

# **Adoptions Australia 1998–99**

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CHILD WELFARE SERIES

# **Adoptions Australia 1998–99**

Australian Institute of Health and Welfare  
Canberra

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## Abbreviations

ABS	Australian Bureau of Statistics
CYFSB	Children’s, Youth and Family Services Bureau (Australian Capital Territory)
DCS	Department of Community Services (New South Wales)
DFYCC	Department of Families, Youth and Community Care (Queensland)
DHHS	Department of Health and Human Services (Tasmania)
DHS	Department of Human Services (South Australia)
DHS	Department of Human Services (Victoria)
DIMA	Department of Immigration and Multicultural Affairs
FCS	Family and Children’s Services (Western Australia)
THS	Territory Health Services (Northern Territory)

## Symbols

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

# 1 Introduction

The Australian Institute of Health and Welfare (AIHW) is funded by the community services departments in each State and Territory to collect and publish national data on child protection and adoptions. The 1998–99 publication is AIHW’s ninth annual report on adoptions and the twenty-fourth in the Child Welfare Series. The data included in this report are collected from each of the State and Territory community services departments and analysed by AIHW for the purposes of this report.

The statistics in this publication cover all finalised adoptions recorded by State and Territory community services departments for the period 1 July 1998 to 30 June 1999. This report also contains data 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 for the period 1 July 1998 to 30 June 1999. Data are also included on trends in the number of adoptions over time.

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

## Categories of adoption

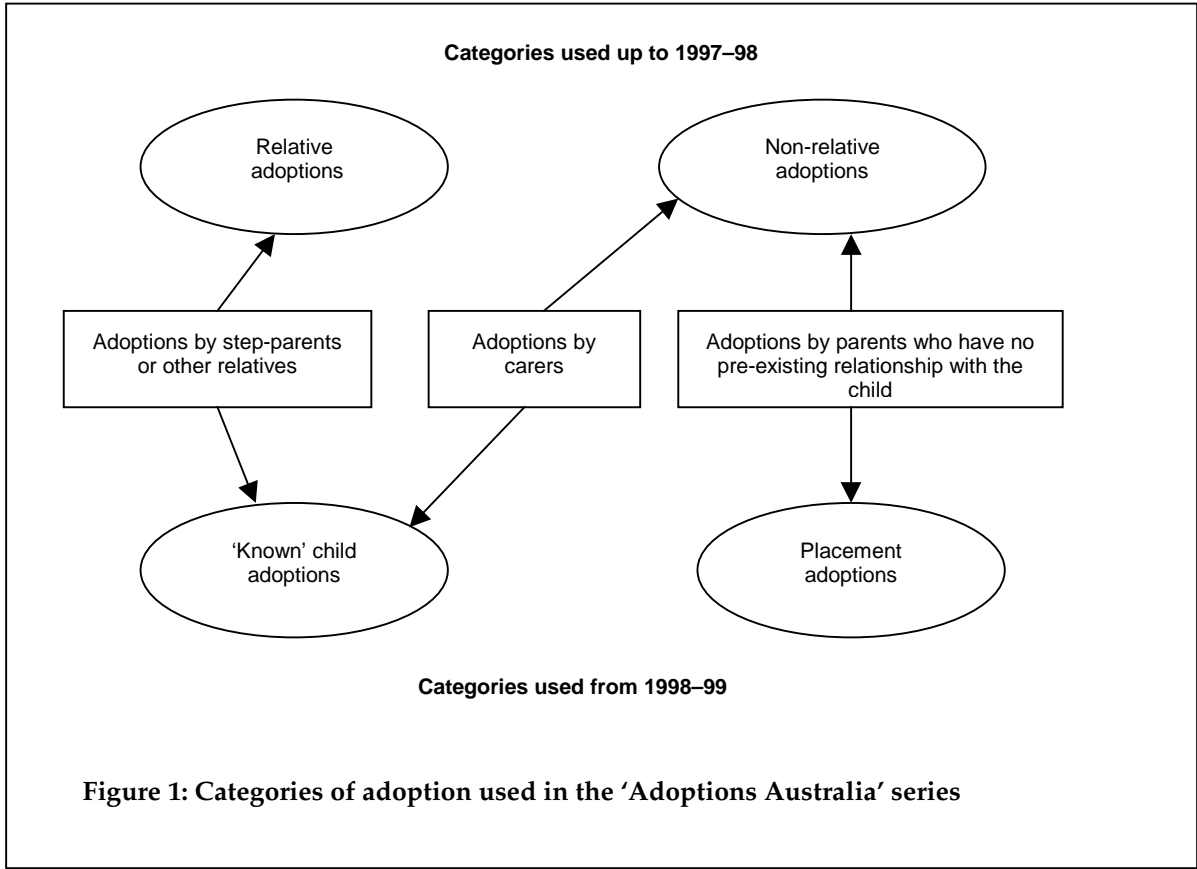
The categories of adoption used in this publication differ from those used in previous editions of the Adoptions Australia series. The categories have been changed to better reflect the type of adoption that has occurred, and to bring them more into line with the terminology that is used by State and Territory community service departments.

The new categories of adoption used in this publication are:

- **placement adoptions** which are adoptions of children who are legally available and placed for adoption, but who generally have had no previous contact or relationship with the adoptive parents. Placement adoptions are broken down into the following two categories:
  - **local placement adoptions** which are adoptions of children who were born in Australia or who were permanent residents of Australia before the adoption;
  - **intercountry placement adoptions** which are adoptions of children from countries other than Australia;
- **‘known’ child adoption** which are adoptions of children who have a pre-existing relationship with the adoptive parent(s) and who are generally not available for adoption by anyone other than the adoptive parent(s). ‘Known’ child adoptions include adoptions by step-parents, other relatives and carers (for a definition of carers see Appendix 1).

In previous publications, adoptions were categorised as either relative or non-relative adoptions. The major difference between the new categories used in this publication and the

categories used in previous publications is that adoptions by carers are now included with adoptions by step-parents and other relatives, rather than with adoptions by other non-relatives (see Figure 1).



## New data

This year, data on children adopted under The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (The Hague Convention) are included in the report. All intercountry adoptions are classified as either Hague or non-Hague adoptions.

Data has also been collected for the first time on:

- characteristics of adoptive families (which relate to placement adoptions only)—such as age of parents, number of children in the family and marital status of adoptive parents;
- more information on the type of adoptions—such as who gave consent for the adoption and the type of agreement between adoptive and birth parents; and
- age, sex and Indigenous status of persons applying for information.

# 2 Adoptions in Australia 1998–99

When an adoption order is granted, the legal relationship between the child and the biological parents is severed. The legal rights of the adopted child are as if he or she had been born to the adoptive parents, and the legal rights that exist from birth with regard to the birth parents (inheritance and name, for instance) are removed. A new birth certificate is issued to the child bearing the name(s) of his or her adoptive parent(s) as the 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 and has its own legislation regarding adoption (see Appendix 2).

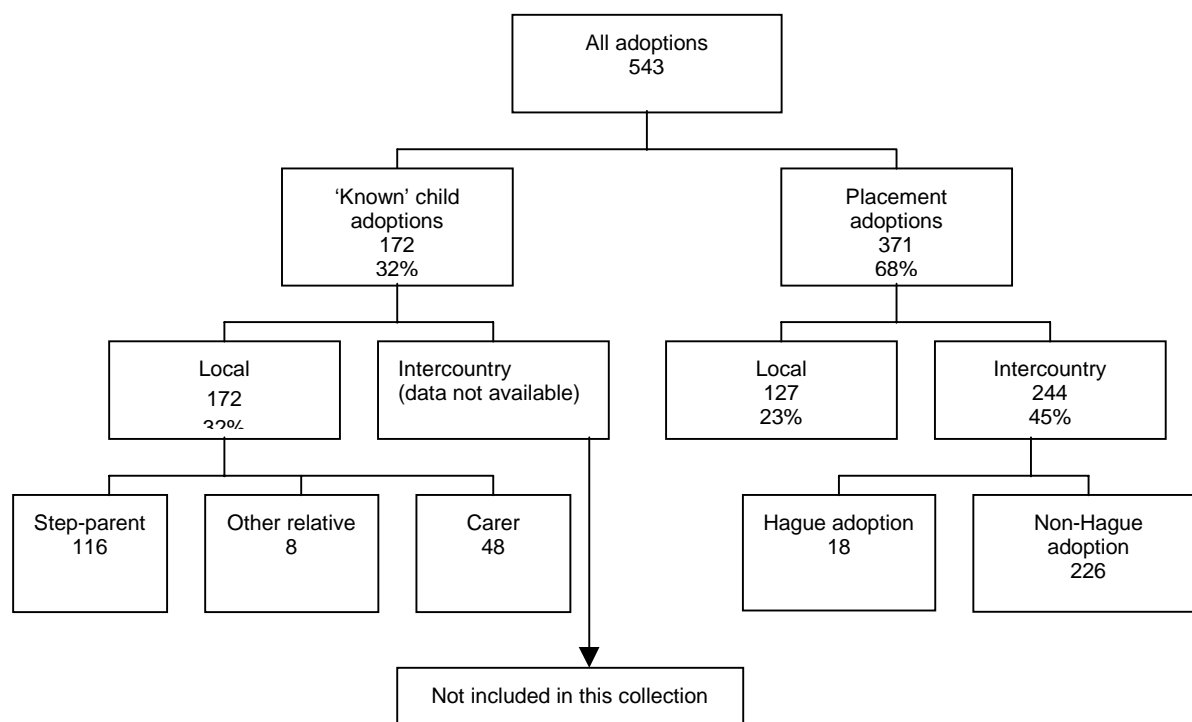
Access by the birth parents or other relatives to the adopted child (sometimes called ‘open’ adoption) is encouraged in most States and Territories. The degree to which this process is encouraged varies across the jurisdictions (see Appendix 3).

## Overview of main findings

In 1998–99 there were 543 adoptions of children in Australia. This is a decrease of 34 (6%) from the 577 adoptions in 1997–98.

The main features regarding adoptions in 1998–99 are:

- 68% (371) were placement adoptions and 32% (172) ‘known’ child adoptions (Figure 2);
- 55% of adoptions were of local children (‘known’ child and placement) (299), and 45% were of children from outside Australia (244) (Figure 2);
- of the 172 ‘known’ child adoptions, 67% were adoptions by step-parents, 28% by carers and 5% by other relatives (Figure 2);
- there were 127 placement adoptions of local children and 244 placement adoptions of children from outside Australia (Figure 2);
- whereas the majority (65%) of ‘known’ child adoptions were of children aged 5–14 years, most children placed for adoption were in the younger age group—under 5 years of age (85%) (Table 1); and
- there were 5,430 applications for access to information made by adopted persons, birth parents, other birth relatives and adoptive parents (Table 22).



Note: Percentages are of total adoptions.

Source: Tables 1, 8 and 15.

