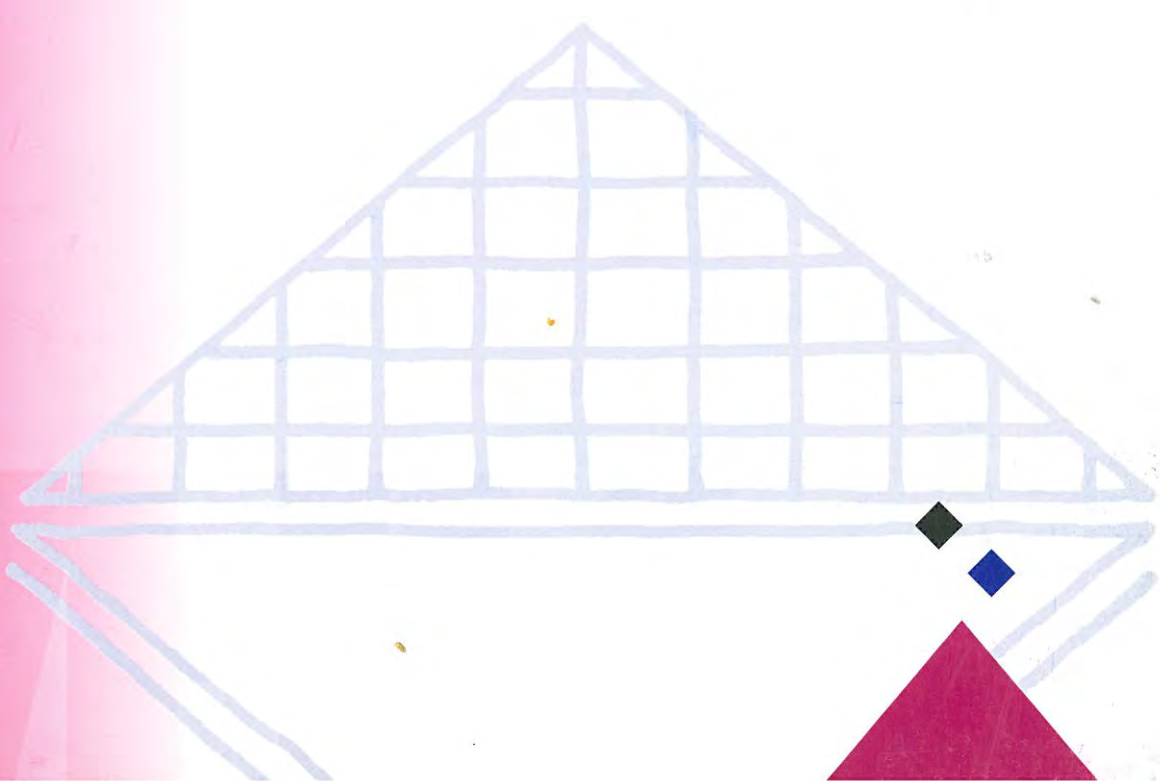


Adoptions Australia 1995-96

**Rebecca Bentley
Anne Broadbent**



AUSTRALIAN INSTITUTE OF
HEALTH & WELFARE



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Adoptions Australia 1995–96

Rebecca Bentley

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Australian Institute of Health and Welfare
Canberra

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Preface

This report was prepared by Rebecca Bentley and Anne Broadbent of the Australian Institute of Health and Welfare (AIHW). It is the AIHW's sixth report on adoptions and the nineteenth in the Child Welfare Series.

Tables in this publication showing statistics for Australia only are available for individual States and Territories on request, although it should be noted that the cell numbers may be very small for some data items.

Symbols used in the tables

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

The first part of the document discusses the importance of maintaining accurate records of all transactions. This includes not only sales and purchases but also any other financial activities that may occur. It is essential to ensure that all entries are properly documented and supported by appropriate evidence.

The second part of the document outlines the procedures for reconciling the accounts. This involves comparing the company's records with the bank statements and other external sources to identify any discrepancies. Any differences should be investigated and resolved promptly to ensure the accuracy of the financial statements.

The third part of the document provides a detailed explanation of the various accounts used in the accounting system. This includes the balance sheet, income statement, and statement of cash flows. Each account is described in terms of its purpose and the types of transactions that are recorded in it.

The fourth part of the document discusses the importance of internal controls. These are the policies and procedures that are designed to prevent and detect errors and fraud. A strong system of internal controls is essential for the integrity of the financial reporting process.

The fifth part of the document provides a summary of the key points discussed in the document. It emphasizes the need for accuracy, transparency, and integrity in all financial reporting activities. It also provides a list of resources for further information and assistance.

Summary

- In 1995–96 there were 668 adoptions of children in Australia—187 fewer than the previous year. All States and Territories recorded a decrease in adoptions in this period with the biggest changes in South Australia (56% decrease) and Western Australia (39% decrease).
- The majority of adoptions (491 or 74%) were adoptions by non-relatives. Adoptions by step-parents accounted for 167 (25%) and adoptions by other relatives 10 (1%) of the total number of adoptions.
- The majority (72%) of adoptions by relatives were aged between 5 and 14 years whereas only 24% of those adopted by non-relatives were in this age group. While 74% of adoptions by non-relatives were under 5 years of age only 8% of adoptions by relatives were 4 years of age or younger.
- Of adoptions by non-relatives, 56% were born overseas. There were equal numbers of males and females (137) in the group of overseas-born adoptees.
- The number of overseas-born adoptions peaked at 420 in 1989–90 and fell by 47% to 222 in 1993–94. There was a slight increase of 1% to 224 in 1994–95 and a more substantial increase of 18% to 274 in 1995–96.
- There were 146 fewer adoptions by step-parents in 1995–96 than in 1994–95. This difference was mainly accounted for by a decrease of 48 adoptions by step-parents in South Australia, and 71 adoptions by step-parents in Western Australia.
- In 1995–96, 5,567 applications were made for information about past adoptions in Australia by adopted persons, adoptive parents, birth parents and other birth relatives.

1 Introduction

This publication presents adoption statistics provided by State and Territory community services departments for the period 1 July 1995 to 30 June 1996. These statistics cover all finalised adoptions reported to State and Territory community services departments and all children legally available for adoption at 30 June 1996. It also covers the number of requests made for information and the number of contact and information vetoes lodged by adopted persons, adoptive parents, birth parents and other relatives. In addition, for the first time, this publication presents some statistics on permanent care orders issued in Victoria.

Data in this report were sought from State and Territory community services departments according to definitions and counting rules agreed to by community services departments and the Australian Institute of Health and Welfare. Definitions of terms used in the collection are provided in the Glossary (Appendix 1). It should be borne in mind when comparing across jurisdictions that each State and Territory has its own legislation regarding adoption orders (see Appendix 2) and its own policies and practices.

Data for years before 1985–86 are from the Australian Bureau of Statistics publication *Adoptions, Australia* (catalogue number 4406.0). Data for the years 1987–88 to 1989–90 are from the WELSTAT publication *Adoptions: National Data Collection*.

The data on adoptions by relatives includes only Australian-born children. Adoptions of overseas-born children by relatives have been excluded from this collection as they are regulated by immigration legislation rather than adoption legislation.

The New South Wales Department of Community Services (DCS) has stated that the statistics on adoptions may be an underestimate of the number of adoptions arranged in that state, due to the introduction of computer-based records.

2 Adoptions in Australia

2.1 Background

Adoption is essentially a process of finding parents for children (that is, the focus is on the wellbeing of the child). Once an adoption order is granted the adopted child becomes the child of the adoptive parents, as if he or she had been born to them in marriage. The adoption order severs the legal relationship between the biological parents and the child, and the child really becomes the child of the adoptive parent(s) (Boss 1992). A new birth certificate is issued to the child bearing the name(s) of his/her adoptive parent(s) as the natural parent(s) and the new name of the child, where a change has occurred. Each State and Territory in Australia has responsibility for all aspects of adoption within its jurisdiction.

Adoption in Australia was not formalised through the legal system in all States and Territories until the late 1920s. Prior to the 1970s, adoption was seen as a convenient solution to the problems of unwanted births and infertility in Australia (English 1990, Powell 1995). The focus has since shifted with the welfare of the child being seen as paramount, and adoption viewed as a means of providing children with the opportunity to be raised in a family environment where this might otherwise not have been the case.

2.2 Current issues in adoption

For the purposes of this collection adoption in Australia is divided into the following categories:

- adoption by non-relatives of:
 - Australian-born children
 - overseas-born children; and
- adoption by relatives (including step-parents) of Australian-born children.

The dominant feature of adoption in Australia has been the decline in the number of adoptions of Australian-born children since 1971–72 (Section 3.3), resulting from several factors:

- effective birth control leading to a drop in unplanned pregnancies;
- where unplanned pregnancies occur, the provision of income support for single parents and changed community attitudes to single parenthood have given an alternative to adoption;
- the development of, and increased accessibility to, alternative reproductive technology such as in-vitro fertilisation (IVF);
- changes to legislation relating to adoption by relatives, particularly step-parents (see Section 2.3); and
- the introduction of alternative legal orders that transfer guardianship and custody of a child to a person other than the parent (for example permanent care orders in Victoria and guardianship orders to a third party in South Australia).

In Australia there are more prospective adoptive parents than Australian-born children available for adoption. This has resulted in increased adoption of overseas children by Australian families. This is referred to as inter-country adoption. Inter-country adoption is

...the legal process by which a child, who is without family support and who has no prospect of being cared for by another family in his or her own country of birth, may be adopted by an approved family in another country. (Australian Inter-Country Adoption Network (AICAN) Information Paper 1992).

The entry of non-citizen children for the purposes of adoption (inter-country adoption) is regulated in Australia by the *Immigration (Guardianship of Children) Act 1946*, the migration legislation and standards outlined in the United Nations Convention on the Rights of the Child. In an agreement reached by the States and Territories in 1986, a uniform policy was enacted in Australia to regulate the process of overseas adoption and these guidelines have been incorporated into the relevant legislation of the States and Territories. In addition, in arranging an inter-country adoption, agreement must be reached between an authorised overseas agency and the relevant community services department in Australia.

Recently there has been a major change in attitudes towards secrecy surrounding adoptions. In the past, various State and Territory legislative provisions were based on the premise that secrecy protected all parties. Emerging practice, both in Australia and overseas, is moving towards a more open adoption process for both existing adoptions and future adoptions. Victoria has had provision for open adoption since 1987. Recent practice around Australia is for a register to be provided, allowing adopted children and their birth relatives to make contact. In some States and Territories, the birth parents and the adoptive parents can negotiate an adoption plan before placement of the adoptee; the plan can range from no contact and no exchange of information to regular contact between parties (Western Australian Parliament 1993).

2.3 Adoptions by relatives—Australian-born children

As noted previously, only adoption of Australian-born children by relatives is included in this publication, as adoption of overseas-born children by relatives is regulated by immigration legislation.

