-identifying information about their child's family of origin when the child is under 18 years of age. With the permission of the birth parent, identifying information may be released.

Adult adopted persons, birth parents and adoptive parents are able to lodge a request for advanced notice of an application for identifying information about themselves. This will delay the release of the information for a period of 2 months to allow everyone time to prepare for its release.

Veto system

Contact veto provisions do not apply to adoptions made after 26 October 1990. Where an order of adoption was made prior to that date, birth parents and adult adopted persons are able to lodge a contact veto. On the lodgment of a contact veto it becomes an offence for the information recipient to try to make contact with the person who imposed the contact veto. Information about that person can be released if the applicant for the information gives a written undertaking not to use the information to seek contact.

Victoria

Access to information

In Victoria, an adopted person aged 18 years or older may apply for a copy of his or her original birth certificate and adoption records. An adopted person under the age of 18 years requires his or her adoptive parents' written agreement before information can be given, and the written consent of the birth parent(s) is required before identifying information can be given.

Birth parents and birth relatives may obtain non-identifying information from records about the adopted person. Identifying information can be given with the written consent of the adopted person if he or she is 18 years of age or over, or of the adoptive parents if the adopted person is under 18 years of age.

Adult children of adopted persons have the same rights to information as the adopted person, providing the adopted person is first informed in writing or, where the adopted person is deceased, a copy of the death certificate is provided.

Adoptive parents may apply for information about the birth family's background. The written permission of the birth parent is required before identifying information may be released. Also, where the adopted person is 18 years of age or older, the adopted person must be notified in writing of the intention to release identifying information about the birth family.

Veto system

There is no veto system in Victoria. Instead, a register operates on which people can record their wishes in relation to giving or receiving information and making contact. Although adopted persons can make contact with birth relatives themselves, an authorised agency makes contact with adopted persons on behalf of birth parents and relatives or with birth parents on behalf of adoptive parents. The agency will ask the parties what their wishes are and mediate between them.

Queensland

Access to information

The *Adoption of Children Act 1964* makes different provisions for the release of information depending on whether an adoption order was made before or after June 1991.

Under the provisions of the Act, birth parents who sign an adoption consent after June 1991 and persons who were adopted after June 1991 have an unqualified entitlement to receive identifying information about each other, once the adopted person reaches 18 years of age. Once an adopted person reaches 18 years of age, identifying information will be provided on request to the person who was adopted or to the birth parent or parents who signed an adoption consent in relation to the person who was adopted.

Under the provisions of the Act, identifying information can be provided to birth parents who signed an adoption consent before June 1991 and persons who were adopted before June 1991 if an objection to the disclosure of identifying information has not been lodged by one of the parties to the adoption.

In certain circumstances, eligible relatives of an adult who was adopted or of a birth parent who signed an adoption consent can obtain identifying information.

The adopted person and the birth parent who signed the adoption consent can lodge an objection to contact only or an objection to contact and the disclosure of identifying information for adoptions before June 1991.

Veto (objection) system

In Queensland, vetoes are referred to as objections. The *Adoption of Children Act 1964* makes provision for birth parents who signed an adoption consent before June 1991 and persons who were adopted before June 1991 to lodge an objection to contact only or to lodge an objection to the release of identifying information and contact.

An objection to contact or an objection to contact and the disclosure of identifying information remains in force unless it is revoked by the person who lodged the objection.

The Act makes no provision for birth parents who sign or have signed an adoption consent after June 1991 and persons who were adopted after June 1991 to lodge an objection to contact or an objection to contact and the disclosure of identifying information.

Western Australia

Access to information

At the time of placement of a child, an adoption plan must be negotiated between the birth parents and adoptive parents to facilitate the sharing of information about the child. In Western Australia, birth parents, adoptive parents and adopted persons over 18 years of age may obtain non-identifying information about the adoption from departmental records. All parties to an adoption can have access to birth and court records if there is no information veto. Amendments to the *Adoption Act 1994* gazetted in 2003 prohibit the placement of any new court-ordered information vetoes on adoptions since that date.

Veto system

In Western Australia, a 'message box system' operates which allows anonymous contact between the parties.

Under the *Adoption Act 1994*, where the adoption occurred before 1 January 1995 an adopted person aged 18 years or over, birth parents and adoptive parents can have access to birth records and adoption court records (i.e. identifying information) provided there is no information veto lodged by an adoption party (i.e. birth parents, adoptive parents or adopted persons over 18 years). Since the 2003 changes to the legislation, no new information vetoes are permitted to be lodged. Since June 2005 parties affected by an existing information veto are able to gain access to identifying information.