Figure 2: Adoptions in Australia, 1998–99

Table 1: Adoptions by age, type of adoption and sex, 1998–99

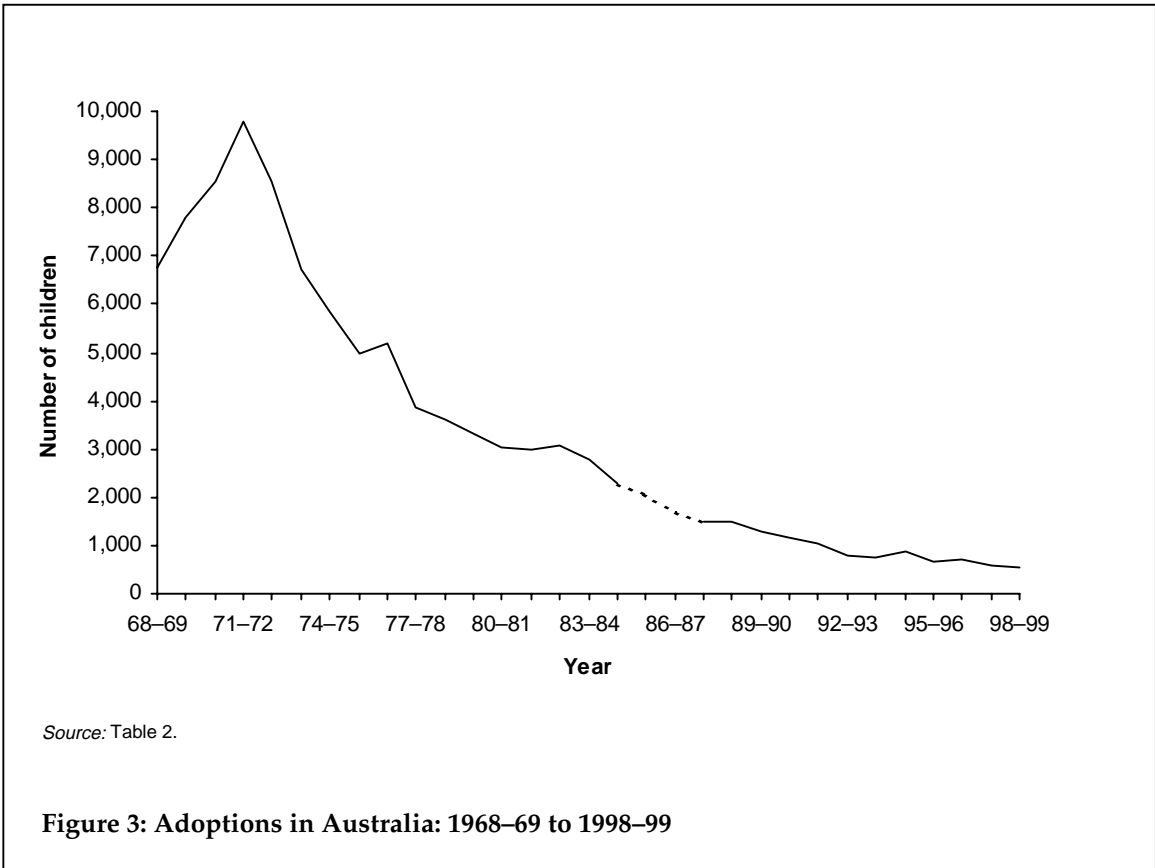
Age (years)	'Known' child adoptions				Local placement adoptions				Intercountry placement adoptions				Total			
	M	F	U	P	M	F	U	P	M	F	P	M	F	U	P	
<b>Number</b>																
Under 1	—	—	—	—	27	33	—	60	29	24	53	56	57	—	113	
1–4	15	9	—	24	21	31	—	52	71	71	142	107	111	—	218	
5–9	34	24	—	58	3	1	—	4	16	23	39	53	48	—	101	
10–14	21	28	—	49	—	—	—	—	7	3	10	28	31	—	59	
15+	14	17	3	34	—	—	—	—	—	—	—	14	17	3	34	
Unknown	2	1	4	7	—	—	11	11	—	—	—	2	1	15	18	
<b>Total</b>	<b>86</b>	<b>79</b>	<b>7</b>	<b>172</b>	<b>51</b>	<b>65</b>	<b>11</b>	<b>127</b>	<b>123</b>	<b>121</b>	<b>244</b>	<b>260</b>	<b>265</b>	<b>18</b>	<b>543</b>	
<b>Per cent</b>																
Under 1	—	—	—	—	53	51	—	47	23	20	22	22	22	—	21	
1–4	17	11	—	14	41	48	—	41	58	59	58	41	42	—	40	
5–9	40	30	—	34	6	2	—	3	13	19	16	20	18	—	19	
10–14	24	35	—	28	—	—	—	—	6	2	4	11	12	—	11	
15+	16	22	43	20	—	—	—	—	—	—	—	5	6	17	6	
Unknown	2	1	57	4	—	—	100	9	—	—	—	1	—	83	3	
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	

Note: Data from New South Wales and Western Australia include persons aged 18 years or older (14 in total).

# Trends in adoption

There has been a substantial fall in the number of adoptions since the early 1970s (Figure 3), and the trend continued this year with the number of adoptions decreasing from 577 in 1997–98 to 543 in 1998–99. Factors contributing to this overall fall in adoptions of children include:

- effective birth control leading to a decrease in the number of unplanned pregnancies;
- the provision of income support for single parents and changed community attitudes to single parenthood, resulting in other alternatives to adoption;
- changes to legislation and practices in relation to step-parents within States and Territories whereby step-parents are encouraged to use arrangements other than adoption (refer to Bentley & Broadbent 1997, section 2.3);
- the introduction of alternative legal orders which transfer permanent guardianship and custody of a child to a person other than the parent (for example, permanent care orders in Victoria, see page 22).



**Table 2: Adoptions by State and Territory, 1968–69 to 1998–99**

Year	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	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	n.a.	n.a.	359	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87	n.a.	n.a.	334	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	280	114	309	191	416	120	36	28	1,494
1988–89	335	288	353	147	221	85	47	25	1,501
1989–90	360	212	278	128	174	71	50	21	1,294
1990–91	329	258	210	136	103	61	25	20	1,142
1991–92	310	185	232	120	112	58	23	12	1,052
1992–93	209	101	222	87	111	23	20	10	783
1993–94	188	112	206	85	106	37	21	9	764
1994–95	260	145	179	127	108	12	18	6	855
1995–96	204	131	170	75	48	17	19	4	668
1996–97	263	123	129	56	79	30	26	3	709
1997–98	200	114	111	69	48	19	15	1	577
<b>1998–99</b>	<b>185</b>	<b>102</b>	<b>94</b>	<b>64</b>	<b>53</b>	<b>25</b>	<b>14</b>	<b>6</b>	<b>543</b>

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

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

Sources: ABS1982a,1982b,1983,1984,1985,1986; WELSTAT 1990,1992a,1992b; AIHW 1999.



# 3 Detailed information

## Placement adoptions

Placement adoptions are adoptions in which the child is legally available and placed for adoption and where the child and the adoptive parents have generally had no previous contact or relationship. There are two types of placement adoptions: **local placement adoptions**—for adoption of children who are residents of Australia—and **intercountry placement adoptions**—for adoption of children whose country of habitual residence is any country other than Australia.

### Process for placement adoptions

Each State and Territory has its own legislation relating to placement adoptions. However, the process of adopting a child is relatively similar across the States and Territories, and is outlined in Figure 4 for local placement adoption and Figure 5 for intercountry placement adoption.

A child is legally available for placement adoption if all the necessary consents to the child's 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. In Queensland, the Northern Territory and Tasmania only married couples are allowed to adopt unrelated children for placement adoption, while de facto couples are also eligible to adopt in all other jurisdictions (see Appendix 2). In New South Wales, Victoria, **Western Australia** and **the Australian Capital Territory** applications from single people are also accepted under certain circumstances. Other factors considered in the assessment of the suitability of potential parents are their parenting capacity, age, health, fertility, reasons for wanting to adopt, and the stability of their relationship.

Generally, for most placement adoptions (except for those Hague country adoptions where the adoption order was made in the country of origin), the guardianship of a child for whom a general consent for adoption has been signed resides with the community services department or, in the case of some non-government approved adoption agencies, with the principal officer. The guardianship remains in force until the adoption order is made, the consent for adoption is revoked, or some other specified event occurs.

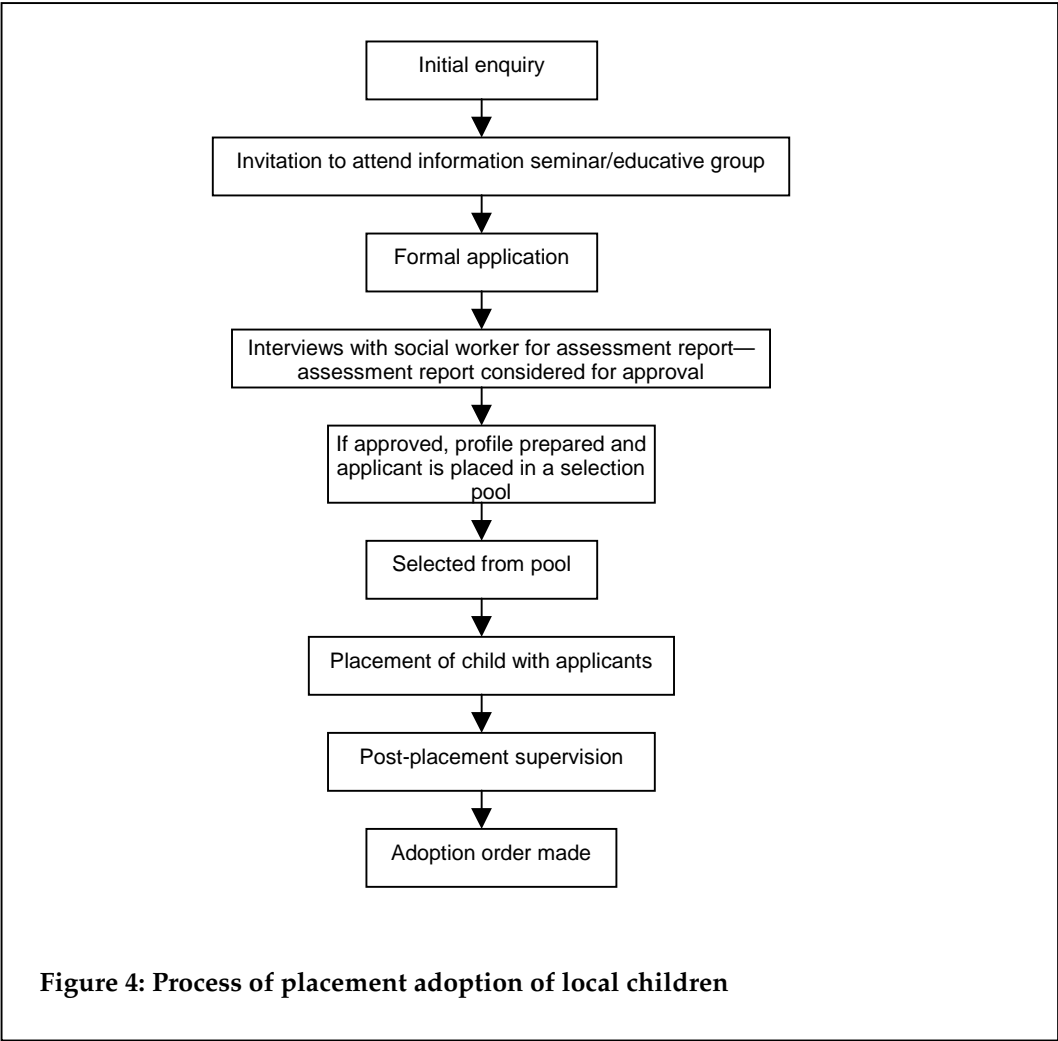
In the case of placement adoption of children from outside Australia, the process has changed for countries party to The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (The Hague Convention). The convention was ratified by Australia on 25 August 1998 and came into effect on 1 December 1998. Under this Convention, it is now possible for the adoption order to be finalised in the country of origin and recognised in Australia. The Convention is discussed in more detail in the section on intercountry placement adoption.