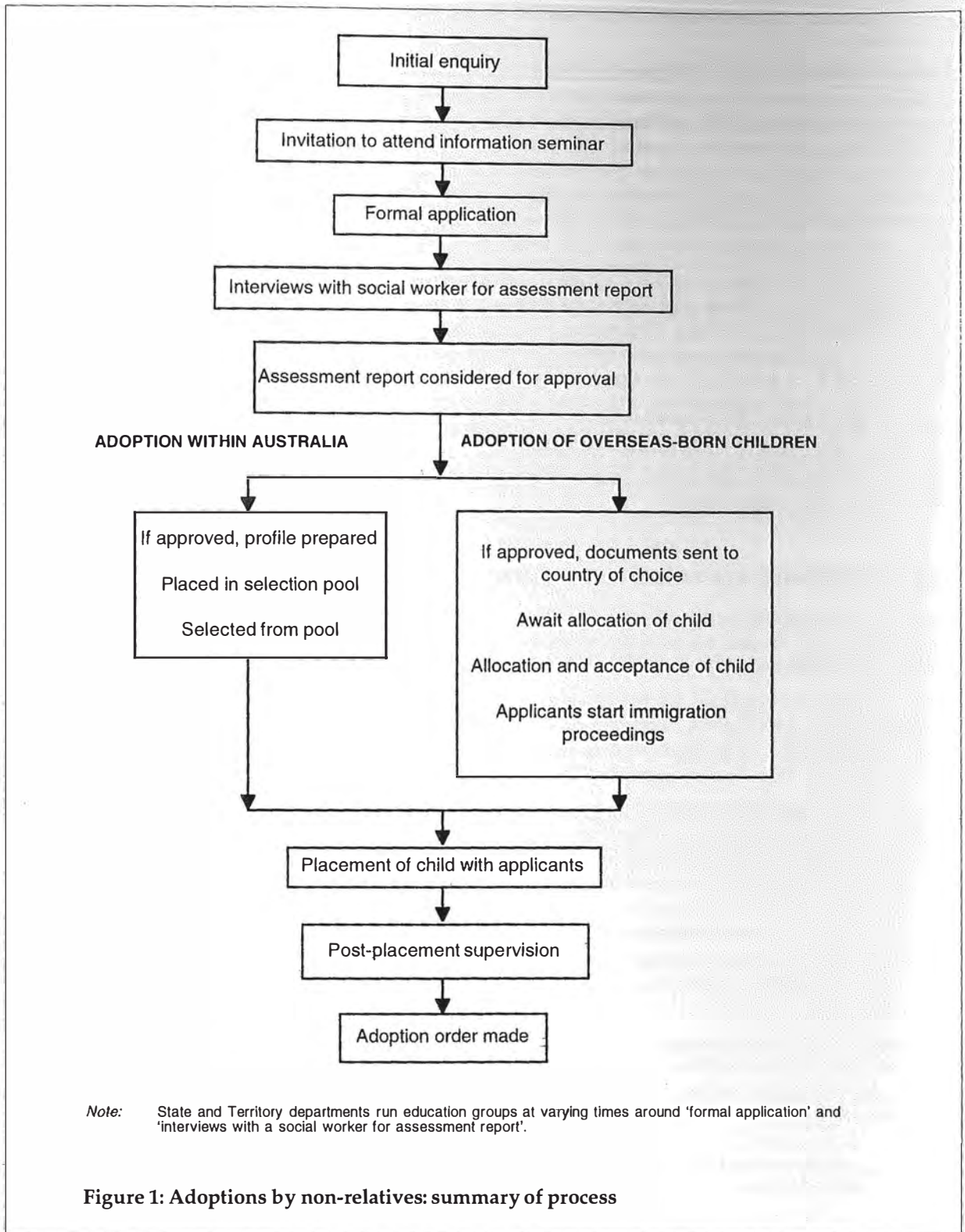
The majority of adoptions by relatives are adoptions by step-parents wishing to incorporate children into a new family. The aim of step-parent adoption is to provide the child with a clear legal position and status within the new family arrangement (Tasmanian Department of Community and Health Services (DCHS)).

Step-parent adoption is restricted by the Family Law Act and individual State and Territory legislation (see Appendix 2). The Family Law Act states that (if paternity has been legally established and/or the child has been born in marriage) leave must be granted in the Family Court for proceedings to commence for the adoption of a child by the child's parent, a parent's spouse or de facto, or a parent together with his/her spouse or partner. This is to prevent adoption from being used to deprive non-custodial parents of their rights to guardianship, access or custody. A referral must be obtained from the community services department to apply to the Family Court. This increases the complexity of adoption by step-parents, as well as the cost and time of the process (Jessep & Chisholm 1992).

In Western Australia, changes to legislation relating to adoption put into place on 1 January 1995 have meant the additional requirements of registration of an Adoption Plan between adoptive parents and relinquishing parties (or application to the Family Court to dispense with this requirement) and a full report prepared to the Court in all cases (previously a report was required for a small number of cases only). These requirements have delayed the progress of step-parent adoptions to the extent that the number of adoption orders granted decreased by 81% from 1994–95 to 1995–96 in that State. Western Australia reports that this decrease does not reflect a fall off in the number of step-parents wishing to adopt.

In South Australia, the Department of Family and Community Services (DFCS) has encouraged step-parents to use the Family Law Act to secure permanent legal arrangements for their step-children rather than the Adoption Act (SA DFCS 1996). As a result of this

policy, adoptions by step-parents decreased in South Australia by 84% from 1994-95 to 1995-96.



Adoption by relatives other than step-parents is less common because most States and Territories pursue policies that promote the use of guardianship or custody orders, rather than adoptions, when placing children in the care of relatives other than parents

(Appendix 2). Adoption by relatives other than step-parents are generally discouraged because of the confusion and distortion which may occur to biological relationships. For example if a child is adopted by their grandmother, then their birth mother would become their sibling. In Western Australia, adoptions by relatives other than step-parents are known as 'carer adoptions' and can only occur when the child has been in the care of the relative for at least three years. In all other States and Territories, legislative provisions allow for adoptions by relatives other than step-parents only in exceptional circumstances; that is, when a guardianship or custody order would not adequately provide for the welfare and interests of the adoptee.

2.4 Adoptions by non-relatives

Adoptions by non-relatives includes adoptions of both Australian-born and overseas-born children. In recent years, over 40% of all adoptions by non-relatives have been of children from overseas; in 1995-96, 56% of adoptions by non-relatives were of overseas children.

Each State and Territory has its own legislation relating to adoption by non-relatives. The process of adoption of an overseas-born child may also vary according to the requirements of different source countries. The main steps involved in the adoption by non-relatives of Australian-born and overseas-born children are shown in Figure 1.

2.4.1 Australian-born children

An Australian-born child is legally available for adoption by non-relatives if all the necessary consents to his/her adoption have been obtained or dispensed with. A couple wishing to adopt a child must satisfy the department or agency concerned that they will be suitable parents. Generally, only married couples are allowed to adopt unrelated children, although de facto couples are eligible in New South Wales, South Australia and the Australian Capital Territory (see Appendix 2). In New South Wales, applications from single people are also accepted. Other factors considered in the assessment of the suitability of potential parents are their age, health, fertility, reasons for wanting to adopt, and the stability of their relationship.

2.4.2 Adoption and placement of overseas-born children

The United Nations Convention on the Rights of the Child recognises,

...inter alia, that inter-country adoption may be considered as an alternative means of child care if the child cannot be placed in a foster or adoptive family, or cannot be cared for in any suitable manner in the child's country of origin.
(United Nations General Assembly 1989)

In Australia, from the mid-1970s to the mid-1980s there was a substantial increase in the number of adoptions of children born overseas, predominantly involving children from South Korea, Colombia, Thailand and India (see Section 3.3). The process has been strictly controlled by the Commonwealth under the *Immigration (Guardianship of Children) Act 1946* and Adoption Acts in each State and Territory. While the Commonwealth, 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 programs in accordance with Australian standards.

In most cases State and Territory legislation stipulates that in assessing the suitability of adoptive parents for overseas children, prospective parents must demonstrate an understanding of the culture from which the child comes. Furthermore, the rights and wishes of relinquishing parents (if they have been expressed) must be taken into account. For example, relinquishing parents may state that the child should be raised in a family with the same cultural or religious background.

Children are usually placed with a family and after a period of support and supervision, an adoption order is applied for. This is particularly the case when the adoption involves an overseas-born child, who may be placed with the prospective adoptive parents a year or more before an adoption order is made. This report provides data on the number of overseas-born children placed in Australia in 1995–96 prior to adoption. It should be noted that while the adoption orders for some children placed for adoption in a particular year would be finalised during that year, others would not be finalised until later—usually in the following year.

2.5 Adoption of Indigenous children

Few Indigenous children are adopted (seven in 1995–96). While the States and Territories have differing legislation and policies relating to the adoption of such children, the prevailing view is that, when it is deemed appropriate to adopt Indigenous children, the children should be adopted by Indigenous people so as to maintain their cultural integrity (Appendix 2).

New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory have restrictive eligibility criteria for adoptive parents of Indigenous children:

In Victoria, for example, the parent of an Aboriginal child can place conditions on a consent to adoption, that the child go to an Aboriginal family, or that a right of access to the child be granted to the natural parents, other relatives and members of the Aboriginal community. (Stonehouse 1992, p. 5)

In Queensland, the *Adoption of Children Act 1964* states,

...the Director shall have regard to the indigenous or ethnic or cultural background of the child and shall approve a prospective adopter who, or prospective adopters one of whom, has a similar indigenous or ethnic and cultural background, unless:

- (a) it appears to the Director that such a prospective adopter or prospective adopters is not or are not available, or cannot reasonably be expected to become available promptly; or
- (b) in the Director's opinion, the welfare and interests of the child would not be best served by doing so.

In Western Australia, in his second reading speech on Adoption Bill No. 2 of 1993, the Minister for Community Development stated:

Wherever possible it will be the Government's intention to support the placement of children in their own ethnic group; however, recognising that this may not always be possible, and may sometimes conflict with the stated views of relinquishing parents, this legislation seeks to provide greater flexibility for practitioners to place children with the best possible family that is available. The Bill ensures that the widest range of options is available for children. When placing children with ethnic or Aboriginal backgrounds, the guiding principle will always be placement based on the best interest of the child. (Western Australian Parliament 1993, p. 8377)

In the Northern Territory, the *Adoption of Children Act 1994* limits the ability of courts to make adoption orders in respect of Indigenous children to those cases where alternative custody cannot be arranged within the child's extended family. In the event that an adoption order is made, the court is to ensure that the placement is in accordance with the Aboriginal Placement Principle. The Aboriginal Placement Principle states that before a child can be placed outside his/her natural family attempts should be made to place the child with extended family. If this is not possible the child should be placed with other members of the child's Aboriginal community who have the correct relationship with the child in accordance with Aboriginal Customary Law and, failing this, the child should be placed with other Aboriginal families living in close proximity (Wilkinson 1994).

Although not recognised in legislation, the adoption policies of the Tasmanian DCHS recognise the cultural differences of Indigenous peoples.

2.6 Permanent care orders

Most alternative orders to adoption (such as guardianship or custody) do not provide a permanent arrangement for the child or the 'new' family. In 1992, Victoria introduced permanent care orders to overcome this problem. 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 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 are in need of care and protection for other reasons and are unable to remain safely within the birth family (Broadbent & Bentley 1997). 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 his/her biological family.

Permanent care order are usually made after a period of protective intervention and in most cases after a protection order has been made. These orders can only be made when the child has been out of the care of his/her natural parents for at least 2 years or at least 2 out of the last 3 years. Applications for permanent care orders are made through the Family Division of the Children's Court by the Secretary of the Victorian Department of Health Services (DHS) under the *Children and Young Persons Act 1989*.

A condition of most permanent care orders is that contact with the birth family remain an option. In addition, placement with a family is made with consideration of race, ethnicity and religion. Attempts are made to involve all parties concerned in the process. If circumstances do not allow this, however, an order can be made without the natural parent's consent, as the wellbeing of the child is the paramount consideration in the planning process.

Data on these orders have been included in this report for the first time this year. It should be noted that permanent care orders are issued usually in cases of protective intervention. Furthermore, the data on permanent care orders relates to the total number of orders granted since their introduction in 1992, rather than the number of existing orders at 30 June 1996. Some permanent care orders may have ceased in cases where the child has turned 18 years of age or married.

2.7 Access to information

Adoption law in Australia has undergone significant change in the past decade, particularly in the area of access to information. Currently, all States and Territories have legislation that grants rights to information to adopted people over 18 years old and their birth parents. However, the extent of these rights and of the protection of the privacy of all parties varies among States and Territories.

In an attempt to achieve a balance between the right to information and the right to privacy, most States and Territories have limited the right to information by requiring the consent of the person identified or by giving that person the opportunity to apply for an information veto to prevent disclosure of information or a contact veto to prevent contact.