Less restrictive access to identifying information applies for adopted people, adoptive parents and birth parents where the adoption occurred after 1 January 1995. The 2003 amendments to the *Adoption Act 1994* have ensured that adoption is open and all parties will have access to identifying information.

As a result of the 2003 Amendments to the *Adoption Act 1994* court-ordered contact vetoes can no longer be lodged. The adoption plan, agreed to by parties to the adoption, can however include provisions for no contact between parties. Adoption plans are registered with the Family Court of Western Australia and can be changed by agreement.

South Australia

Access to information

In South Australia, adopted people aged 18 years or over can have access to information contained in their original birth certificate, as well as details (if known) such as occupation, date of birth, physical attributes and the personal interests of their natural parents. Adopted people are also entitled to know the names of any biological siblings who were adopted. Once the adopted person reaches 18 years of age, the birth parents can have access to the adoptive name of their relinquished child and the names of the adoptive parents. Adoptive parents can now apply for certain information under certain circumstances.

Veto system

Both adopted persons and birth parents can veto the release of identifying information, thus making contact more difficult, although a specific contact veto is not available. The veto provision is available only for adoptions that occurred before the state's *Adoption Act 1988* came into force.

Adoptive parents are able to lodge a veto to restrict identifying information about themselves being released to the birth parents with a provision that this does not prevent the adopted person and the birth parent from making contact with each other. Certain information is also available to adoptive parents.

Tasmania

Access to information

In Tasmania, an adopted person aged 18 years or over may apply for access to his or her pre-adoption birth record and information from the adoption record. An adopted person aged less than 18 years may apply for this information with the written consent of his or her adoptive parents. Birth parents, birth relatives and lineal descendants of an adopted person may apply for non-identifying information at any time or for identifying information when the adopted person is aged 18 years or over. Adoptive parents may apply for non-identifying information at any time but may receive information which includes the name of a birth parent only with the written permission of the birth parent concerned.

All applicants who are resident in Tasmania must attend an interview with an approved counsellor before receiving information.

Veto system

The right to information is unqualified, but a contact veto may be registered. Any adopted person, birth parent, birth relative, lineal descendant of an adopted person or adoptive parent may register a contact veto. Where a veto has been registered, identifying information is released only after an undertaking not to attempt any form of contact has been signed. An attempt to make contact where a veto is in force is an offence. A contact veto may be lifted at any time by the person who lodged it.

Australian Capital Territory

Access to information

Under the Australian Capital Territory's *Adoption Act 1993*, an adopted person aged 18 years or more, birth parents, adoptive parents and birth relatives may apply for identifying information in relation to the adoption. Identifying information consists of a copy of, or extract from, an entry in a register of births relating to the adopted child, or information from which a birth parent, birth relative or adopted child may be identified (excluding the address of a place of residence).

Before the *Adoption Act 1993*, no provision for adoption information existed. However, as the Act is retrospective, information is now available for adoptions that occurred under the old Act.

Veto system

Under the Australian Capital Territory's *Adoption Act 1993*, only contact vetoes may be registered. The veto has to refer to a specified person or a specified class of persons.

The Act provides for an unqualified right to information, but also gives the adopted person aged over 17 years 6 months, an adoptive parent, birth parent, adult birth relatives, adoptive relatives and adult children or other descendants of the adopted person the right to lodge a contact veto. On the lodgment of such a veto, it becomes an offence for the information recipient to try to make contact with the person who imposed the contact veto.

Where information is requested and a contact veto is in force, no information is given unless the person requesting information has attended a counselling service and has signed a declaration that he or she will not attempt contact in any form.

The Act also makes provision for greater accountability in obtaining consents to adoptions, augments the rights of the birth parents and promotes a more open system of adoption.

Northern Territory

Access to information

In the Northern Territory, legislation before the *Adoption of Children Act 1994* did not provide for the release of information to any parties to an adoption. Since the introduction of the new Act there is provision for a more open process, with identifying information being available unless a veto has been lodged. Indigenous child care agencies are authorised to counsel for the purpose of supplying identifying information.

Veto system

A three-year, renewable veto may be lodged by the adopted person or birth parents with respect to adoptions finalised before 1994. There is no veto provision with respect to adoptions finalised under the new Act.

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