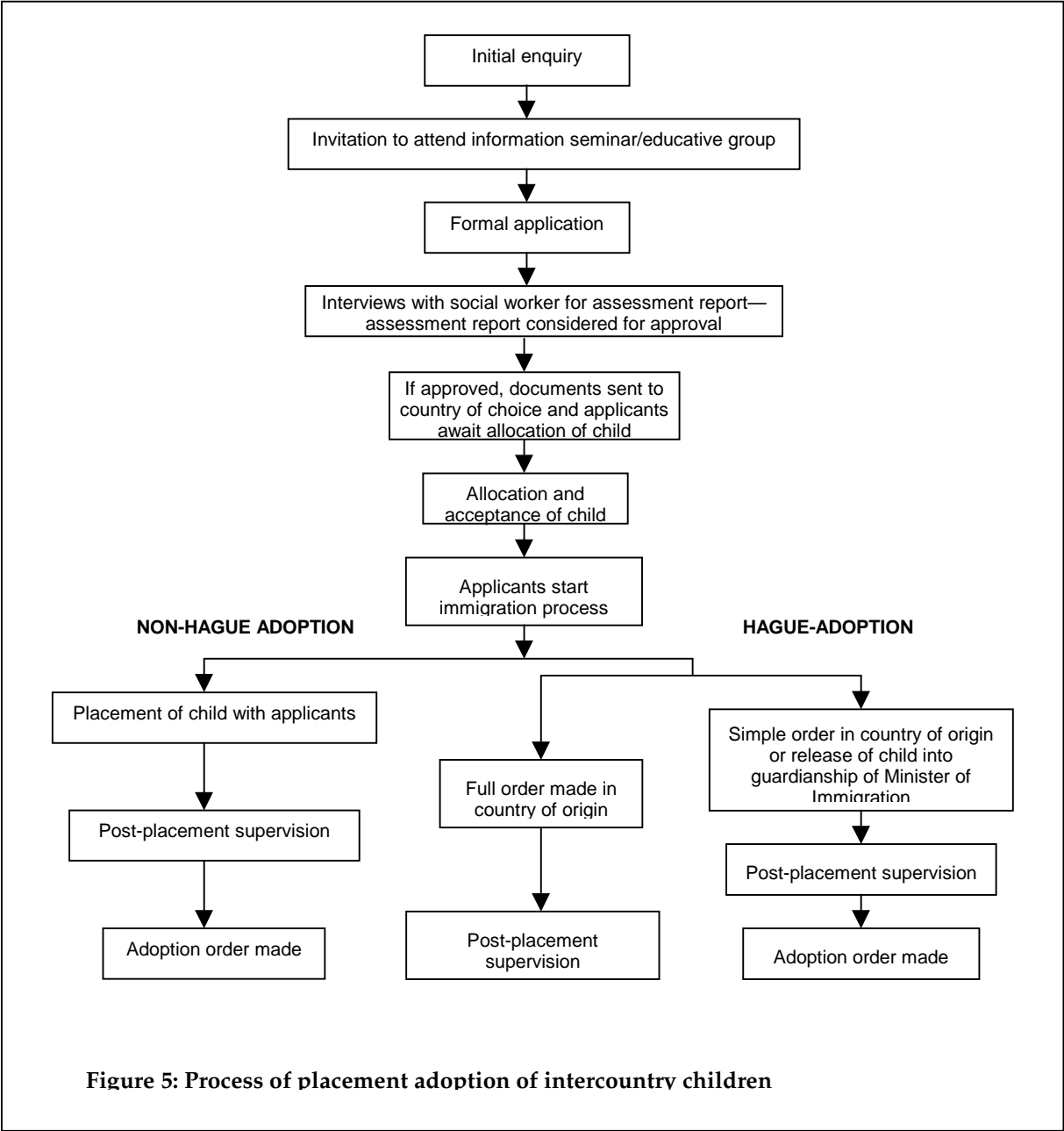
For children whose adoption orders are not finalised in the country of origin (both Hague and non-Hague adoptions), the Commonwealth Minister for Immigration and Multicultural Affairs assumes guardianship of the child for immigration purposes until an adoption order comes into effect. The Commonwealth Minister delegates such guardianship to the relevant

State or Territory minister or department head, thereby allowing for the minister or department head to give consent to the adoption (Boss 1992:39).

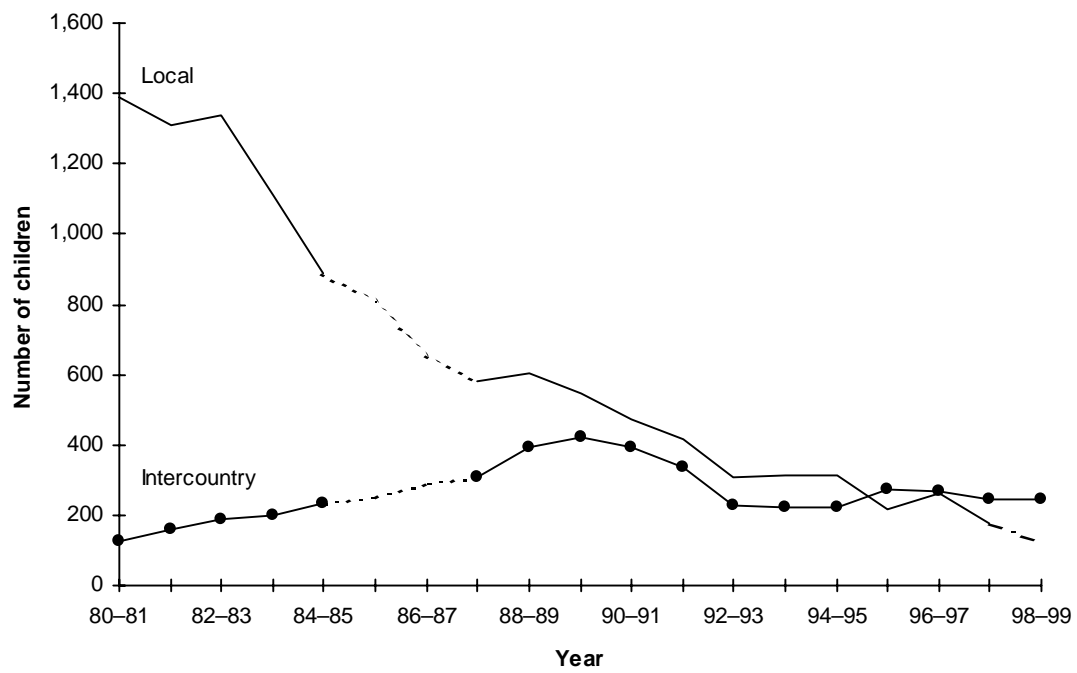
The number of adoptions by non-relatives decreased significantly from the early 1980s, from nearly 1,600 in 1980–81 to 370 in 1997–98. This was mainly due to the decrease in local non-relatives adoptions, which fell from 1,311 in 1981–82 to 178 in 1997–98. The number of local placement adoptions in 1998–99 was even lower—127—but this was mainly due to the change in categorisation. From 1998–99, carer adoptions, which were formerly included in the category local adoptions by non-relatives, were put in the category ‘known’ child adoption. The number of placement adoptions of intercountry children (called adoptions of overseas-born children by non-relatives before to 1998–99), however, increased from 162 in 1981–82 to 420 in 1989–90 then fell to 244 in 1998–99, albeit fluctuating over the latter period. The number of intercountry placement adoptions has increased overall by 50% since 1981–82 (Figure 6).

Local children in placement adoptions tend to be younger than children adopted from other countries (Figure 7). In 1998–99, 97% of local children were aged under 5 years compared with 79% of children adopted from other countries. This may be due to the fact that it is a more lengthy process to adopt a child from another country than it is to adopt a child in Australia and also the children intercountry organisations identify as in need of adoption are older.



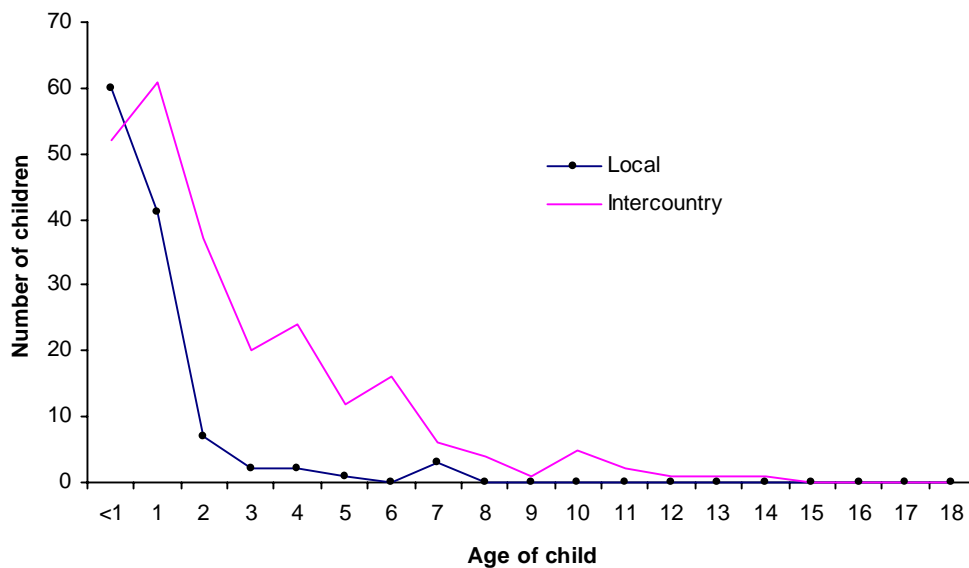


**Figure 5: Process of placement adoption of intercountry children**



Source: Tables 3 and A4.2. Zabbar and Angus 1995.

**Figure 6: Non-relative adoptions by type of adoption, 1980-81 to 1997-98 and placement adoptions, by type of adoption, 1998-99**



Source: AIHW unpublished data. See also Table 1.

Note: Does not include 11 children for whom no details are known.

**Figure 7: Age distribution of placement adoptions by country of origin, 1998-99**

## Placement adoptions of local children

In 1998–99 there were 127 placement adoptions of local children. This number excludes 48 carer adoptions which would have been in this category in previous years. Taking this into account, the number of placement adoptions of local children between 1997–98 and 1998–99 has remained steady.

The principal features of local placement adoptions in 1998–99 are:

- 44% of these adoptions were of males, and 56% of females (Table 1);
- 52% of these adoptions were of children aged under 1 year (Table 1);
- 65% of the local placement adoptions were arranged by the community services departments, the other 35% were arranged by non-government organisations (Table A4.1);
- where the ages of the birth mother of these children were known, 81% were under the age of 30 years (Table 4) with the average age being 25 years;
- 88% of the local children placed for adoption were born to mothers who were unmarried, and 12% were born to mothers who were married (Table 5);
- over the last decade the majority of local children placed for adoption were born to unmarried mothers (Table 5);
- of the local placement adoptions where the type of agreement was known, the majority were 'open' with only 10% requesting 'no contact' (Table 6);
- of the local placement adoptions where type of consent was known, 71% were given by the mother only, 28% were given by both the mother and the father and 1% were dispensations (that is, where the State dispensed with the consent) (Table 7).