In the case of a veto on identifying information, in some States and Territories, a party to an adoption can make an application requesting that identifying information not be released to the other party to the adoption. A contact veto can be lodged when a person does not wish to be contacted by the other party to the adoption. This veto is legally binding and, if a person receives identifying information and goes on to contact the other party, legal action can be taken. A contact veto can, however, be lifted by the person who lodged it. In some States and Territories, vetoes have a limited life and new applications need to be lodged for vetoes to continue.

All States and Territories have established adoption information services, information and contact registers or similar systems. In Victoria, South Australia, Tasmania and the Northern Territory people requesting information must attend an interview with an approved counsellor before the information can be released. The purpose of counselling is to ensure that the rights of all parties involved are fully understood and that people are made aware of some of the issues that may arise in the search and reunion process. In Western Australia, a person wishing to access identifying information is not required to be interviewed by an approved counsellor. However, an interview is required if a person wishes to lodge an information veto and a counselling interview is offered to those requesting counselling or to those wishing to lodge a contact veto.

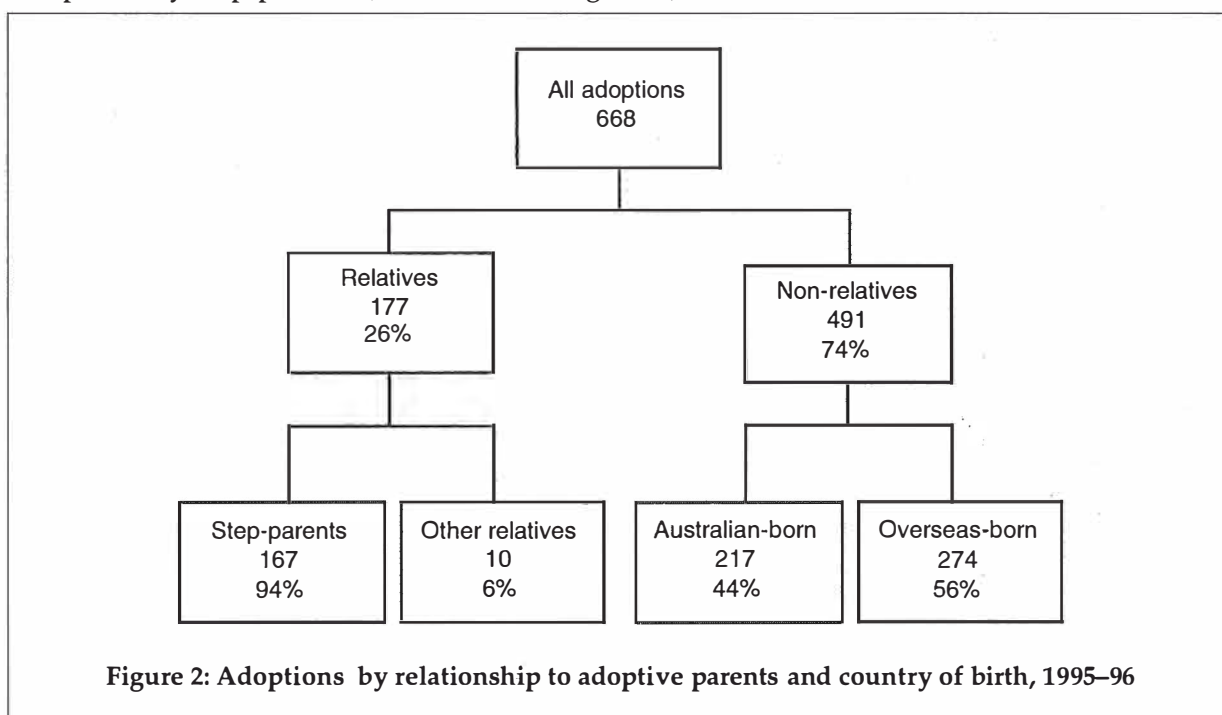
A description of the policies and practices relating to access to information in each State and Territory is given in Appendix 3.

3 Adoptions 1995–96

3.1 All adoptions

3.1.1 General description

In 1995–96 there were 668 adoptions in Australia—74% by non-relatives and the remaining 26% by relatives. Of the 491 adoptions by non-relatives 56% were of overseas-born children and 44% of Australian-born children. Almost all of the 177 adoptions by relatives were adoptions by step-parents (Table A1 and Figure 2).



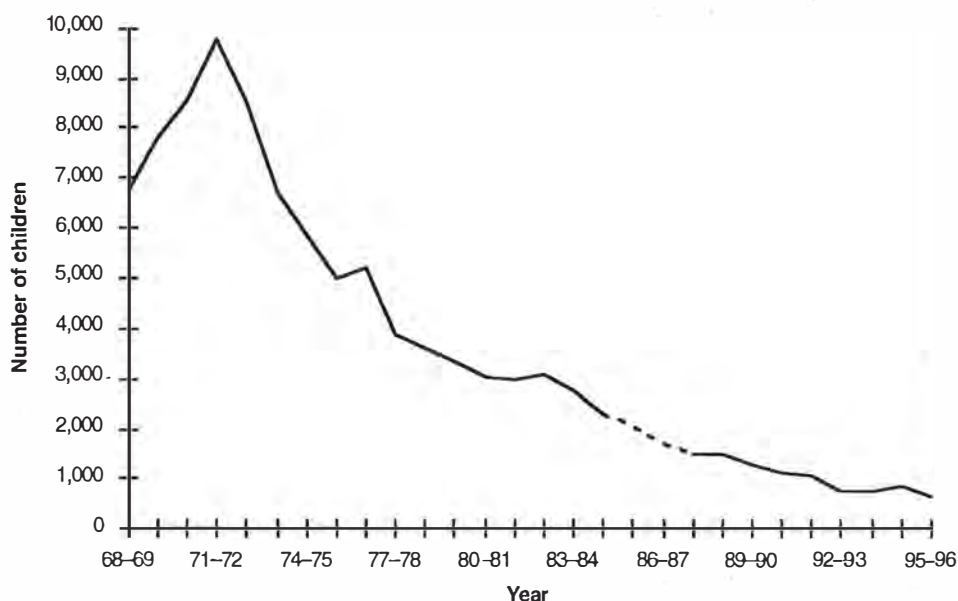
The distribution of total adoptions across jurisdictions largely mirrors the distribution of the population aged 0–17 years of age (Tables 1 and A1). However, the proportions of adoptions in New South Wales and Victoria are slightly below what would be expected based on population, while the proportion of adoptions in Queensland is slightly higher. This reflects the relatively low proportion of adoptions by relatives in New South Wales and Victoria (18% and 8% respectively) and the relatively high proportion of adoptions by relatives in Queensland (50%).

Table 1: Distribution of adoptions for the year ended 30 June 1996 and population aged 0–17 years at 31 December 1995, by State and Territory

	NSW	Vic	Qld	WA ^(b)	SA	Tas	ACT	NT	Total
Number									
Relative	32	15	88	21	14	1	6	–	177
Non-relative	172	116	82	54	34	16	13	4	491
Total adoptions	204	131	170	75	48	17	19	4	668
Population 0–17 years ^(a)	1,554,202	1,127,952	871,136	464,792	358,652	126,550	79,706	56,159	4,639,149
Percentage									
Relative	18	8	50	12	8	1	3	–	100
Non-relative	35	24	17	11	7	3	3	1	100
Total adoptions	31	20	25	11	7	3	3	1	100
Population 0–17 years ^(a)	34	24	19	10	8	3	2	1	100

(a) Estimated from Australian population projections 1995–2051, Series A (ABS, unpublished data). Australian Capital Territory population data includes an estimate for Jervis Bay population.
 (b) Non-relative adoptions and total adoption excludes two children who were 18 years of age.

The number of adoptions in 1995–96 represents a substantial fall since the peak of 9,798 adoptions in 1971–72, the reasons for this fall being described in Section 2.2 (Table A2 and Figure 3). Substantial falls in the number of adoptions over this time period occurred in all States and Territories.



Note: No data on adoptions were collated nationally for 1985–86 and 1986–87

Figure 3: Adoptions in Australia, 1968–69 to 1995–96

The fall in the number of adoptions of children between 1994–95 and 1995–96 (from 855 to 668) can largely be attributed to the fall in adoptions in Western Australia and South Australia (Table A2). New legislation in Western Australia that came into place on 1 January 1995 has made it more difficult for step-parents to adopt. Pressure to make adoption orders before this new legislation may have been a factor which led to an increase in adoption orders in 1994–95 and subsequent fall in 1995–96 (Table A2). In South Australia, there was

a fall in the number of adoptions due to new DFCS practices regarding step-parent adoptions (see Section 2.3).

3.1.2 Arranging body for adoptions 1995–96

Adoptions in Australia can be arranged by various types of organisations and arrangements. (see Glossary for a full explanation). In 1995–96, 79% of adoptions in Australia were arranged through State and Territory community services departments, 10% through non-government organisations and 11% through 'other' arrangements (for example arrangements may be made through a solicitor prior to an application being made to the court) (Table 2). This varied across the different types of adoption, however, with adoptions by non-relatives more likely to be arranged through the community services departments than adoptions by relatives (85% compared to 62% of adoptions by relatives). The majority (86%) of adoptions arranged through an 'other' arrangement were adoptions by step-parents.

Since the late 1970s, the number of adoptions made through 'other' arrangements have fallen more than the number arranged by either community services departments or non-government organisations. Between 1979–80 and 1995–96, while the number of adoptions fell by 80%, the number of adoption by 'other' arrangements fell by 92%, the number arranged by non-government organisations fell by 87% and the number arranged by community services departments fell by 72%. As a result, the proportion of adoptions arranged by community services departments increased from 57% in 1979–80 to 79% in 1995–96 (Table A3).

Table 2: Adoptions by arranging body and relationship to adoptive parents, 1995–96

Arranging body	Relatives			Non-relatives	Total
	Step-parents ^(a)	Other relatives	Total		
	Number				
State/Territory community services department	103	6	109	416	525
Non-government organisation	–	–	–	69	69
Other	64	4	68	6	74
Total	167	10	177	491	668
	Percentage				
State/Territory community services department	62	60	62	85	79
Non-government organisation	–	–	–	14	10
Other	38	40	38	1	11
Total	100	100	100	100	100

(a) All relative adoptions recorded in New South Wales have been counted as step-parent adoptions.

The relative involvement of arranging bodies for adoptions varied across jurisdictions, due to differences in legislation, policies and practices in each State and Territory (see Appendix 2). In 1995–96, State and Territory community services departments arranged all adoptions in Queensland, the Australian Capital Territory and the Northern Territory and the majority of adoptions in New South Wales, Victoria, Western Australia and Tasmania. In contrast, in South Australia non-government organisations arranged 60% of adoptions. All adoptions arranged by 'other' bodies in New South Wales, Western Australia and Victoria were adoptions by step-parents (Table A1).

A higher proportion of adoptions were arranged through State and Territory community services departments in 1995–96 than in 1994–95 (79% compared with 69%). There was a slight decrease in the proportion of adoptions arranged by non-government organisations (13% in 1994–95 and 10% in 1995–96) and adoptions arranged by other bodies (18% in 1994–95 and 11% in 1995–96). This reflects the restrictions on privately arranged adoptions

by step-parents in Western Australia which comprised 61% of adoption arrangements in that state in 1994–95 and 35% in 1995–96 (Table A1).

3.1.3 Children legally available for adoption in 1995–96

At 30 June 1996 there were 229 children legally available for adoption by non-relatives (excluding Victoria). This was 31% lower than the number of children available for adoption at 30 June 1993 (331, excluding Victoria) (Table A4). The arranging body for these children at 30 June 1996 was predominantly the State and Territory community services departments (143 children or 62%) or a non-government organisation (86 children or 38%) (Table 3).