**Table 3: Local non-relative adoptions by State and Territory, 1987–88 to 1997–98, and local placement adoptions, 1998–99**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Local non-relative adoption</b>									
1987–88	171	109	153	65	32	29	11	8	578
1988–89	184	145	159	51	26	24	11	6	606
1989–90	144	135	128	27	74	26	7	6	547
1990–91	158	127	90	34	24	25	7	7	472
1991–92	151	91	96	19	29	16	11	5	418
1992–93	110	43	79	18	34	14	5	3	306
1993–94	98	72	77	35	22	17	8	1	314
1994–95	127	67	63	26	12	8	6	2	311
1995–96	67	59	45	25	5	7	9	—	217
1996–97	139	49	40	13	11	9	2	—	263
1997–98	87	27	28	23	5	6	1	1	178
<b>Local placement adoption</b>									
<b>1998–99</b>	<b>50</b>	<b>30</b>	<b>22</b>	<b>6</b>	<b>6</b>	<b>11</b>	<b>1</b>	<b>1</b>	<b>127</b>

### Notes

1. In 1996–97 and 1997–98, local children adopted by foster-parents are included in local placement adoptions (six in 1996–97 and one in 1997–98). In other years, foster parents were included in relative adoptions.
2. Figures relating to 1979–80 to 1984–85 are shown in previous issues.
3. Table does not include adoptions where relationship to adoptive parents was unknown.
4. From 1998–99, carers are included in the category 'known' child adoptions (see page 1).

Sources: WELSTAT 1990,1992a,1992b; AIHW 1999.

**Table 4: Local adoptions by age and marital status of birth mother, 1998–99<sup>(a)</sup>**

Age (years)	Married		Not married		Total	
	No.	%	No.	%	No.	%
Under 20	—	—	18	30	18	28
20–24	—	—	22	36	22	34
25–29	—	—	12	20	12	19
30–34	2	67	3	5	5	8
35–39	1	33	4	7	5	8
40+	—	—	2	3	2	3
<b>Total</b>	<b>3</b>	<b>100</b>	<b>61</b>	<b>100</b>	<b>64<sup>(b)</sup></b>	<b>100</b>

(a) New South Wales data (50 adoptions) have not been included due to the large proportion of 'unknown'.

(b) Data does not include 13 adoptions where age and marital status of the birth mother was unknown.

**Table 5: Local adoptions by marital status of birth mother, 1987–88 to 1998–99**

Year	Married		Not married		Unknown	Total
	No.	%	No.	%		
1987–88	65	11	503	89	10	578
1988–89	73	12	528	88	5	606
1989–90	80	15	461	85	6	547
1990–91	72	15	397	85	3	472
1991–92	67	16	348	84	3	418
1992–93	45	15	259	85	2	306
1993–94	53	17	259	83	2	314
1994–95	55	18	243	82	13	311
1995–96	17	11	138	89	62	217
1996–97	26	14	163	86	74	263
1997–98	20	15	116	85	42	178
<b>1998–99</b>	<b>14</b>	<b>12</b>	<b>103</b>	<b>88</b>	<b>10</b>	<b>127</b>

Source: WELSTAT 1990,1992a,1992b; AIHW 1999.

**Table 6: Local adoptions by type of agreement, for selected States and Territories<sup>(a)</sup>, 1998–99**

Type of agreement	Total	Per cent
Contact and information exchange	23	32
Contact only	1	1
Information exchange only	41	57
No contact	7	10
<b>Total</b>	<b>72<sup>(b)</sup></b>	<b>100</b>

Notes

(a) Victoria was unable to provide these data (30 adoptions).

(b) Data do not include 18 adoptions in New South Wales that were arranged through private adoption agencies and 7 adoptions where type of agreement was unknown.

**Table 7: Local adoptions by type of consent, 1998–99**

Type of consent given	Number	Per cent
Mother only	64	71
Father only	—	—
Mother and father	25	28
Dispensations <sup>(a)</sup>	1	1
<b>Total</b>	<b>90<sup>(b)</sup></b>	<b>100</b>

(a) Five dispensations referring to fathers in Western Australia and South Australia where the mother had already given consent are included in the 'mother only' category.

(b) Data does not include 18 adoptions in New South Wales that were arranged through private adoption agencies and 19 adoptions where type of consent was unknown.

## Intercountry placement adoptions

In Australia, from the mid-1970s to the mid-1980s, there was a substantial increase in the number of placement adoptions of intercountry children. The number of these adoptions declined somewhat in the early 1990s and has remained relatively stable over the past 7 years (Figure 6). Since 1990–91, the majority of children in intercountry adoptions have come from Colombia, India, Korea, the Philippines, Sri Lanka and Thailand (Table A4.3).

The adoption process for intercountry children is strictly controlled by the Commonwealth under the *Immigration (Guardianship of Children) Act 1946* and Adoption Acts in each State and Territory. Although 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 program in accordance with Australian standards.

### Recent developments in intercountry adoptions

In August 1998 Australia ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption:

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

The Convention came into effect in Australia on 1 December 1998. To date, a total of 24 countries have ratified the convention (for a list of countries party to the Convention see Appendix 5). It is expected that most countries will eventually be signatories to the Convention. The Convention will help parents in Australia who wish to adopt children from other countries because it establishes uniform procedures to be followed by the countries who are parties to the Convention. The convention also ensures that the child's best interests are safeguarded.

From this edition of *Adoptions Australia*, intercountry placement adoptions will be reported on by 'Hague' and 'non-Hague' adoptions. The data on 'Hague' adoptions will also be used by the Commonwealth Attorney-General's Department, which is the principal Central Authority for the Convention, to report to The Hague on how Australia is adhering to the Convention. Each State and Territory has established a Central Authority under the Convention.

In addition, while China is not currently one of the parties to the convention, bilateral negotiations are under way between the Australian and Chinese governments to allow children who are residents of China to be adopted by Australians. This is also likely to lead to an increase in the number of intercountry placement adoptions.

The main points to be noted regarding intercountry placement adoptions in 1998–99 are that:

- there were 244 adoptions of intercountry children (Figure 2);
- 50% of these children were male and 50% were female (Table 8);
- 58% of intercountry children were aged 1–4 years, and 22% were aged under 1 year (Table 1);
- 29% of intercountry children adopted were from South Korea, 14% from Ethiopia, 12% from India and 10% from Thailand (Table 9);
- there were 18 Hague adoptions between 1 December 1998 and 30 June 1999—13 from Romania and 5 from Sri Lanka. In 13 of the 18 adoptions, the adoption order was made in the country of origin (Table 10);
- since 1991–92, 30% of the total number of intercountry children adopted have been from Korea, 11% from India and 10% from Thailand (Table A4.3).

**Table 8: Placement adoptions of intercountry children by country of birth and sex, 1998–99**

Country of birth	Male	Female	Persons
<b>Hague adoptions</b>			
Romania	6	7	13
Sri Lanka	3	2	5
<b>Non-Hague adoptions</b>			
Bolivia	2	1	3
Colombia	4	7	11
Ethiopia	13	21	34
Fiji	3	9	12
Guatemala	4	2	6
Hong Kong	3	3	6
India	10	20	30
South Korea	49	21	70
Lebanon	—	1	1
Macedonia	—	1	1
Papua New Guinea	—	1	1
Philippines	6	8	14
Poland	—	2	2
Romania	1	3	4
Taiwan	2	4	6
Thailand	17	8	25
<b>Total intercountry</b>	<b>123</b>	<b>121</b>	<b>244</b>

*Note:* The adoptions from Hague convention countries that are counted as non-Hague adoptions occurred before 1 December 1998.



**Table 9: Placement adoptions of intercountry children by country of birth and State and Territory, 1998–99**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Colombia	9	—	2	—	—	—	—	—	11
Ethiopia	8	3	8	3	5	6	1	—	34
Fiji	2	1	4	—	4	—	—	1	12
Guatemala	—	6	—	—	—	—	—	—	6
Hong Kong	—	1	—	3	1	1	—	—	6
India	5	8	1	5	8	—	3	—	30
Korea	14	12	17	7	13	—	5	2	70
Philippines	—	8	—	1	5	—	—	—	14
Romania	3	12	—	—	—	1	1	—	17
Sri Lanka	2	1	—	—	—	1	1	—	5
Taiwan	4	—	—	1	1	—	—	—	6
Thailand	4	7	4	—	6	3	—	1	25
Other <sup>(a)</sup>	6	—	—	—	2	—	—	—	8
<b>Total</b>	<b>57</b>	<b>59</b>	<b>36</b>	<b>20</b>	<b>45</b>	<b>12</b>	<b>11</b>	<b>4</b>	<b>243</b>
<b>Per cent</b>									
Colombia	16	—	6	—	—	—	—	—	5
Ethiopia	14	5	22	15	11	50	9	—	14
Fiji	4	2	11	—	9	—	—	25	5
Guatemala	—	10	—	—	—	—	—	—	2
Hong Kong	—	2	—	15	2	8	—	—	2
India	9	14	3	25	18	—	27	—	12
Korea	25	20	47	35	29	—	45	50	29
Philippines	—	14	—	5	11	—	—	—	6
Romania	5	20	—	—	—	8	9	—	7
Sri Lanka	4	2	—	—	—	8	9	—	2
Taiwan	7	—	—	5	2	—	—	—	2
Thailand	7	12	11	—	13	25	—	25	10
Other <sup>(a)</sup>	11	—	—	—	4	—	—	—	3
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) 'Other' includes Bolivia (3), Lebanon (1), Macedonia (1), Papua New Guinea (1) and Poland (2).

**Table 10: Intercountry placement adoptions from Hague countries by where the adoption order was made, 1998–99**

Country of origin	Adoption order in the country of origin	Adoption order made in Australia	Total
Romania	11	2	13
Sri Lanka	2	3	5
<b>Total</b>	<b>13</b>	<b>5</b>	<b>18</b>

### **Other intercountry adoptions**

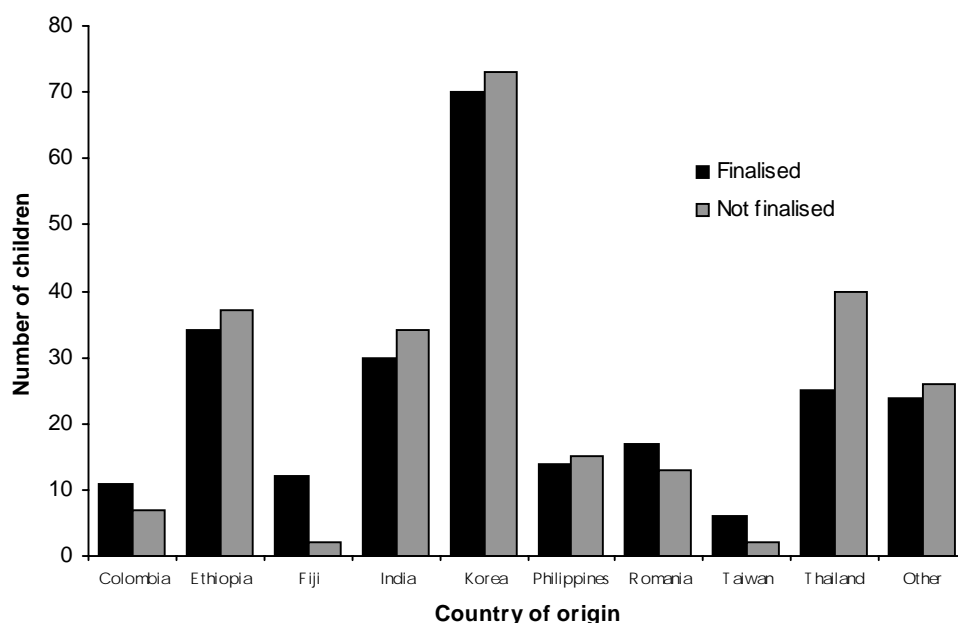
There is another type of intercountry adoption that is not included in this collection because it is not the responsibility of the community services departments. These are adoptions by Australian citizens or permanent residents who have lived overseas for 12 months or more and have adopted a child through an overseas agency. In such cases, the prospective adoptive parents are required to prove that they were not living overseas for the purpose of bypassing the legal requirements for the entry of adopted children into Australia, and that they have lawfully acquired full and parental rights in adopting the child. In 1998–99, there were 113 of these adoptions; in 1997–98 there were 124; and 153 in 1996–97 (Department of Immigration and Multicultural Affairs, pers. comm. 14 September 1999). For a full list of visas issued to children for the purposes of adoption see Table A4.4.