Most of the children legally available for adoption were living with prospective adoptive parents (72%) or in foster care (24%) (Table 3). All States and Territories followed this pattern except Queensland where it is not generally the practice to place children with prospective adoptive parents prior to adoption. Consequently, 84% of children legally available for adoption in Queensland were in foster care at 30 June 1996 (Table A4).

Table 3: Children legally available for adoption by non-relatives at 30 June 1996 (excluding Victoria): location of child by type of arranging body

Location of child	State/Territory community service department	Non-government organisation	Total
	Number		
Living with prospective adoptive parents	84	82	166
Foster care	52	4	56
Hospital / nursing home	1	–	1
Other	6	–	6
Total	143	86	229
	Percentage		
Living with prospective adoptive parents	59	95	72
Foster care	36	5	24
Hospital / nursing home	1	–	–
Other	4	–	3
Total	100	100	100

Note: Excludes Victoria as data were not available. See Appendix 1 for definition of 'other' locations.

3.2 Adoptions by relatives—Australian-born children

3.2.1 General

Of the 668 adoptions in Australia in 1995–96, 177 (26%) were adoptions of Australian-born children by relatives (Table A1). Fifty per cent of these adoptions were in Queensland and a further 18% in New South Wales (Table A5). Almost all adoptions by relatives were adopted by step-parents (94%) with Queensland, Western Australia and South Australia being the only States with adoptions by relatives other than step-parents (Table A1).

The number of adoptions by relatives has fallen considerably from the 605 adoptions in 1987–88 (Table A5). The total number of adoptions by relatives was higher in 1994–95 than in 1993–94, mainly due to the inclusion for the first time of privately arranged adoptions by step-parents in New South Wales. The 45% decrease in the number of adoptions by relatives from 1994–95 to 1995–96 reflects to a large extent changes in legislation in Western Australia and changes in practices in South Australia (see Section 2.3).

Sixty-two per cent of adoptions by relatives were arranged through State and Territory community services departments and 38% were arranged by other means. No adoptions were arranged by non-government organisations (Table 2).

3.2.2 Age and sex distribution

Of the 177 Australian-born adoptions by relatives in 1995–96, 75 were males and 86 were females. The majority of these children (72%) were between 5 and 14 years of age with only a very small number aged under 2 years old. The age distributions for male and female children followed a similar pattern, with the age distribution for males peaking at 10 years old and the age distribution for females having three distinct peaks at 5, 7 and 11 years old (Table A6 and Figure 4).

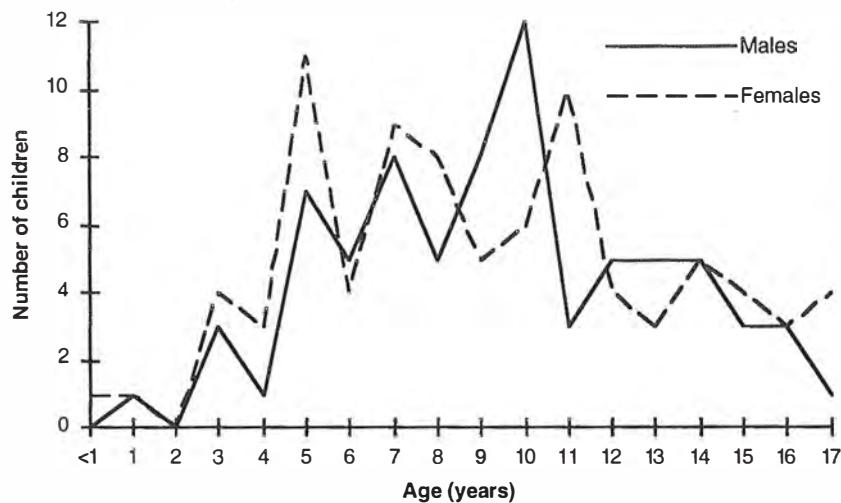


Figure 4: Age distribution of Australian-born children adopted by relatives, 1995–96

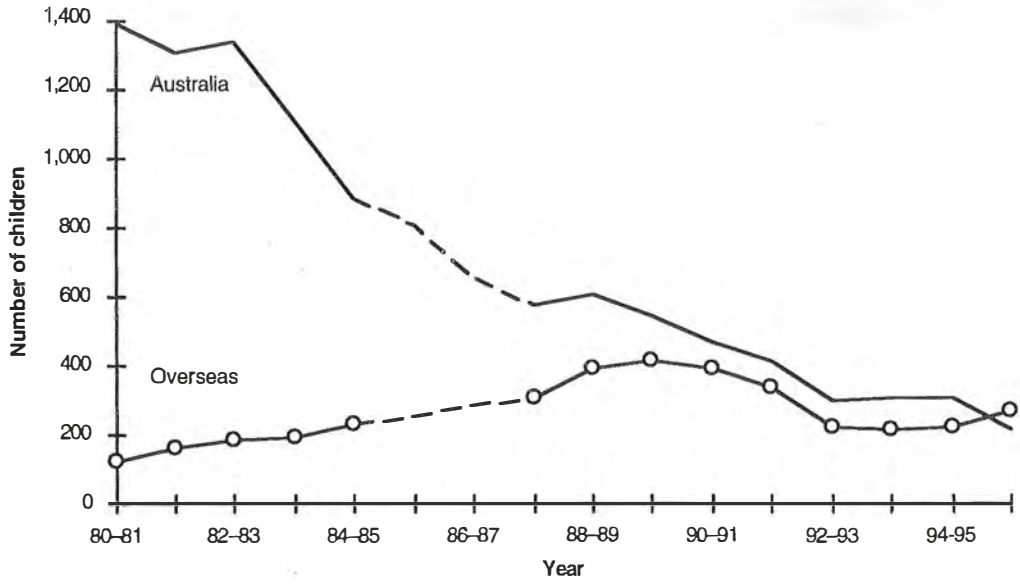
3.3 Adoptions by non-relatives

3.3.1 General

Adoptions by non-relatives accounted for 491 (74%) of the 668 adoptions in Australia in 1995–96. Of these adoptions by non-relatives, 217 (44%) were adoptions of children born in Australia and 274 (56%) were adoptions of children born overseas (Table A6 and Figure 2). The number of adoptions by non-relatives decreased by 8% from 1994–95, resulting from a 30% decrease in the number of adoptions of Australian-born children and an 18% increase in the number of adoptions of overseas-born children.

3.3.2 Australian-born children

In 1995–96, the 217 adoptions of Australian-born children by non-relatives represented a 64% fall from the 606 adoptions in 1988–89 and an 84% fall from the 1,388 adoptions in 1980–81 (Figure 5). The fall since 1988–89 occurred across all States and Territories except the Australian Capital Territory (Table A7).



Note: No data on adoptions were collated nationally for 1985-86 and 1986-87.

Figure 5: Adoptions by non-relatives by birthplace of child, 1980-81 to 1994-95

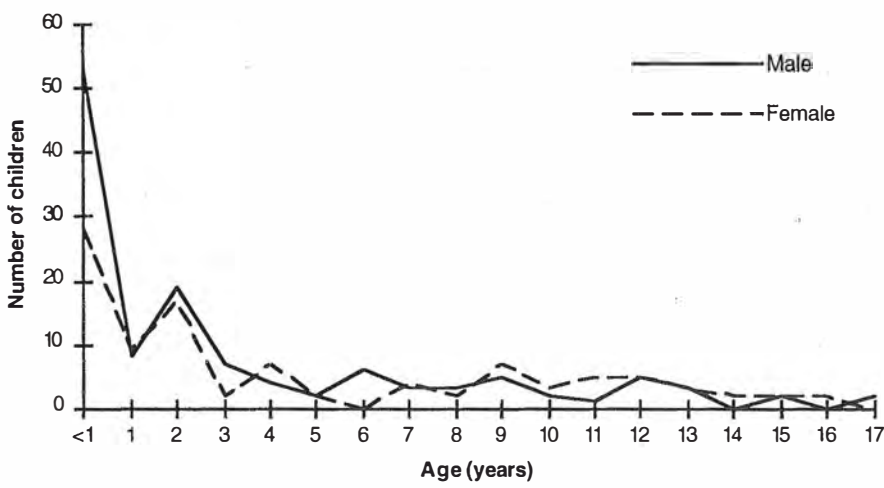


Figure 6: Age distribution of Australian-born children adopted by non-relatives, 1995-96

Age and sex distribution

Australian-born adoptions by non-relatives were more likely to be younger than Australian-born adoptions by relatives. Sixty-six per cent of the 217 Australian-born adoptions by non-relatives in 1995–96 were under 5 years of age and 33% were under 1 year of age. The comparative figures for Australian-born adoptions by relatives were 8% and 2% respectively. Whereas only 29% of Australian-born adoptions by non-relatives were aged 5–14 years, 72% of Australian-born adoptions by relatives were in this age group (Table A6 and Figures 4 and 6).

A slightly higher number of the Australian-born adoptions by non-relatives in 1995–96 were males than females (115 and 100 respectively¹) (Table A6).

Nuptiality

Of the 217 Australian-born adoptions by non-relatives in 1995–96, 138 were reported as being born ex-nuptially and 17 as nuptially. However, in 62 (29%) adoptions of Australian-born children by non-relatives the nuptiality was unknown (Table A8). The data for nuptiality should therefore be interpreted carefully, particularly at the State and Territory level.

The numbers of both adopted children born ex-nuptially and adopted children born nuptially have decreased substantially since the late 1980s (Table A9). However, care should be taken in comparing the fall in the number of children born ex-nuptially due to the high proportion of adoptions in 1995–96 where nuptiality was unknown.

3.3.3 Overseas-born children

In 1995–96 there were 274 overseas-born adoptions in Australia by non-relatives—30% below the number in 1988–89 (Table A10). The fall in the number of overseas-born adoptions by non-relatives was not as great as the fall in the number of Australian-born adoptions by non-relatives over the same period (64%) (Table A7). In addition, while the number of adoptions of Australian-born children has fallen steadily over the past 25 years, the number of adoptions of overseas-born children increased to 1989–90, then fell to 1993–94 before rising again in 1994–95 and 1995–96 (Table A10 and Figure 5). In 1995–96, for the first time, the number of overseas-born adoptions by non-relatives was greater than the number of Australian-born adoptions by non-relatives.

Overseas-born adoptions as a proportion of all non-relative adoptions varied markedly between States and Territories, with overseas-born adoptions representing the majority of non-relative adoptions in New South Wales (61%), Western Australia (54%), South Australia (85%) and Tasmania (56%), all non-relative adoptions in the Northern Territory (100%) and the minority of non-relative adoptions in Victoria (49%), Queensland (45%) and the Australian Capital Territory (31%) (Figure 7).

Age and sex distribution

Overseas-born adoptions by non-relatives in 1995–96 were more likely to be under 5 years of age than other children who were adopted in that year. Of the overseas-born adoptions by non-relatives, 80% were 4 years of age or younger (Table A6 and Figure 8), compared to 66% of Australian-born adoptions by non-relatives (Figure 6) and only 8% of Australian-born adoptions by relatives (Figure 4). There were no adoptions of overseas-born children by non-relatives where the child was 15 years of age or older.

Of the 274 overseas-born adoptions by non-relatives in 1995–96, 137 were males and 137 females (Table A6).

¹ There were two children whose sex was unknown.