### **Children whose adoption orders were not finalised**

In addition to data on finalised intercountry placement adoptions, data were also collected on the number of children from other countries who were placed with their adoptive parent(s) but whose adoption orders were not finalised by 30 June 1999. Although the adoption orders for some children placed for adoption in a particular year may be finalised during that year, other orders may not be finalised until later—usually in the following year. Therefore, adoptions data for 1998–99 include some children who were placed in 1998–99 and some who were placed in the previous year. The other children who were placed in 1998–99 but whose adoption orders were not finalised will be included in the 1999–2000 adoptions data.

The main points to note regarding children who were placed with their adoptive parent(s) but whose adoption orders were not finalised by 30 June 1999 are:

- there were 249 of these children (Table 11), compared with the 243 whose orders were finalised by that date;
- distributions of country of birth of children in finalised adoptions and of children in placements whose adoption orders were not finalised were similar (Figure 8).



Source: Tables 11 and A4.3.

**Figure 8: Inter-country children placed for adoption by whether the adoption order was finalised by 30 June 1999**

**Table 11: Inter-country children placed for adoption whose adoptions orders were not finalised by 30 June 1999, by country of origin**

Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Hague adoptions</b>									
Colombia	6	—	1	—	—	—	—	—	7
Philippines	1	—	3	—	2	1	1	1	9
Romania	2	—	—	—	—	—	—	—	2
Sri Lanka	3	—	1	—	—	—	—	—	4
<b>Non-Hague adoptions</b>									
Bolivia	6	—	—	—	—	—	—	—	6
Ethiopia	6	2	15	6	4	3	1	—	37
Hong Kong	—	1	—	3	1	—	—	—	5
India	5	10	1	3	9	2	3	1	34
Korea	23	13	16	6	11	—	4	—	73
Philippines	—	6	—	—	—	—	—	—	6
Romania	2	7	—	—	—	—	2	—	11
Thailand	7	5	6	—	16	2	2	2	40
Other <sup>(a)</sup>	5	6	1	—	2	1	—	—	15
<b>Total</b>	<b>66</b>	<b>50</b>	<b>44</b>	<b>18</b>	<b>45</b>	<b>9</b>	<b>13</b>	<b>4</b>	<b>249</b>

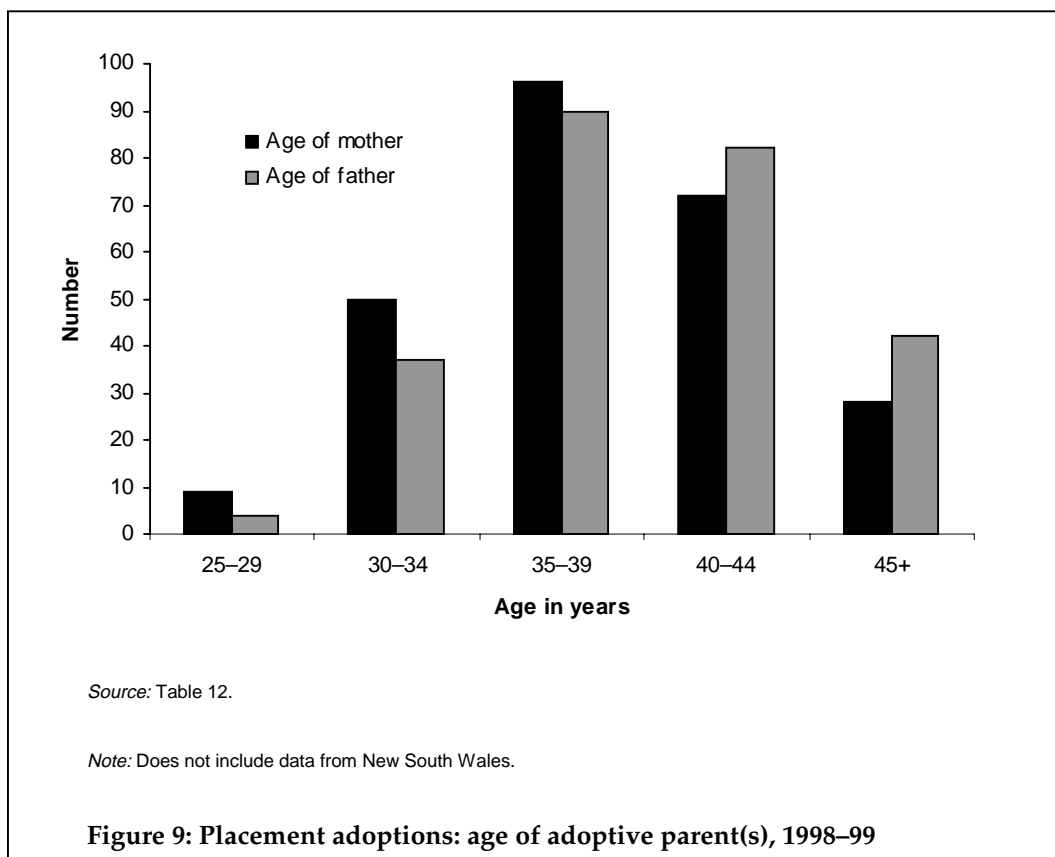
(a) Other includes Chile (1), Croatia (2), Fiji (2), Guatemala (3), Lebanon (1), Sri Lanka–non-Hague (2), Taiwan (2) and the United States (1).

## Characteristics of adoptive families

Information on the adoptive families of children in placement adoptions (both local and intercountry) has been collected for the first time in 1998–99. Each jurisdiction has different requirements for eligibility to adopt a child, and these are outlined in Appendix 2.

It should be noted that as this information was collected for the first time in 1998–99, some States and Territories were unable to provide the data for all placement adoptions. As a result, there are a large number of ‘unknowns’ for many of the tables. However, of the data that are available, the main points to note in relation to the characteristics of families of children in placement adoptions in 1998–99 are:

- the majority of adoptive mothers were aged 35 and over, with 39% aged over 40 years (Table 12);
- over half the adoptive fathers (53%) were aged over 40 years while 21% were over the age of 45 years (Table 12);
- 59% of the adoptive parent(s) had no other children in the family, 23% had other adopted children, 14% had other natural children and 4% had both adopted and natural children in the family (Table 13);
- 98% of the parent(s) who adopted children were married or de facto and 2% were single (Table 14);
- 13 sets of siblings were placed together, and all but one set were intercountry adoptions (Table A4.5).



**Table 12: Placement adoptions by age of the adoptive parent(s), 1998–99<sup>(a)</sup>**

Type of adoption	25–29	30–34	35–39	40–44	45+	Total
<b>Age of mother</b>						
Local adoptions	4	17	28	18	1	68
Intercountry						
Hague adoption	—	1	6	3	3	13
Non-Hague adoption	5	32	62	51	24	174
<b>Total placement adoptions</b>	<b>9</b>	<b>50</b>	<b>96</b>	<b>72</b>	<b>28</b>	<b>256</b>
<b>Age of father</b>						
Local adoptions	3	15	47	24	6	95
Intercountry						
Hague adoption	—	1	3	6	8	18
Non-Hague adoption	3	25	63	77	57	225
<b>Total placement adoptions</b>	<b>6</b>	<b>41</b>	<b>113</b>	<b>107</b>	<b>71</b>	<b>338</b>

(a) New South Wales was unable to provide the age of the adoptive mother (107 adoptions) and the age of the adoptive father for 24 adoptions. There were 9 adoptions from Victoria where age of the adoptive parents was not known.

**Table 13: Placement adoptions by composition of the adoptive family, for selected States and Territories, 1998–99<sup>(a)</sup>**

Type of adoption	Composition of the adoptive family				Total
	No other children in the family	Natural children only	Adopted children only	Both natural and adopted children	
Local adoptions	30	1	6	4	41
Intercountry					
Hague adoption	10	1	2	—	13
Non-Hague adoption	61	22	32	3	118
<b>Total placement adoptions</b>	<b>101</b>	<b>24</b>	<b>40</b>	<b>7</b>	<b>172</b>

(a) New South Wales, Queensland and Western Australia were unable to provide these data. There were 8 adoptions from Victoria for whom no other details are known; these were not included

**Table 14: Placement adoptions by marital status of the adoptive parent(s), 1998–99<sup>(a)</sup>**

Type of adoption	Marital status of the adoptive parent(s)			Total
	Married	De facto	Single	
Local adoptions	69	—	—	69
Intercountry				
Hague adoption	15	—	—	15
Non-Hague adoption	168	—	4	172
<b>Total placement adoptions</b>	<b>252</b>	<b>—</b>	<b>4</b>	<b>256</b>

(a) New South Wales was unable to provide these data (107 adoptions). There were 8 adoptions from Victoria for whom no other details were known; these were not included

## ‘Known’ child adoptions

‘Known’ child adoptions are those where the child and the adoptive parent(s) have a pre-existing relationship and the child is generally not available for adoption by anyone other than the adoptive parent(s). These include adoptions by step-parents, other relatives and carers (foster parents and other non-relatives). Previously, carers were included with adoptions by non-relatives. The majority of ‘known’ child adoptions are by step-parents wishing to incorporate children into the new family. The aim of step-parent adoption is to provide the child with a clear legal position and status within the new family arrangement (Tasmania DCHS 1994).

Adoption by relatives other than step-parents is less common because most States and Territories have policies that promote the use of guardianship or custody orders, rather than adoptions, when placing children in the care of relatives other than parents (Stonehouse 1992). These types of adoptions are generally discouraged because of the confusion and distortion that may occur to biological relationships. For example, if a child were adopted by his or her grandmother, then the birth mother would become the child’s sibling. In Western Australia, adoptions by relatives other than step-parents can occur only when the child has been in the care of the relative for at least 3 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.

In 1998–99 there were 172 ‘known’ child adoptions. The main points to be noted regarding these adoptions are:

- 67% of adoptions were by step-parents, 28% were by carers (this includes foster parents and other non-relatives) and 5% were by other relatives (Figure 2);
- 52% adoptions were of male children and 48% of female children (86 compared with 79) (Table 15);
- 65% of ‘known’ child adoptions were of children aged between 5 and 14 years and there were no ‘known’ child adoptions of children under 1 year of age (Table 15); and
- there was a decrease of 20% in step-parent adoptions from 149 in 1997–98 to 116 in 1998–99 (Table 15 and AIHW 1999).

**Table 15: 'Known' child adoptions: relationship of adoptive parents by age and sex of child, 1998–99**

	Step-parent				Other relative			Carer				Total				
	M	F	U	P	M	F	P	M	F	U	P	M	F	U	P	
	<b>Number</b>															
Under 1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1–4	7	6	—	13	1	—	1	7	3	—	10	15	9	—	24	
5–9	28	15	—	43	—	1	1	6	8	—	14	34	24	—	58	
10–14	13	19	—	32	2	—	2	6	9	—	15	21	28	—	49	
15+	8	13	—	21	3	1	4	3	3	3	9	14	17	3	34	
Unknown	2	1	4	7	—	—	—	—	—	—	—	2	1	4	7	
<b>Total</b>	<b>58</b>	<b>54</b>	<b>4</b>	<b>116</b>	<b>6</b>	<b>2</b>	<b>8</b>	<b>22</b>	<b>23</b>	<b>3</b>	<b>48</b>	<b>86</b>	<b>79</b>	<b>7</b>	<b>172</b>	
	<b>Per cent</b>															
Under 1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
1–4	13	11	—	11	17	—	13	32	13	—	21	17	11	—	14	
5–9	48	28	—	37	—	50	13	27	35	—	29	40	30	—	34	
10–14	22	35	—	28	33	—	25	27	39	—	31	24	35	—	28	
15+	14	24	—	18	50	50	50	14	13	100	19	16	22	43	20	
Unknown	3	2	100	6	—	—	—	—	—	—	—	2	1	57	3	
	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	

Note: For New South Wales, 'step-parent' includes both step-parents and other relatives.