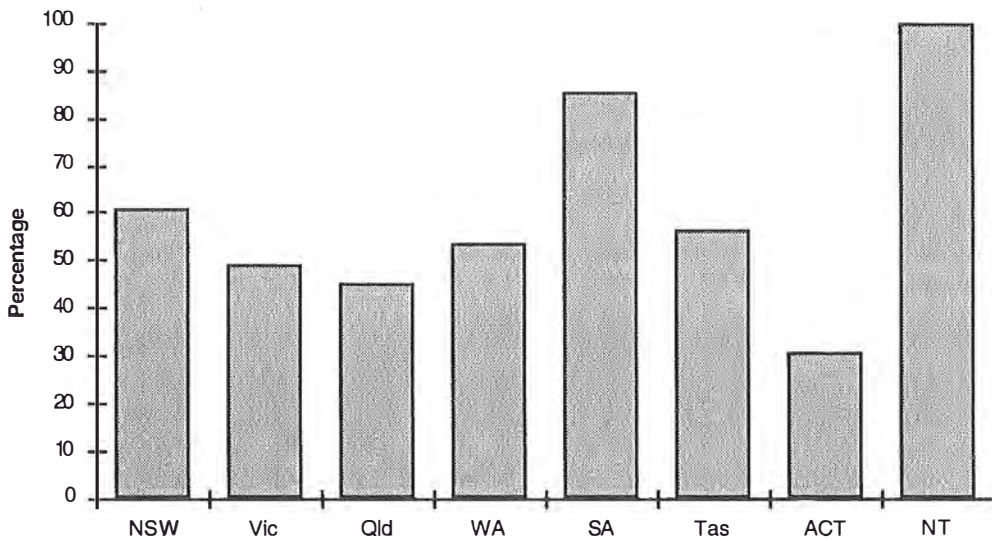


Figure 7: Proportion of non-relative adoptions involving overseas-born children by State and Territory, 1995-96

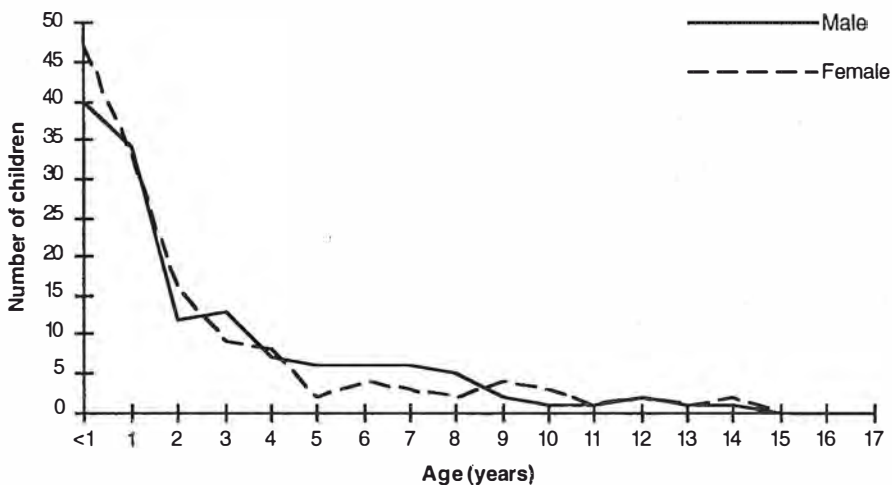


Figure 8: Age distribution of overseas-born children adopted by non-relatives, 1995-96

Country of birth

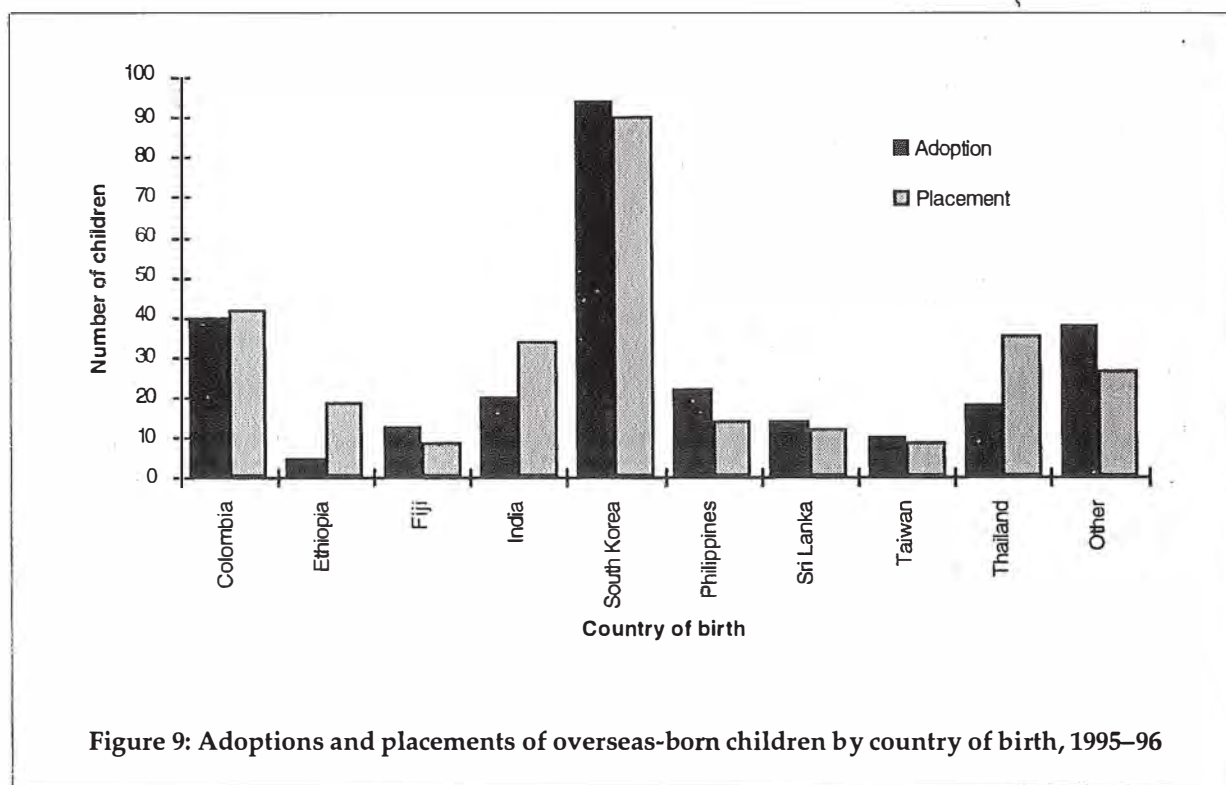
Of the overseas-born adoptions during 1995-96, the highest proportion of children (94 or 34%) were born in South Korea and the second highest proportion (40 or 15%) in Colombia (Tables A11 and A12).

There were differences in the numbers of overseas-born males and females adopted from particular countries. More males than females were adopted from Colombia (24 and 16

respectively), Philippines (15 and 7) and Thailand (13 and 5). Fewer males than females were adopted from India (6 and 14) and Fiji (3 and 10) (Table A11).

There were considerable differences between the States and Territories in the numbers and proportions of adoptions from the various countries. For example, all but one of the Colombian-born adoptions by non-relatives in Australia were adopted in New South Wales while there were adoptions of children born in South Korea in all States and Territories (Table A12).

3.3.4 Placement of overseas-born children



As noted earlier, children are often placed with a family before an adoption order is finalised, particularly when the adoption involves an overseas-born child who may be placed with the prospective adoptive parents a year or more before an adoption order is made.

While the adoption orders for some children placed for adoption in a particular year would be finalised during that year, others would not be finalised until later—usually in the following year. During 1995–96, 291 overseas-born children were placed with non-relatives in Australia, slightly more than the 274 adoptions finalised during the year (Tables A12 and A13). In addition, some adoptions in 1995–96 may relate to children placed in the previous year.

Of the overseas-born children placed in Australia, 31% were born in South Korea, 14% in Colombia, 12% in India and 12% in Thailand (Table A13). In terms of the country of origin, the composition of the group of overseas-born children placed in Australia was similar to that of the group of overseas-born children for whom adoption orders were finalised. However, there were somewhat more placements than orders finalised for children from Colombia (42 and 40), while the reverse was the case for children from Thailand, Ethiopia and India (Tables A12 and A13 and Figure 9).

3.4 Adoptions of Indigenous children

Seven Indigenous children were adopted in 1995–96 (four males and three females). Of the seven, two were adopted by Aboriginal or Torres Strait Islander people (Table A14).

The number of Indigenous adoptions each year has been very small for a number of years (Table A15). Since 1991–92 only 47 Indigenous children have been adopted in total. Twenty-six of these children were adopted by Indigenous adoptive parents while the remaining 21 were adopted by 'other' adoptive parents. Of the 47 adoptions over the 5 year period, 44 were adopted by non-relatives (23 of whom were of Indigenous descent and 21 'other') and three of the children were adopted by relatives (who were all of Indigenous descent). In interpreting these figures it should be noted that many Indigenous children are placed with relatives or their community either informally or through processes other than adoption. Adoption orders are only made for Indigenous children where alternative arrangements within the Indigenous community or placement under an alternative order do not best serve the welfare of the child. Therefore, the low number of adoptions by relatives compared to adoptions by non-relatives may indicate that alternative arrangements to adoption are more likely to be made where a caregiver who is a relative of the child is available.

3.5 Permanent care orders

In 1995–96, in Victoria, 110 permanent care orders were granted (56 for males and 54 for females), bringing the total number of permanent care orders granted between 30 June 1992 and 30 June 1996 to 330 (Table A16 and A17). In comparison, during 1995–96, 74 Australian-born children were adopted in Victoria. The number of permanent care orders granted each year in Victoria has increased substantially since their introduction in 1992–93, when 11 orders were granted (Table A17).

Age and sex distribution

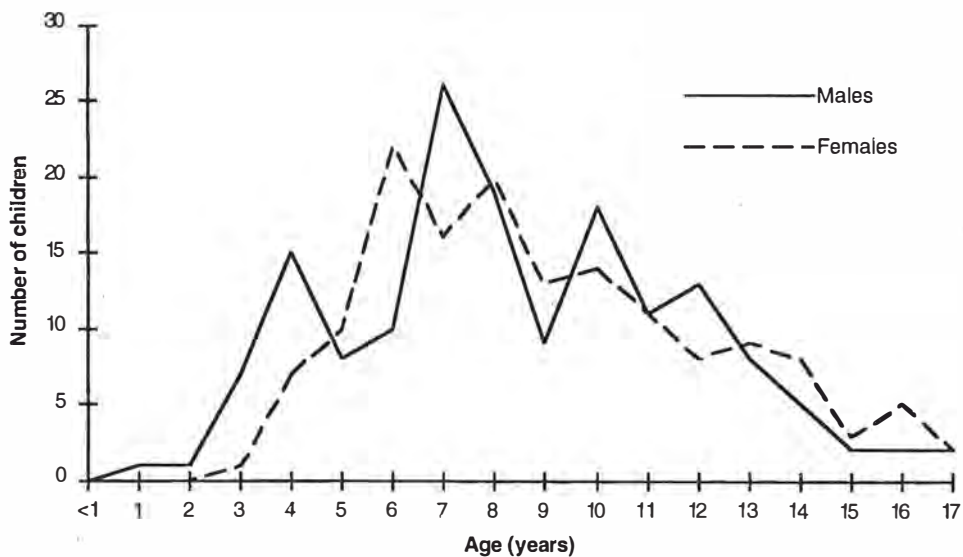


Figure 10: Number of permanent care orders which have been granted in Victoria by sex, 30 June 1992 to 30 June 1996

Of the 330 permanent care orders which had been granted in Victoria as at 30 June 1996, 164 were for male children and 166 were for female children (Table A16).

The majority (78%) of permanent care orders granted as at 30 June 1996 were for children aged 5–14 years at the time the order was granted and 10% were for children under 5 years of age (Table A16 and Figure 10). The age distribution of children for whom permanent care orders were granted most closely resembles the age distribution of Australian-born adoptions by relatives (Figures 4 and 6).

3.6 Access to information

3.6.1 Information applications

During 1995–96 there were 5,567 applications made for adoption information, 11% below the number recorded in the previous year (Tables 4 and 5). In those States and Territories where information could be provided, the majority of requests for information were lodged by adopted people (Table 4). A summary of the relevant legislation in each State and Territory regarding information applications is given in Appendix 3.

Table 4: Information applications lodged by person lodging application and State and Territory, 1995–96

Person lodging application	NSW ^(a)	Vic	Qld ^(b)	WA	SA ^(c)	Tas	ACT	NT	Total
Adopted person	n.a.	883	783	500	395	117	32	28	n.a.
Adoptive parents	..	7	1	51	..	2	2	–	63
Birth parents	n.a.	173	251	225	103	29	14	15	n.a.
Other birth relatives	..	121	44	98	26	13	4	3	309
Total	1,635	1,184	1,091	874	524	161	52	46	5,567

(a) In New South Wales only adopted persons and birth parents may apply for information. New South Wales was unable to provide a breakdown of persons lodging an application.

(b) Queensland total includes twelve applications where the identity of the person lodging the application was not known at the time data were provided.

(c) Under South Australia legislation, adoptive parents may not apply for identifying information.

Table 5: Information request and contact and information vetoes lodged, 1992–93 to 1995–96

Year	Information applications		Contact and information vetoes lodged	
	Number	Annual change Percentage	Number	Annual change Percentage
1992–93	6,167	..	286	..
1993–94	6,135	–1	359	26
1994–95	6,252	2	584	63
1995–96	5,567	–11	426	–27
Total	24,121		1,655	

3.6.2 Contact and identifying information vetoes

In 1995–96, 204 contact vetoes were lodged, 58% by the adopted person and a further 24% by birth parents (Table 6). Over half of all contact vetoes were lodged in Western Australia. The number of contact vetoes lodged in 1995–96 was 25% higher than the 163 lodged in the previous year.

There were 222 identifying information vetoes lodged in 1995–96, almost half the number lodged during the previous year (421). As with contact vetoes, the majority of identifying information vetoes were lodged by adopted persons (59%) and birth parents (30%) (Table 6). Of all identifying information vetoes lodged in 1995–96, 44% were lodged in South Australia. It should be noted that 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.

Table 6: Contact or identifying information vetoes lodged: person lodging veto by State and Territory, 1995–96

	NSW ^(a)	Qld ^(b)	WA	SA ^(c)	ACT ^(d)	NT ^(e)	Total
Lodgments of contact vetoes by:							
Adopted person	53	17	45	..	4	..	119
Adoptive parents	..	..	31	..	5	..	36
Birth parents	16	2	26	..	4	..	48
Other birth relatives	..	..	1	..	–	..	1
Total	69	19	103	..	13	..	204
Lodgments of identifying information vetoes by:							
Adopted persons	..	36	34	58	..	2	130
Adoptive parents	..	..	25	..	..	..	25
Birth parents	..	17	11	39	..	–	67
Other birth relatives	..	..	–	–	..	..	–
Total	..	53	70	97	..	2	222

- (a) In New South Wales only adopted persons and birth parents may lodge a contact veto and the release of identifying information cannot be vetoed.
 (b) In Queensland only birth parents and adopted persons can lodge contact or contact and identifying information vetoes.
 (c) In South Australia only identifying information vetoes can be lodged.
 (d) In the Australian Capital Territory the release of identifying information cannot be vetoed.
 (e) 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.

Note: Victoria and Tasmania are not included as no veto system operates in these States.

4 Detailed tables

Table A1: Adoptions by relationship of adoptive parents, arranging body responsible for adoption and State and Territory, 1995–96

Relationship of adoptive parents	Arranging body	NSW ^(a)	Vic ^(b)	Qld	WA	SA ^(c)	Tas ^(d)	ACT	NT	Total
Step-parents										
	Government	–	–	87	–	9	1	6	–	103
	Non-government	–	–	–	–	–	–	–	–	–
	Other	32	15	–	17	–	–	–	–	64
	Total	32	15	87	17	9	1	6	–	167
Other relatives										
	Government	–	–	1	–	5	–	–	–	6
	Non-government	–	–	–	–	–	–	–	–	–
	Other	–	–	–	4	–	–	–	–	4
	Total	–	–	1	4	5	–	–	–	10
Non-relatives										
	Government	172	79	82	48	5	13	13	4	416
	Non-government	–	37	–	–	29	3	–	–	69
	Other	–	–	–	6	–	–	–	–	6
	Total	172	116	82	54	34	16	13	4	491
Total										
	Government	172	79	170	48	19	14	19	4	525
	Non-government	–	37	–	–	29	3	–	–	69
	Other	32	15	–	27	–	–	–	–	74
	Total	204	131	170	75	48	17	19	4	668

(a) New South Wales could not separate step-parent adoptions from other relative adoptions. Since step-parent adoptions represent the majority of relative adoptions, all relative adoptions have been classified as adoptions by step-parents.

(b) Step-parent adoptions arranged by 'other' bodies are those adoptions arranged privately and legalised through a solicitor or the court. The DHS is required to provide a report to the court about the merit of the proposed adoption order.

(c) Step-parent adoptions includes two sets of twins.

(d) Excludes one non-relative adoption arranged by government body in which the child was eighteen years of age.

Table A2: Adoptions by State and Territory, 1971–72 to 1995–96

Year	NSW ^(b)	Vic	Qld	WA	SA	Tas	ACT	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 ^(a)	n.a.	n.a.	359	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87 ^(a)	n.a.	n.a.	268	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	280	114	306	191	416	120	36	28	1,491
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

(a) No data on adoptions were collated nationally for 1985–86 and 1986–87.

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

Source: *Adoptions Australia*, Australian Bureau of Statistics, Canberra (Cat. no. 4406.0), 1979–80 to 1984–85; *Adoptions: National Data Collection*, WELSTAT, 1987–88 to 1989–90.

Table A3: Adoptions by arranging body, 1979–80 to 1994–95

Year	Government	Non-government	Other	Total
1979–80	1,909	528	900	3,337
1980–81	1,802	446	770	3,018
1981–82	1,670	430	871	2,971
1982–83	1,827	435	810	3,072
1983–84	1,567	449	754	2,770
1984–85	1,270	369	655	2,294
1985–86	n.a.	n.a.	n.a.	n.a.
1986–87	n.a.	n.a.	n.a.	n.a.
1987–88 (a)	1,246	243	2	1,491
1988–89 (a)	1,118	240	143	1,501
1989–90 (a)	1,114	117	63	1,294
1990–91 (a)	955	132	55	1,142
1991–92 (a)	839	145	68	1,052
1992–93 (a)	635	95	53	783
1993–94 (a)	613	101	50	764
1994–95	590	112	153	855
1995–96	525	69	74	668

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

Source: *Adoptions Australia*, Australian Bureau of Statistics, Canberra (Cat. no. 4406.0), 1979–80 to 1984–85; *Adoptions: National Data Collection*, WELSTAT, 1987–88 to 1989–90.

Table A4: Children legally available for adoption by non-relatives by location of child and State and Territory (excluding Victoria) at 30 June 1993, 1994, 1995, and 1996

	NSW	Qld	WA	SA	Tas	ACT	NT
At 30 June 1993							
Prospective adoptive parents	135	–	39	–	29	11	10
Foster care	12	50	17	–	2	1	–
Other ^(a)	1	23	1	–	–	–	–
Total	148	73	57	–	31	12	10
At 30 June 1994							
Prospective adoptive parents	107	–	31	49	4	–	1
Foster care	49	54	8	–	1	1	1
Other ^(a)	1	8	–	–	–	–	–
Total	157	62	39	49	5	1	2
At 30 June 1995							
Prospective adoptive parents	60	–	67	47	3	2	5
Foster care	14	45	6	–	–	1	–
Other ^(a)	–	8	2	–	–	–	–
Total	74	53	75	47	3	3	5
At 30 June 1996							
Prospective adoptive parents	61	2	32	55	1	7	8
Foster care	6	38	10	–	–	1	1
Other ^(a)	–	5	1	–	–	1	–
Total	67	45	43	55	1	9	9

(a) Other includes hospital/nursing home.

Note: Data for Victoria were not available.

Table A5: Adoptions of Australian-born children by relatives by State and Territory, 1987–88 to 1995–96

Year	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Total
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	327
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	19	95	92	61	2	3	–	320
1995–96	32	15	88	21	14	1	6	–	177

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

Note: Figures relating to 1979–80 to 1984–85 are shown in previous issues. No data on adoptions were collated nationally for 1985–86 to 1986–87. Table does not include adoptions where relationship to adoptive parents was unknown.

Source: Adoptions: National Data Collection, WELSTAT, 1987–88 to 1989–90.

Table A6: Adoptions by age, relationship to adoptive parents and sex, 1995–96

Age (years)	Australian-born adoptions by relatives ^(a)			Australian-born adoptions by non-relatives			Overseas-born adoptions by non-relatives			Total		
	M	F	p ^(b)	M	F	p ^(c)	M	F	P	M	F	p ^(d)
Under 1	–	1	3	43	28	71	40	47	87	83	76	161
1–4	5	8	11	38	35	73	66	66	132	109	109	216
5–9	33	37	70	19	15	34	25	15	40	77	67	144
10–14	30	28	58	11	18	29	6	9	15	47	55	102
15+	7	12	19	4	4	8	–	–	–	11	16	27
Unknown	–	–	16	–	–	2	–	–	–	–	–	18
Total	75	86	177	115	100	217	137	137	274	327	323	668

(a) New South Wales could not separate step-parent adoptions from other relative adoptions. Since step-parent adoptions represent the majority of relative adoptions, all relative adoptions have been classified as adoptions by step-parents.

(b) Total persons includes 16 where sex was unknown.

(c) Total persons includes 2 where sex was unknown.

(d) Total persons includes 18 where sex was unknown.

Table A7: Adoptions of Australian-born children by non-relatives by State and Territory, 1987–88 to 1995–96

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
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

Note: Figures relating to 1979–80 to 1984–85 are shown in previous issues. No data on adoptions were collated nationally for 1985–86 to 1986–87. Table does not include adoptions where relationship to adoptive parents was unknown.

Source: *Adoptions: National Data Collection, WELSTAT, 1987–88 to 1989–90.*

Table A8: Adoptions of Australian-born children by non-relatives by nuptiality and State and Territory, 1995–96

	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	Total
Number								
Nuptial	3	8	3	2	–	1	–	17
Ex-nuptial	11	42	42	23	5	6	9	138
Unknown	53	9	–	–	–	–	–	62
Total	67	59	45	25	5	7	9	217
Percentage								
Nuptial	4	14	7	8	–	14	–	8
Ex-nuptial	16	71	93	92	100	86	100	64
Unknown	79	15	–	–	–	–	–	29
Total	100	100	100	100	100	100	100	100

(a) Includes 30 adoptions in New South Wales who were on legal orders prior to the issue of an adoption order and for whom details of their birth parents are unavailable

Note: Excludes Northern Territory as there were no adoptions of Australian-born children in that territory.

Table A9: Adoptions of Australian-born children by non-relatives by nuptiality, 1987–88 to 1995–96

Year	Nuptial	Ex-nuptial	Unknown	Total
1987–88	65	503	10	578
1988–89	73	528	5	606
1989–90	80	461	6	547
1990–91	72	397	3	472
1991–92	67	348	3	418
1992–93	45	259	2	306
1993–94	53	259	2	314
1994–95	55	243	13	311
1995–96	17	138	62	217

Source: *Adoptions: National Data Collection, WELSTAT, 1987–88 to 1989–90.*

Table A10: Adoptions of overseas-born children by non-relatives by State and Territory, 1987–88 to 1995–96

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1987–88 ^(a)	105	n.a.	22	37	83	34	15	12	308
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

(a) Data unavailable for Victoria.

Note: Figures relating to 1979–80 to 1984–85 are shown in previous issues. No data on adoptions were collated nationally for 1985–86 to 1986–87. Table does not include cases where relationship to adoptive parents was unknown.