**Table 16: Relative adoptions of local children, 1987–88 to 1997–98, and 'known' child adoptions, 1998–99, by State and Territory**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
	<b>Relative adoptions</b>								
1987–88	4	5	131	89	301	57	10	8	605
1988–89	2	112	146	60	131	20	19	10	500
1989–90	n.a.	27	120	81	59	22	11	7	n.a.
1990–91	9	26	95	80	36	20	2	9	277
1991–92	13	27	109	77	33	29	2	5	295
1992–93	4	21	124	55	37	—	6	3	250
1993–94	1	10	103	50	50	6	3	5	228
1994–95	48 <sup>(a)</sup>	19	95	92	61	2	3	—	320
1995–96	32	15	88	21	14	1	6	—	177
1996–97	43	18	48	30	19	6	12	1	177
1997–98	<b>44</b>	<b>23</b>	<b>40</b>	<b>32</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>—</b>	<b>154</b>
	<b>'Known' child adoptions</b>								
<b>1998–99</b>	<b>78</b>	<b>13</b>	<b>36</b>	<b>38</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>172<sup>(b)</sup></b>

(a) Prior to 1994–95 New South Wales data exclude adoptions by step-parents.

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

**Notes**

1. Data relating to the years 1979–80 to 1984–85 are shown in previous issues of this publication.
2. The table does not include adoptions where the relationship of the adoptive parent was unknown.

## Permanent care orders

Most alternatives to adoption (such as placing children on guardianship or custody orders) 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 also provision for an application to be made to revoke or amend a permanent care order.

The granting of a permanent care order is usually the final step in the process of permanent family placement for children who have been abused or neglected, or who are in need of care and protection for other reasons and are unable to remain safely within the birth family. The aim of placing a child on a permanent care order is to provide an opportunity for the child to develop a stable caring relationship with nurturing caregivers without severing the tie with the biological family. More detailed data on these orders for 1998–99 have been included in the report *Child Protection Australia 1998–99* (forthcoming).

The main features to be noted regarding permanent care orders in 1998–99 are:

- there were 142 permanent care orders granted in Victoria, an increase of 15% from the previous year (Table 17); and
- a total of 691 permanent care orders have been granted in Victoria since their inception in 1992.

**Table 17: Number of permanent care orders granted in Victoria from 1992–93 to 1998–99**

Year	Males	Females	Total
1992–93	7	4	11
1993–94	36	38	74
1994–95	65	70	135
1995–96	56	54	110
1996–97	54	41	95
1997–98	63	61	124
<b>1998–99</b>	<b>67</b>	<b>75</b>	<b>142</b>

Source: AIHW 1999.



## Adoption of Indigenous children

Although the States and Territories have different legislation and policies relating to the adoption of Indigenous children, the prevailing view is that, where possible, these children should be adopted by Indigenous people so as to maintain their cultural integrity. However, such an option may not always be available, and Indigenous children may then be adopted by other families. **In Western Australia and Victoria, legislation permits the birth parents to specify the type of adoptive family for their child.**

In 1998–99 there were only three Indigenous children adopted in Australia and all were adopted by non-Indigenous parents. These three children were all female (Table 18). Since 1991–92, the proportion of Indigenous children adopted by non-Indigenous families has fluctuated with no real trend apparent (Table 19).

**Table 18: Adoptions of Indigenous children by sex of adopted child, relationship to and Indigenous status of adoptive parents<sup>(a)</sup>, 1998–99**

Sex of adopted child	'Known' child adoptions		Placement adoptions		Total Indigenous adoptions		
	Indigenous	Other	Indigenous	Other	Indigenous	Other	Total
Male	—	—	—	—	—	—	—
Female	—	—	—	3	—	3	3
<b>Total</b>	—	—	—	<b>3</b>	—	<b>3</b>	<b>3</b>

(a) For the parents to be included in the 'Indigenous' category, at least one of the parents must be Indigenous.

Note: If Indigenous status was not known the child was included in the non-Indigenous category.

**Table 19: Indigenous adoptions by relationship to adoptive parents and Indigenous status of adoptive parents, 1991–92 to 1998–99**

Relationship to adoptee/Indigenous status	1991–92	1992–93	1993–94	1994–95	1995–96	1996–97	1997–98	1998–99 <sup>(a)</sup>
<b>Relative</b>								
Indigenous	2	—	1	—	—	2	—	—
Other	—	—	—	—	—	—	—	—
<i>Total relatives</i>	2	—	1	—	—	2	—	—
<b>Non-relative</b>								
Indigenous	3	5	6	7	2	1	3	—
Other	3	2	6	5	5	4	1	3
<i>Total non-relatives</i>	6	7	12	12	7	5	4	—
<b>Total</b>								
Indigenous	5	5	7	7	2	3	3	—
Other	3	2	6	5	5	4	1	3
<b>Total</b>	<b>8</b>	<b>7</b>	<b>13</b>	<b>12</b>	<b>7</b>	<b>7</b>	<b>4</b>	<b>3</b>

(a) From 1998–99, relative refers to 'known' child adoptions and non-relative refers to placement adoptions.

Source: AIHW 1999.

## Access to information

In the area of access to information, adoption law in Australia has undergone significant change in the past decade. Currently, all States and Territories have legislation that grants certain rights to information to adopted people who are aged 18 years or older, and to their 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, some States and Territories require the consent of the person to be identified and give that person the opportunity to apply for an information veto to prevent disclosure of information, and/or a contact veto to prevent contact.

In the case of a veto (or, in Queensland, an objection) on identifying information, a party to an adoption may, in some States and Territories, make an application requesting that identifying information not be released to any other party to the adoption. A contact veto can be lodged when a person does not wish to be contacted by another party to the adoption. These vetoes are legally binding and if a person receives identifying information and goes on to contact the other party **where a contact veto is in place**, legal action can be taken. Contact and information vetoes can, however, be lifted by the person who lodged them. In some States and Territories, vetoes have a limited life and new applications need to be lodged for vetoes to continue.

## Information applications

All States and Territories have established adoption information services or information and contact registers (or other similar systems). In New South Wales, adopted persons and birth parents have the right to information without mandatory counselling, except when the information to be released will be distressing (e.g. the death of the other party). An interview is also required when one of the parties wished to lodge a contact veto. 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 which may arise in the search and reunion process. In Western Australia, a person wishing to gain access to 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 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 6.

The main points to be noted regarding access to information for 1998–99 are:

- there were 5,430 information applications made, an increase of 26% from the 4,324 lodged in 1997–98 (Table 22);
- 67% of the information applications (both identifying and non-identifying) were made by the adopted person, 19% by the birth parents (mainly the birth mother), 4% by adoptive parents, 4% by other birth relatives, 3% by other adoptive relatives and 2% by a child of the adopted person;

- the majority of adopted persons seeking information (81%) were over the age of 25 (Table 21);
- 56% of adopted persons applying for information were female and 44% male (Table 21);
- only 3% of the adopted persons applying for information were Indigenous (Table 21).

**Table 20: Information applications lodged by person lodging application for selected States and Territories, 1998–99**

Person lodging the application	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA	Tas <sup>(c)</sup>	ACT	NT	Total
<b>Identifying information</b>									
Adopted person	n.a.	797	555	330	436	7	22	19	2,144
Adoptive mother	n.a.	..	2	26	7	—	1	—	36
Adoptive father	n.a.	..	—	22	1	—	—	—	23
Birth mother	n.a.	..	157	103	97	6	9	9	381
Birth father	n.a.	..	4	18	18	—	—	—	40
Other birth relative(s)	n.a.	..	4	20	—	1	4	1	30
Other adoptive relative(s)	n.a.	..	35	15	38	—	—	—	88
Child of adopted person	n.a.	36	—	19	—	—	—	—	19
Other	n.a.	..	40	—	—	—	—	—	40
<b>Total</b>	<b>1,301</b>	<b>833</b>	<b>797</b>	<b>553</b>	<b>597</b>	<b>14</b>	<b>36</b>	<b>29</b>	<b>4,160</b>
<b>Non-identifying information</b>									
Adopted person	..	—	187	285	12	134	5	—	623
Adoptive mother	..	13	7	25	—	11	—	—	56
Adoptive father	..	9	2	22	—	—	—	1	34
Birth mother	..	128	29	92	5	37	3	—	294
Birth father	..	22	11	16	—	—	1	—	50
Other birth relative(s)	..	111	1	13	—	23	—	—	148
Other adoptive relative(s)	..	—	34	9	1	—	—	—	44
Child of adopted person	..	—	—	18	—	3	—	—	21
<b>Total</b>	<b>..</b>	<b>283</b>	<b>271</b>	<b>480</b>	<b>18</b>	<b>208</b>	<b>9</b>	<b>1</b>	<b>1,270</b>

(a) New South Wales is unable to determine who made the application and all applications refer to identifying information.

(b) A person may lodge an application in more than one 'relative status' category. A person may also lodge separate applications for identifying and non-identifying information.

(c) Both adopted father and mother are included in 'adopted mother' category and both birth mother and birth father are included in 'birth mother' category.

**Table 21: Information applications lodged by the adopted person by age, sex and Indigenous status, for selected States and Territories<sup>(a)</sup>, 1998–99**

Age	Indigenous			Non-Indigenous				Total			
	M	F	P	M	F	U	P	M	F	U	P
18–19	1	1	2	24	51	—	75	25	52	—	77
20–24	3	—	3	54	75	3	132	57	75	3	135
25–34	6	9	15	204	221	12	437	210	230	12	452
35–44	2	4	6	91	96	5	192	93	100	5	198
45+	—	3	3	94	143	7	244	94	146	7	247
<b>Total</b>	<b>12</b>	<b>17</b>	<b>29</b>	<b>467</b>	<b>586</b>	<b>27</b>	<b>1,080</b>	<b>479</b>	<b>603</b>	<b>27</b>	<b>1,109</b>

(a) New South Wales and South Australia were unable to provide the data for this table. The data also does not include 770 people (377 males and 393 females) from Victoria whose age was unknown and Queensland was unable to provide the data on 187 persons who lodged non-identifying information applications.

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

**Table 22: Information applications and contact and information vetoes lodged, 1995–96 to 1998–99**

Year	Information applications	Contact and information vetoes lodged
1995–96	5,567	426
1996–97	4,455 <sup>(a)</sup>	259
1997–98	4,324	174
<b>1998–99</b>	<b>5,430</b>	<b>174</b>

(a) The total differs from the previous year's report due to updated figures.

Source: AIHW 1999.

## Contact and identifying information vetoes

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.

The principal features of contact and identifying information vetoes lodged in 1998–99 are:

- there were 174 contact and identifying information vetoes lodged, comprising 141 contact vetoes and 33 identifying information vetoes (Table 23);
- the number of vetoes lodged was exactly the same as in 1997–98 (Table 22);
- as in previous years, the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information (Table 22).

The total number of vetoes in place at 30 June 1999 was 10,394, comprising 6,333 contact vetoes and 4,061 identifying information vetoes. The majority of these vetoes were lodged by the adopted person (52% of contact vetoes and 53% of information vetoes) and the birth mother (37% of contact vetoes and 33% of information vetoes). A small proportion were lodged by adoptive parents (Table 24).