Source: *Adoptions: National Data Collection, WELSTAT, 1987–88 to 1989–90.*

Table A11: Adoptions of overseas-born children by non-relatives by country of birth and sex, 1995–96

Country of birth	Male	Female	Persons
Bolivia	3	–	3
Brazil	2	4	6
Chile	3	4	7
China	–	3	3
Colombia	24	16	40
Ethiopia	1	4	5
Fiji	3	10	13
Ghana	1	–	1
Guatemala	4	2	6
Hong Kong	6	2	8
India	6	14	20
South Korea	46	48	94
Lebanon	–	1	1
Malaysia	–	1	1
Philippines	15	7	22
Poland	2	–	2
Sri Lanka	6	8	14
Taiwan	2	8	10
Thailand	13	5	18
Total	137	137	274

Table A12: Adoptions of overseas-born children by non-relatives by country of birth and State and Territory, 1995–96

	NSW	Vic	QLD	WA	SA	Tas	ACT	NT	Total
Number									
Colombia	39	–	–	–	–	–	–	1	40
Fiji	2	7	3	–	–	1	–	–	13
India	8	4	2	3	1	–	2	–	20
South Korea	23	19	15	16	12	4	2	3	94
Philippines	–	6	5	2	7	2	–	–	22
Sri Lanka	8	3	2	–	1	–	–	–	14
Thailand	5	4	3	–	6	–	–	–	18
Other (a)	20	14	7	8	2	2	–	–	53
Total	105	57	37	29	29	9	4	4	274
Percentage									
Colombia	37	–	–	–	–	–	–	25	15
Fiji	2	12	8	–	–	11	–	–	5
India	8	7	5	10	3	–	50	–	7
South Korea	22	33	41	55	41	44	50	75	34
Philippines	–	11	14	7	24	22	–	–	8
Sri Lanka	8	5	5	–	3	–	–	–	5
Thailand	5	7	8	–	21	–	–	–	7
Other (a)	19	25	19	28	7	22	–	–	19
Total	100	100	100	100	100	100	100	100	100

(a) 'Other' includes Bolivia (3), Brazil (6), Chile (7), China (3), Ethiopia (5), Ghana (1), Guatemala (6), Hong Kong (8), Lebanon (1), Malaysia (1), Poland (2) and Taiwan (10).

Table A13: Placements of overseas-born children with non-relatives by country of birth and State and Territory, 1995–96

	NSW	Vic	QLD	WA	SA	Tas	ACT	NT	Total
Number									
Colombia	39	1	2	–	–	–	–	–	42
Ethiopia	2	4	4	–	2	5	2	–	19
Fiji	–	4	2	–	2	1	–	–	9
India	8	7	6	3	2	2	2	4	34
South Korea	23	19	20	4	16	2	4	2	90
Philippines	–	3	3	–	8	–	–	–	14
Thailand	5	7	2	–	18	2	1	–	35
Other (a)	28	13	2	1	–	–	2	2	48
Total	105	58	41	8	48	12	11	8	291
Percentage									
Colombia	37	2	5	–	–	–	–	–	14
Ethiopia	2	7	10	–	4	42	18	–	7
Fiji	–	7	5	–	4	8	–	–	3
India	8	12	15	38	4	17	18	50	12
South Korea	22	33	49	50	33	17	36	25	31
Philippines	–	5	7	–	17	–	–	–	5
Thailand	5	12	5	–	38	17	9	–	12
Other	27	22	5	13	–	–	18	25	16
Total	100	100	100	100	100	100	100	100	100

(a) 'Other' includes Bolivia (3), Brazil (2), Chile (3), China (2), Ghana (1), Guatemala (7), Lebanon (1), Macedonia (1), Malaysia (1), Romania (6), Sri Lanka (12) and Taiwan (9).

Table A14: Adoptions by Aboriginality and sex of adopted child and relationship and Aboriginality of adoptive parents, 1995–96

Aboriginality / sex of adopted child	Adopted by relatives ^(a)		Adopted by non-relatives		Total		Total
	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	Indigenous	Non-Indigenous	
Indigenous							
Males	–	–	2	2	2	2	4
Females	–	–	–	3	–	3	3
Unknown	–	–	–	–	–	–	–
<i>Children</i>	–	–	2	5	2	5	7
Non-Indigenous							
Males	–	75	–	248	–	323	323
Females	–	86	–	234	–	320	320
Unknown	–	16	–	2	–	18	18
<i>Children</i>	–	177	–	484	–	661	661
Total							
Males	–	75	2	250	2	325	327
Females	–	86	–	237	–	323	323
Unknown	–	16	–	2	–	18	18
<i>Children</i>	–	177	2	489	2	666	668

Table A15: Indigenous adoptions by relationship to adoptive parents and Aboriginality of adoptive parents, 1991–92 to 1995–96

Relationship to adoptee/Aboriginality	1991–92	1992–93	1993–94	1994–95	1995–96	Total
Relative						
Indigenous	2	–	1	–	–	3
Non-Indigenous	–	–	–	–	–	–
Non-relative						
Indigenous	3	5	6	7	2	23
Non-Indigenous	3	2	6	5	5	21
Total						
Indigenous	5	5	7	7	2	26
Non-Indigenous	3	2	6	5	5	21
Total	8	7	13	12	7	47

Table A16: Permanent care orders granted in Victoria as at 30 June 1995 and 30 June 1996

Age	30 June 1995			30 June 1996		
	Males	Females	Total	Males	Females	Total
	Number					
0-4	14	15	29	24	8	32
5-9	48	40	88	72	81	153
10-14	27	28	55	55	50	105
15+	5	7	12	6	10	16
Unknown	14	22	36	7	17	24
Total	108	112	220	164	166	330
	Percentage					
0-4	13	13	13	15	5	10
5-9	44	36	40	44	49	46
10-14	25	25	25	34	30	32
15+	5	6	5	4	6	5
Unknown	13	20	16	4	10	7
Total	100	100	100	100	100	100

Table A17: Number of permanent care orders granted in Victoria from 1992-93 to 1995-96

Year	Males	Females	Total
1992-93	7	4	11
1993-94	36	38	74
1994-95	65	70	135
1995-96	56	54	110
Total	164	166	330

Appendix 1

Glossary

Adoption

An adoption is the legal effect of an adoption order. It establishes a child or adult as if he or she were the issue of a particular person or persons. It also establishes the adopting persons as the parents of the child, as if the child had been born to them.

Adoption order

An adoption order is an administrative order made by a court under adoption legislation. It excludes legitimation orders made under the Commonwealth *Marriage Act 1961*.

Adoptive parent

An adoptive parent is a person who has become the parent of a child or adult as the result of an adoption order. In some States, a de facto partner of a parent may become an adoptive parent (See 'Adoption by non-relatives' in Section 2.4).

Age of child

For the purpose of this collection, the age of an adopted person is generally based on the date of the adoption order (in completed years, or in completed calendar months where the age is less than one year). In New South Wales, and for people adopted by non-relatives in South Australia and Tasmania, age is based on the date of placement (that is, the date on which the adopted person began living with the adoptive parents).

It should be noted that the date of placement could be a considerable time before the date of the adoption order.

Age of birth mother

The age of the birth mother is the age, in complete years, at the child's birth.

Child

A child is a person aged less than 18 years. Under State and Territory adoption legislation, it can include an older person for whom an adoption order is sought or has been made.

Child legally available for adoption by non-relatives

A child is legally available for adoption by non-relatives if all the legally necessary consents by relatives or others to the child's adoption have been obtained or legally dispensed with. The consent of the Minister or the director or another official of the State or Territory community services department does not have to be obtained for the child to be available for adoption.

Children whose adoption has been deferred or who are already living with their prospective adoptive parents are included in this category. Children brought to Australia from overseas

are included only if they are legally available for adoption under Australian legislation. Orphan children under the guardianship of a State or Territory community services department are included only if an adoption consent was signed by at least one of the child's parents or if active steps are being taken to find adoptive parents for the child.

Guardianship

In this publication, 'guardianship' refers to the allocation of responsibility for a child's total welfare to a couple or individual, rather than to a community services department or other authorised department. Guardianship is not regarded as adoption, although some children under guardianship may be included in the count of children legally available for adoption.

Location of child

A child legally available for adoption is placed in one of the following location categories: living with prospective adoptive parents, foster care, hospital or nursing home, or 'other'.

Living with prospective adoptive parents

A child in this category is living with prospective adoptive parents under the supervision of an adoption agency. The prospective parents must not be in receipt of a foster allowance for the support of the child. Cases where a child's foster parents have applied to adopt him or her are included only if the foster parents no longer receive a foster allowance for the child.

Foster care

A child is regarded as being in foster care when he or she is living in a private household apart from that of his or her natural or adoptive parents and is being cared for by one or more adults approved by the relevant community services department. The adults are acting as substitute parents to the child and are being paid a regular allowance for the child's support by a government authority or non-government organisation.

Hospital or nursing home

A child is living in a hospital or nursing home if he or she is living in an establishment mainly engaged in providing hospital (including psychiatric or mental hospital) facilities such as diagnostic medical or surgical services as well as continuous inpatient nursing care, or nursing or convalescent home facilities (including the provision of nursing or medical care as a basic part of the service).

Other

The 'other' category includes all children who are legally available for adoption and are living neither with prospective adoptive parents nor in foster care, a hospital or a nursing home. It includes children living in arrangements such as boarding schools, prisons, residential adult care establishments, with adults who are not their prospective adoptive parents or foster parents, living independently, or on unauthorised absence from their usual location.

Nuptiality of adopted child

Nuptial

The birth of an adopted child is classified as nuptial if the child's natural parents were legally married to each other at the time of the birth. Cases where the adopted child's birth father was legally married to the child's birth mother but died before the birth are included.

Ex-nuptial

The birth of an adopted child is classified as ex-nuptial if the child's natural parents were not legally married to each other at the time of the birth. Cases where the adopted child's

birth father was legally married to the child's birth mother but died before the birth are excluded.

Relative

A relative is a parent or other relative as defined in the following two paragraphs.

Parent

A parent is a natural (i.e. biological) parent, a spouse of a natural parent (i.e. a step-parent), an adoptive parent through a previous adoption order or a spouse of an adoptive parent. Foster parents are excluded unless they otherwise fit the definition.

Other relative

'Other relative' means a grandparent, brother, sister, aunt or uncle, whether the relationship is full-blood, half-blood or by marriage, and includes relationships based on the adoption of any person or traced through or to a person whose parents were not married to each other at the time of the birth or subsequently.

Non-relative

A non-relative is a person who is not a parent or other relative, as defined.

Arranging body

An arranging body is an agency authorised under legislation to approve and arrange adoptions. Adoptions can be arranged by governments, State and Territory community services departments, and non-government agencies.

Government

A government authority is an agency in Australia that is owned or controlled by the Commonwealth or a State or Territory government, including departments, statutory authorities, and public hospitals not run by religious institutions. In recent years, no adoptions were arranged through government departments other than community services departments.

State and Territory community services departments

A State or Territory community services department is one of the contributing departments listed on page iii of this publication. In recent years, all adoptions arranged through government departments have been arranged through community services departments.

Non-government agency

A non-government agency is an agency in Australia that is not owned or controlled by the Commonwealth Government or by a State or Territory government. This includes public hospitals run by religious institutions, private hospitals, church organisations, religious communities, registered charities, voluntary agencies, non-profit organisations, companies, and cooperative societies and associations.

Other arrangements

Some adoptions by relatives, predominantly step-parents, are arranged by bodies other than the department responsible for community services or a non-government agency. For instance, arrangements may be made between the parties to the adoption and an application then made to the court (as in New South Wales and Victoria): Further details are given in Appendix 2: Summary of legislation).

Appendix 2

Summary of legislation

Commonwealth

Immigration (Guardianship of Children) Act 1946

Marriage Act 1961

Family Law Reform Act 1996

States and Territories

New South Wales

Adoption of Children Act 1965

Adoption of Children Regulation 1995

Adoption Information Act 1990

Adoption Information Regulations 1996

Level of court

Supreme Court of New South Wales

Step-parent adoptions

Application may be made to the Supreme Court by a step-parent for formal adoption of a step-child. A social worker is appointed by NSW DCS to provide a written assessment of the case which is submitted with the application to court.

Other relatives

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.

Non-relative adoptions

Eligibility requirements:

- Married couple.
- De facto couple who have lived together for more than three years and the child has been living with the applicants for more than two years, or they are adopting a special needs child.
- Single people if adopting a special needs child or if absent spouse consents.

It should be noted that this system operates as a hierarchy. If a married couple and a de facto couple wished to adopt a child, the married couple would be given priority.

Arrangements may be made by NSW DCS or approved non-government organisations such as Centacare Adoptions Services, Anglican Adoption Agency and Barnardo's Australia.

Adoption of Indigenous children

Restrictive eligibility criteria for adoptive parents in accordance with Indigenous placement principle.

Victoria

Adoption Act 1984

Adoption Regulations 1987

Adoption (Amendment) Act 1991

Level of court

Supreme Court and County Court

Step-parent adoptions

In all cases of placement with relatives, guardianship orders are the first consideration. A solicitor may prepare an application for formal adoption by a step-parent or other relative. The application must be notified to the DHS or an approved non-government adoption agency for the preparation of an assessment report on the prospective adoptive parents. Report submitted with application to the County or Supreme Court.

Approved non-government adoption agencies operating in Victoria include Copelen Street Family Services, Western Family Services, Gippsland Family Services, Catholic Family Welfare Bureau, Westate Permanent Care Team, Ballarat Children's Home and Family Services.

Other relative adoptions

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.

Non-relative adoptions

Eligibility requirements:

- Married couple of longer than 2 years.
- Single person in certain circumstances.

Adoption may be arranged by the DHS or approved non-government organisation (see step-parent adoptions).

Adoption of Indigenous children

Restrictive eligibility criteria is in place for 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 1988

Level of court

The Director General of the Department of Families, Youth and Community Care (DFYCC) is solely responsible for adoption administration. 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 only be arranged through the DFYCC.

Other relative adoptions

There is provision for adoption 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 only be arranged through DFYCC.

Non-relative adoptions

Eligibility requirements:

Initial/first applicants:

- General adoption—married for at least two years, in good health, both applicants must be under 36 years of age, infertile and childless, one must be an Australian citizen, resident or domiciled in Queensland.
- Inter-country adoption—married for at least two years, in good health, youngest of couple must be under 41 years of age, oldest of couple under 47 years of age, and one must be an Australian citizen, resident or domiciled in Queensland.
- Special needs adoption—all interested applicants considered depending on the child's needs.

Second and subsequent applicants:

- General adoption (maximum of one child)—married for at least two years, in good health, both applicants must be under 40 years of age, infertile with no more than one child in their custody, one must be an Australian citizen, resident or domiciled in Queensland.
- Inter-country adoption (maximum of 4 children)—married for at least two years, in good health, youngest of couple must be under 43 years of age, oldest of couple under 47 years of age, one must be an Australian citizen, resident or domiciled in Queensland.
- Special needs adoption—all interested applicants considered depending on the child's needs.

Adoptions must be arranged through DFYCC.

Adoption of Indigenous children

According to the placement principle, in Queensland, Indigenous children are always placed with carers of similar Indigenous background, unless it is not in the best interest of the child or it has been requested by the birth parents not to do so.

Western Australia

Adoption Act 1994

Adoption Regulation 1995

Level of court

Family Court of Western Australia

Step-parent adoptions

Step-parents wishing to adopt their step-child must serve sixty days' notice on Family and Children's Services (FCS) 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 consent of the non-custodial birth parent, or an order from the Family Court of Western Australia to dispense with such consent, will be required. An Adoption Plan will need 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. FCS is required to provide a complete assessment report to the Court.

Other relative adoptions

Adoptions by relatives other than parents are known as carer adoptions. Carer adoptions can only occur when the child has been in the full-time care of the carers for at least three years. All carer adoptions are attended to by FCS. Carer adoptions include the relatives of the child, foster carers, and adults who are not related but have a parenting order from the Family Court.

The consent of the birth parent, or an order from the Family Court of Western Australia to dispense with such consent, will be required. An Adoption Plan will need to be negotiated between the birth parent and the adoptive parent, or dispensed with by the Court, before the adoption can be finalised. FCS is required to provide a complete assessment report and report to the Court.

Non-relative adoptions

Birth parents involved in the selection process of adoptive parents by choosing a family from non-identifying profiles.

All non-relative adoptions are arranged through FCS.

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 to dispense with the Adoption Plan, before the Adoption Order is granted in the Family Court of Western Australia.

All known birth parents must be requested to give consent.

Adoption of Indigenous children

The Family Information and Adoption Service adheres to the department's Aboriginal Child Placement Policy. Aboriginal children are placed with Aboriginal adoptive parents.

South Australia

Adoption Act 1988

Adoption (Miscellaneous) Amendment Bill 1996 (not yet proclaimed)

Level of court

Youth Court of South Australia

Step-parent adoptions

'Leave to proceed' granted in the Family Court is preferred before step-parents can adopt where the child is the child of a dissolved marriage. The current legislation does not specify that this is a requirement, but the amended legislation requires formal leave to proceed from the Family Court to be obtained prior to the granting of an adoption order.

Adoption by relatives can only be arranged through DFCS in exceptional circumstances, that is, when a guardianship or custody order will not adequately provide for the interests and welfare of the child.

Other relative adoptions

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 only be arranged through DFCS.

Non-relative adoptions

Eligibility requirements:

- Couples in a marriage situation of more than five years.
- Single people in particular circumstances.

Adoptions only arranged through DFCS.

Overseas and placement of overseas children can be arranged through a non-government agency such as Australians Aiding Children Adoption Agency.

Overseas applications are assessed through a non-government agency, Australians Aiding Children Adoption Agency, with all approvals made by the DFCS.

Adoption of Indigenous children

Restrictive eligibility criteria for adoptive parents in accordance with Indigenous placement principle.

Tasmania

Adoption Act 1988

Adoptions Regulations 1992

Level of court

Magistrate sitting alone

Step-parent adoptions

Adoption by step-parents can only be arranged through DCHS. Provision for adoption by step-parents only on special circumstances and when orders such as guardianship and custody will not adequately provide.

Other relative adoptions

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 only be arranged through DCHS.

Non-relative adoptions

Eligibility requirements:

- Married couples of more than three years with any period of time spent in de facto relationship prior to marriage included in time assessment.
- Single people in special circumstances relating to the welfare and interest of the child.

Arranged by DCHS or non-government organisation such as the Catholic Private Adoption Agency.

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 relatives can only be arranged through Children's, Youth and Family Services Bureau (CYFSB).

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 only be arranged through CYFSB.

Non-relative adoptions

Eligibility requirements:

- Married couples of more than three years.
- De facto couples of more than three years.
- Single people in particular circumstances.

Must be arranged through CYFSB.

Adoption of Indigenous children

Restrictive eligibility criteria for adoptive parents in accordance with Indigenous placement principle.

Northern Territory

Adoption of Children Act 1994

Level of court

Local Court

Step-parent adoptions

Other arrangements are sought before adoption order is considered.

Other relative adoptions

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.

Non-relative adoptions

Eligibility requirements:

- Married couples.
- Single person in exceptional circumstances.

Must be arranged through Territory Health Services (THS.)

Adoption of Indigenous children

Cannot adopt Indigenous children unless alternative custody with extended family cannot be arranged. If an order is made it must comply with the Indigenous placement principle.

Appendix 3

Access to information and veto systems in the State and Territories

New South Wales

Access to information

In New South Wales the *Adoption Information Act 1990* provides that at 18 years of age or older an adoptee can have access to his/her original birth certificate and to information that will give knowledge of his/her origins. It also enables birth parents to have access to details of their offspring'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.

Veto system

Birth parents and adult adoptees are able to lodge a contact veto. On the lodgment of such a document it becomes an offence for the information recipient to attempt to make contact with the person who imposed the contact veto.

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' 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 eighteen 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. While 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

In Queensland for adoptions prior to 1991, an adopted person aged under 18 years or older and the birth parent who signed the adoption consent are entitled to receive identifying information and access a copy of the original and amended birth certificate as long as the other party has not lodged an objection to the disclosure of identifying information.

Other relatives, either by birth or adoption, may apply for identifying information if the adopted person and/or birth mother is permanently incapacitated or deceased and there is no objection to the release of identifying information.

Non-identifying information has always been available from the Department and has been provided to adoptive parents, adopted persons, birth parents and other relatives by birth or adoption. Non-identifying information is any information that would not lead to the identification of the person and can include medical history, ages, physical descriptions and religion.

Parties to an adoption can also exchange information in the form of letters via the Department if they wish to maintain anonymity or the adopted person is under 18 years of age.

Veto system

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 prior to 1991.

Objections, once lodged, remain in force unless revoked by the person who lodged the objection. Objections are for an indefinite period of time and remain in force on the death of the person who lodged the objection.

Objections to contact only and the release of identifying information cannot be lodged for adoptions which occurred after 1991.

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 access birth and court records if there is no information veto.

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 adoptee over 18 years).

Less restrictive access to identifying information applies for adopted people, adoptive parents and birth parents where the adoption occurred after 1 January 1995. Additionally,

adoptive relatives and birth relatives can also access birth records under certain circumstances provided parties are over eighteen years of age.

Prior to 1 January 1995, only birth parents could veto the release of identifying information to the adopted person. Under current arrangements, adopted people, adoptive parents and birth parents can lodge information vetoes. Contact vetoes can be lodged by these categories of people plus adoptive relatives and birth relatives.

Vetoes can be lodged for a lifetime or a specified period and can be cancelled or altered at any time.

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 effective only for adoptions that occurred before the State's *Adoption Act 1988* came into force.

When the amendments to the *Adoption Act 1988* come into effect adoptive parents will be 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 will also be available to adoptive parents under the amended legislation.

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 permission of his or her adoptive parents, but may not be given identifying information without the written consent of the birth parents. Birth parents and birth relatives may obtain non-identifying information from the adoption record and may be given identifying information only with the written consent of the adopted person or, if under 18 years, the adoptive parents.

Veto system

Tasmania does not have a veto system, but operates an Adoption Information Register, where people affected by adoption may record their wishes in relation to contact and exchange of information. Adopted people aged 18 years or over may search for and contact their birth family themselves or may request the adoption agency's help. Birth parents and relatives may request the agency to seek the adopted person's views about contact and exchange of information.

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).

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 attempt 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.

Prior to 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.

Northern Territory

Access to information

In the Northern Territory, legislation prior to the *Adoption of Children Act 1994* did not provide for the release of information to any parties to an adoption. The Act allows for a more open process, with identifying information being available unless a veto has been lodged.

Veto system

Veto provisions relate only to adoption orders made under the repealed legislation. There is no right of veto where orders were made under the current Act.

Appendix 4

Abbreviations

ABS	Australian Bureau of Statistics
AICAN	Australian Inter-Country Adoption Network
CYFSB	Children's, Youth and Family Services Bureau (Australian Capital Territory)
DCHS	Department of Community and Health Services (Tasmania)
DCS	Department of Community Services (New South Wales)
DFCS	Department of Family and Community Services (South Australia)
DFYCC	Department of Families, Youth and Community Care (Queensland)
DHS	Department of Human Services (Victoria)
FCS	Family and Children's Services (Western Australia)
THS	Territory Health Services (Northern Territory)

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CHILD WELFARE SERVICES

Adoption is essentially the process of finding parents for children. Once an adoption order is granted, the adopted child becomes the child of the adoptive parents, as if he or she had been born to them in marriage. Each State and Territory in Australia has responsibility for all aspects of adoption within its jurisdiction.

Adoptions Australia 1995-96 presents adoption statistics provided by State and Territory community services departments for the period 1 July 1995 to 30 June 1996. These statistics cover all finalised adoptions reported to State and Territory community services departments during that year, and all children legally available for adoption at 30 June 1996. It also provides information on the number of requests made for information and the number of contact and information vetoes lodged by adopted persons, adoptive parents, birth parents and other relatives.