**Table 23: Contact or identifying information vetoes lodged: person lodging veto for selected States and Territories<sup>(a)</sup>, 1998–99**

<b>Contact vetoes</b>	<b>NSW<sup>(b)</sup></b>	<b>Qld<sup>(c)</sup></b>	<b>WA<sup>(d)</sup></b>	<b>SA<sup>(e)</sup></b>	<b>Tas<sup>(f)</sup></b>	<b>ACT<sup>(g)</sup></b>	<b>NT<sup>(h)</sup></b>	<b>Total</b>
Adopted person	27	4	8	22	16	1	—	233
Adoptive mother	—	—	4	12	—	—	—	4
Adoptive father	—	—	4	—	—	—	—	4
Birth mother	13	3	7	12	2	—	—	159
Birth father	—	—	—	—	—	—	—	—
Other birth relative(s)	—	—	—	—	—	—	—	—
Other adoptive relative(s)	—	—	—	—	6	—	—	6
<b>Total</b>	<b>40</b>	<b>7</b>	<b>23</b>	<b>46</b>	<b>24</b>	<b>1</b>		<b>141</b>
<b>Identifying information vetoes</b>								
Adopted person	..	13	4	..	..	..	3	20
Adoptive mother	..	—	2	..	..	..	—	2
Adoptive father	..	—	2	..	..	..	—	2
Birth mother	..	5	3	..	..	..	1	9
Birth father	..	—	—	..	..	..	—	—
Other birth relative(s)	..	—	—	..	..	..	—	—
Other adoptive relative(s)	..	—	—	..	..	..	—	—
<b>Total</b>	<b>..</b>	<b>18</b>	<b>11</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>4</b>	<b>33</b>

(a) Victoria is not included in the total, as no veto system operates in this State.

(b) In New South Wales, only adopted persons and birth parents may lodge a contact veto and there is no provision in New South Wales law for a veto against the supply of information.

(c) In Queensland, only birth parents who sign an adoption consent and adopted persons can lodge an objection to contact or objection to contact and identifying information.

(d) In Western Australia, other birth relatives (excluding birth parents) cannot lodge information vetoes unless they were party to the adoption. Different rules for veto lodgments apply to adoptions granted after 1 January 1995. A person may lodge a veto in more than one relative status. Total includes two orders issued by the Family Court of Western Australia preventing information being released.

(e) All vetoes in South Australia restrict both contact and information vetoes. The category birth mother actually refers to birth parents and the category adopted mother actually refers to adopted parents. This data does not include 311 renewals of vetoes.

(f) Contact veto applications were not implemented until 18 June 1999.

(g) In the Australian Capital Territory, the release of identifying information cannot be vetoed.

(h) In the Northern Territory, both contact and identifying information are vetoed in the same veto lodgment and only the adoptive person and birth parent are able to lodge vetoes with respect to adoptions finalised before 1994. Table does not include two renewals of information vetoes.

**Table 24: Number of information and contact vetoes in place at 30 June 1999 by person lodging the application and State and Territory**

Contact vetoes	NSW <sup>(a)</sup>	Qld <sup>(b)</sup>	WA <sup>(c)</sup>	SA <sup>(d)</sup>	Tas <sup>(e)</sup>	ACT <sup>(f)</sup>	NT <sup>(g)</sup>	Total
<b>Number</b>								
Adopted person	2,275	179	339	430	16	27	12	3,266
Adoptive mother	—	—	306	23	—	—	—	329
Adoptive father	—	—	277	—	—	—	—	277
Birth mother	1,767	74	199	301	2	15	4	2,358
Birth father	53	—	19	—	—	—	—	72
Other birth relative(s)	—	—	4	—	—	1	—	5
Other adoptive relative(s)	—	—	—	—	6	20	—	26
<b>Total</b>	<b>4,095</b>	<b>253</b>	<b>1,144</b>	<b>754</b>	<b>24</b>	<b>63</b>	<b>16</b>	<b>6,333</b>
<b>Per cent</b>								
Adopted person	56	71	30	57	67	43	75	52
Adoptive mother	—	—	27	3	—	—	—	5
Adoptive father	—	—	24	—	—	—	—	4
Birth mother	43	29	17	40	8	24	25	37
Birth father	1	—	2	—	—	—	—	1
Other birth relative(s)	—	—	—	—	—	2	—	—
Other adoptive relative(s)	—	—	—	—	25	32	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Identifying information vetoes</b>								
<b>Number</b>								
Adopted person	..	1,846	304	..	..	..	..	2,162
Adoptive mother	..	—	290	..	..	..	..	290
Adoptive father	..	—	265	..	..	..	..	265
Birth mother	..	1,178	148	..	..	..	..	1,330
Birth father	..	7	6	..	..	..	..	13
Other birth relative(s)	..	—	—	..	..	..	..	—
Other adoptive relative(s)	..	—	—	..	..	..	..	—
Unknown	..	—	1	..	..	..	..	1
<b>Total</b>	..	<b>3,031</b>	<b>1,014</b>	..	..	..	..	<b>4,061</b>
<b>Per cent</b>								
Adopted person	..	61	30	..	..	..	..	53
Adoptive mother	..	—	29	..	..	..	..	7
Adoptive father	..	—	26	..	..	..	..	7
Birth mother	..	39	15	..	..	..	..	33
Birth father	..	—	1	..	..	..	..	—
Other birth relative(s)	..	—	—	..	..	..	..	—
Other adoptive relative(s)	..	—	—	..	..	..	..	—
<b>Total</b>	..	<b>100</b>	<b>100</b>	..	..	..	..	<b>100</b>

(a) In New South Wales, only adopted persons and birth parents may lodge a contact veto and there is no provision in New South Wales law for a veto against the supply of information.

(b) In Queensland, only birth parents and adopted persons can lodge contact vetoes or contact and identifying information vetoes.

(c) In Western Australia, other birth relatives (excluding birth parents) cannot lodge information vetoes unless they were party to the adoption. Different rules for veto lodgements apply to adoptions granted after 1 January 1995. A person may lodge a veto in more than one relative status.

(d) All vetoes in South Australia restrict both contact and information vetoes. The category birth mother actually refers to birth parents and the category adopted mother actually refers to adopted parents.

(e) Contact veto applications were not implemented until 18 June 1999.

(f) In the Australian Capital Territory, the release of identifying information cannot be vetoed.

- (g) In the Northern Territory, both contact and identifying information are vetoed in the same veto lodgement and only the adoptive person and birth parent are able to lodge vetoes with respect to adoptions finalised before 1994.

*Note:* Victoria is not included in the total, as no veto system operates in this State.

# Appendix 1: Glossary

## **Adoption**

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

## **Adoption order**

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

## **Adoptive parent**

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

## **Age of child**

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

## **Arranging body**

An arranging body is defined as an agency authorised under adoption legislation to make the decision about the placement of a child. Adoptions can be arranged by State and Territory community services departments or by an authorised non-government agency. This includes:

### *Government*

State and Territory community services department listed on page ix or another government authority.

### *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 church organisations, registered charities, non-profit organisations, companies, and cooperative societies and associations.

## **Country of origin**

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

## **The Hague Convention (intercountry adoption)**

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



For intercountry adoptions, a 'Hague country' is a country that has ratified the Convention, while a 'non-Hague country' is a country that has not ratified the Convention.

### **Indigenous status**

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

### **'Known' child adoptions**

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

#### *Step-parent*

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

#### *Other relative(s)*

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

#### *Carer*

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

### **Placement adoptions**

This category includes children who are legally available for adoption, but who generally have had no previous contact with the adoptive parents. These type of adoptions are broken down into the following categories:

#### *Local adoptions*

'Local adoptions' are placement adoptions of Australian children. That is, children who are born in Australia or who are permanent residents of Australia before the adoption takes place.

#### *Intercountry adoptions*

Intercountry adoptions are placement adoptions of children from countries other than Australia. These can be classified as a 'Hague adoption', if the country has ratified the Hague convention, or a 'non-Hague adoption', if the country has not ratified the Hague convention.

### **Marital status of birth mother**

#### *Married*

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

*Not married*

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

**Marital status of the adoptive parent(s)**

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

*Married*

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

*De facto*

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

*Single*

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

# Appendix 2: Summary of legislation

## **Commonwealth**

*Immigration (Guardianship of Children) Act 1946*

*Marriage Act 1961*

*Family Law Reform Act 1996*

## **New South Wales**

*Adoption of Children Act 1965*

Adoption of Children Regulation 1995

*Adoption Information Act 1990*

Adoption Information Regulation 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 the New South Wales Department of Community Services (DCS) to provide a written assessment of the case which is submitted with the application to court.

## **Other-relative adoptions**

There is provision for adoptions by relatives other than step-parents. These are only made in exceptional circumstances, that is, where a guardianship or custody order or other order made through the Family Court would not adequately provide for the interests and welfare of the child.

## **Non-relative adoptions**

Eligibility requirements:

- married couple;
- de facto couple who have lived together for more than 3 years and the child has been living with the applicants for more than 2 years, or they are adopting a special needs child;
- single people if the Court can be satisfied that the needs of a particular child would be best met.

This system operates as a hierarchy. However, the paramount consideration is the interest and welfare of the child.

Arrangements may be made by DCS or approved non-government organisations such as Centacare Adoptions Services, Anglicare Adoption Services and Barnardos Australia.

## **Adoption of Indigenous children**

According to the Aboriginal placement principle in the *Children (Care and Protection) Act 1987* (NSW), Indigenous children are placed with adoptive parents of a similar Indigenous background unless this does not appear to be in the best interests of the child.

## **Victoria**

*Adoption Act 1984*

Adoption Regulations 1998

*Adoption (Amendment) Act 1991*

*Disability Services and other Acts (Amendment) Act 1997*

### **Level of court**

Supreme Court and County Court

### **Step-parent adoptions**

In all cases of placement with relatives, guardianship orders, or another order made through the Family Court, 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 Victoria Department of Human Services (DHS) or an approved non-government adoption agency for the preparation of an assessment report on the prospective adoptive parents. The report is submitted with the application to the County or Supreme Court.

An adoption order in favour of a relative or step-parent can only be made if exceptional circumstances exist, and an order from the Family Court would not make adequate provision for the welfare and interests of the child.

Approved non-government adoption agencies operating in Victoria include Copelen Child and Family Services, Anglicare Western, Anglicare Gippsland, Centacare Catholic Family Services, Westate Permanent Care, Child and Family Services Ballarat.

### **Other-relative adoptions**

There is provision for adoptions by relatives other than step-parents in exceptional circumstances, that is, when an order from the Family Court will not adequately provide for the interests and welfare of the child.

### **Non-relative adoptions**

Eligibility requirements:

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

Adoptions are arranged by DHS or an approved non-government organisation (see step-parent adoptions).

## **Adoption of Indigenous children**

The Adoption Act recognises the principles of Aboriginal self-management and self-determination, and that adoption is not available in Aboriginal child care arrangements. Restrictive eligibility criteria are in place for 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 Reprint No. 1*

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 be arranged only through DFYCC.

### **Other-relative adoptions**

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

Adoption by relatives can be arranged only through DFYCC.

### **Non-relative adoptions**

Eligibility requirements:

Initial/first applicants:

- General adoption—married for at least 2 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.
- Intercountry adoption—married for at least 2 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 2 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.
- Intercountry adoption (maximum of 4 children)—married for at least 2 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 Child Placement Principle in Queensland, Indigenous children are always placed with parents of a similar Indigenous background. Consideration is given to the wishes of the consenting parent; however, the best interests of the child are paramount.

## **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 60 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 step-parents are known as carer adoptions. Carer adoptions can occur only when the child has been in the full-time care of the carers for at least 3 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 parents, 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 parents** 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.

### **Non-relative adoptions**

Birth parents are 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 made 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 asked to give consent.

### **Adoption of Indigenous children**

The Family Information and Adoption Service (**now known as Adoption Services**) adheres to the Department's Aboriginal Child Placement Policy. Aboriginal children are placed with Aboriginal adoptive parents **unless the child's birth parents specifically request otherwise**.

## **South Australia**

*Adoption Act 1988*

*Adoption (Miscellaneous) Amendment Act 1996*

### **Level of court**

Youth Court of South Australia

### **Step-parent adoptions**

'Leave to proceed' granted in the Family Court is required before step-parents can adopt where the child is the child of a dissolved marriage.

Adoption by relatives can be arranged only through the South Australian Department of Human Services (DHS) 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**

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

Adoption by relatives can be arranged only through DHS.

### **Non-relative adoptions**

Eligibility requirements:

- married couples and de facto couples of more than 5 years;
- single people in particular circumstances.

Adoptions can be arranged only through DHS.

### **Adoption of Indigenous children**

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

## **Tasmania**

*Adoption Act 1988*

Adoption Regulations 1992

### **Level of court**

Magistrate sitting alone

### **Step-parent adoptions**

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

### **Other-relative adoptions**

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

### **Non-relative adoptions**

Eligibility requirements:

- married couples of more than 3 years with any period of time spent in de facto relationship before marriage included in time assessment;
- single people only in special circumstances relating to the welfare and interest of the child.

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

### **Adoption of Indigenous children**

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

## **Australian Capital Territory**

*Adoption Act 1993*

### **Level of court**

Supreme Court

### **Step-parent adoptions**

Adoption by relatives can be arranged only 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 step-parents can be arranged only through CYFSB.

### **Non-relative adoptions**

Eligibility requirements:

- married couples of more than 3 years;
- de facto couples of more than 3 years;
- single people in particular circumstances.

Adoptions by non-relatives must be arranged through CYFSB.

### **Adoption of Indigenous children**

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



## **Northern Territory**

*Adoption of Children Act 1994*

### **Level of court**

Local Court

### **Step-parent adoptions**

Other arrangements are sought before an adoption order is considered.

### **Other-relative adoptions**

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

### **Placement adoptions**

Eligibility requirements:

- married couples;
- single person in exceptional circumstances.

All local adoptions must be arranged through Territory Health Services. Intercountry placement adoptions must be arranged through Australians Aiding Children Adoption Agency, which is accredited by the Northern Territory Government under the Hague Convention on Intercountry Adoption for this purpose.

### **Adoption of Indigenous children**

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

# Appendix 3: Provisions for ‘open’ adoptions

## **New South Wales**

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

## **Victoria**

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

## **Queensland**

The complete adoption process is closed in so far as all identifying particulars are considered confidential until the adopted person is 18 years of age. It is then possible for the relevant people to apply for identifying information.

## **Western Australia**

Since the *Adoption Act 1994*, all adoptions are considered open. All parties have access to identifying information *unless there is a veto or court order preventing access*. It is necessary to establish an adoption plan, which is an agreement between the birth and adoptive parents regarding the frequency or type of contact and the exchange of information. This can be renegotiated at a later date if necessary.

## **South Australia**

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

## **Tasmania**

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

## **Australian Capital Territory**

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

## **Northern Territory**

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

# Appendix 4: Appendix tables

**Table A4.1: Local placement adoptions by type of arranging body, 1998–99**

Arranging body	Number of local adoptions
Government	82
Non-government organisation	45
<b>Total</b>	<b>127</b>

**Table A4.2: Intercountry placement adoptions by State and Territory, 1987–88 to 1998–99**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1987–88	105	n.a.	22	37	83	34	15	12	n.a.
1988–89	148	31	48	36	64	41	17	9	394
1989–90	216	50	30	20	41	23	32	8	420
1990–91	162	105	25	22	43	16	16	4	393
1991–92	145	67	27	24	50	13	10	2	338
1992–93	95	37	19	14	40	9	9	4	227
1993–94	89	30	26	16	34	14	10	3	222
1994–95	85	59	21	9	35	2	9	4	224
1995–96	105	57	37	29	29	9	4	4	274
1996–97	81	56	41	13	49	15	12	2	269
1997–98	69	64	43	14	37	8	10	—	245
<b>1998–99</b>	<b>57</b>	<b>59</b>	<b>36</b>	<b>20</b>	<b>45</b>	<b>12</b>	<b>11</b>	<b>4</b>	<b>244</b>

*Notes*

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

*Sources:* WELSTAT 1990,1992a,1992b; AIHW 1999.

**Table A4.3: Intercountry placement adoptions by country of origin, 1991–92 to 1998–99**

Country of birth	1991–92	1992–93	1993–94	1994–95	1995–96	1996–97	1997–98	1998–99	Total
<b>Number</b>									
Colombia	14	26	22	16	40	23	14	11	166
Ethiopia	—	—	3	—	5	16	37	34	95
Fiji	—	—	—	—	13	—	18	12	43
India	41	20	22	29	20	35	28	30	225
Korea	106	50	64	71	94	84	69	70	608
Philippines	37	17	14	22	22	27	19	10	168
Romania	—	—	—	3	—	5	5	17	30
Sri Lanka	43	38	33	18	14	—	3	5	155
Thailand	34	26	20	25	18	34	26	25	208
Other <sup>(a)</sup>	63	50	44	40	48	45	26	30	346
<b>Total overseas adoptions</b>	<b>338</b>	<b>227</b>	<b>222</b>	<b>224</b>	<b>274</b>	<b>269</b>	<b>245</b>	<b>243</b>	<b>2,043</b>
<b>Per cent</b>									
Colombia	4	11	10	7	15	9	6	5	8
Ethiopia	—	—	1	—	2	6	15	14	5
Fiji	—	—	—	—	5	—	7	5	2
India	12	9	10	13	7	13	11	12	11
Korea	31	22	29	32	34	31	28	29	30
Philippines	11	7	6	10	8	10	8	4	8
Romania	—	—	—	1	—	2	2	7	1
Sri Lanka	13	17	15	8	5	—	1	2	7
Thailand	10	11	9	11	7	13	11	10	10
Other <sup>(a)</sup>	19	22	20	18	18	17	11	12	17
<b>Total overseas adoptions</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Other includes Bolivia, Canada, Chile, Guatemala, Honduras, Hong Kong, Lebanon, Macedonia, Poland, Papua New Guinea and Taiwan.

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

Source: AIHW 1999.

**Table A4.4: Visa class 102 issued during 1998–99**

Post where visa was applied for (country where post is located)	Bilateral adoption agreements	Parents 12 months overseas	Hague Convention adoptions	Total
Auckland (New Zealand)	15	9	—	24
Bangkok (Thailand)	6	18	—	24
Beijing (China)	1	—	—	1
Beirut (Lebanon)	—	1	—	1
Belgrade (Serbia) <sup>(a)</sup>	3	8	12	23
Colombo (Sri Lanka)	2	2	3	7
Hanoi (Vietnam)	1	—	—	1
Hong Kong	—	8	—	8
Islamabad (Pakistan)	—	1	—	1
Jakarta (Indonesia)	—	2	—	2
Kuala Lumpur (Malaysia)	—	2	—	2
Los Angeles (USA)	—	2	—	2
Manchester (UK)	—	1	—	1
Manila (Philippines)	15	2	—	17
Nairobi (Kenya) <sup>(b)</sup>	—	33	—	33
New Delhi (India)	34	9	—	43
Phnom Penh (Cambodia)	—	2	—	2
Santiago (Chile) <sup>(c)</sup>	5	9	4	18
Seoul (S. Korea)	75	—	—	75
Shanghai (China)	—	2	—	2
Suva (Fiji)	2	1	—	3
Tokyo (Japan)	—	1	—	1
Vienna (Austria)	2	—	—	2
<b>Total</b>	<b>161</b>	<b>113</b>	<b>19</b>	<b>293</b>

(a) Includes adoptions from Romania.

(b) Includes adoptions from Ethiopia and other countries in the region.

(c) Includes adoptions from South and Central America.

*Notes*

1. This table relates to visa class 102 that were issued during the year 1998–99. Not all children who were issued visas entered Australia during 1998–99.

2. Only the adoptions recorded by DIMA are included in this table.

Source: DIMA, pers. comm. 14 September 1999.

**Table A4.5: Placement adoptions by number of sibling placements, 1998–99<sup>(a)</sup>**

Type of adoption	Number of sibling adoptions
Local adoptions	1
Intercountry	
-Hague adoption	1
-Non-Hague adoption	11
<b>Total sibling adoptions</b>	<b>13</b>

(a) New South Wales were unable to provide this data.

Note: The majority of these adoptions involved 2 children, that is 2 siblings.

# Appendix 5: Countries party to the Hague Convention

<b>Country</b>	<b>Date convention came into effect</b>
Andorra	1 May 1997
Australia	1 December 1998
Austria	1 September 1999
Brazil	1 July 1999
Burkina Faso	1 May 1996
Burundi	1 February 1999
Canada	1 April 1997
Chile	1 November 1999
Colombia	1 November 1998
Costa Rica	1 February 1996
Cyprus	1 June 1995
Denmark	1 November 1997
Ecuador	1 January 1996
El Salvador	1 March 1999
Finland	1 July 1997
France	1 October 1998
Georgia	1 August 1999
Israel	1 June 1999
Lithuania	1 August 1998
Mauritius	1 January 1999
Mexico	1 May 1995
Moldova	1 August 1998
Monaco	1 October 1999
Netherlands	1 October 1998
New Zealand	1 January 1999
Norway	1 January 1998
Panama	1 January 2000
Paraguay	1 September 1998
Peru	1 January 1998
Philippines	1 November 1996
Poland	1 October 1995
Romania	1 May 1995
Sri Lanka	1 May 1995
Spain	1 November 1995
Sweden	1 September 1997
Venezuela	1 May 1997

# Appendix 6: Access to information and veto systems

## 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 or her original birth certificate and to information that will give knowledge of his or her origins. It also enables birth parents to have access to details of their 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 such as their health and welfare while the child is under the age of 18 years.

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

### Veto system

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 try to make contact with the person who imposed the contact veto. Information about that person can only be released if the applicant for the information gives an undertaking not to use the information to seek contact.

## Victoria

### Access to information

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

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

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

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



must be notified in writing of the intention to release identifying information about the birth family.

### **Veto system**

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

## **Queensland**

### **Access to information**

In Queensland for adoptions before 1991, an adopted person aged 18 years or older and the birth parent who signed the adoption consent are entitled to receive identifying information and have access to 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 of Families, Youth and Community Care 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, age, physical description 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 before June 1991.

Objections, once lodged, remain in force until 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 have access to 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 have access to birth records under certain circumstances provided parties are over 18 years of age.

Before 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 written consent of his or her adoptive parents. Birth parents, birth relatives and lineal descendants of an adopted person may apply for non-identifying information at any time or for identifying information when

the adopted person is aged 18 years or over. Adoptive parents may apply for non-identifying information at any time but may receive information which included the name of a birth parent only with the written permission of the birth parent concerned.

### *Counselling*

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

### **Veto system**

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

## **Australian Capital Territory**

### **Access to information**

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

### **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 lodgement of such a veto it becomes an offence for the information recipient to try to make contact with the person who imposed the contact veto.

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

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

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. Since the introduction of

the new Act there is provision for a more open process, with identifying information being available unless a veto has been lodged. Indigenous child care agencies are authorised to counsel for the purpose of supplying identifying information.

**Veto system**

A 3-year, renewable veto may be lodged by the adopted person or birth parents with respect to adoptions finalised prior to 1994. There is no veto provision with respect to adoptions finalised under the new Act.

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