

# **Adoptions Australia**

## **2005–06**

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CHILD WELFARE SERIES

Number 39

# **Adoptions Australia 2005–06**

Australian Institute of Health and Welfare  
Canberra

AIHW cat. no. CWS 27

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ISSN: 1320-081X

ISBN-10: 1 74024 625 X

ISBN-13: 978 1 74024 625 5

### **Suggested citation**

Australian Institute of Health and Welfare (AIHW) 2006. *Adoptions Australia 2005–06*. Child welfare series no. 39. Cat. no. CWS 27. Canberra: AIHW.

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Published by Australian Institute of Health and Welfare

Printed by Pirion, Canberra

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# Acknowledgments

Many people have contributed to this and previous issues of the Australian Institute of Health and Welfare's *Adoptions Australia* series. This edition has been prepared by Nicole Hunter.

Thanks are extended to the following state and territory departments for providing the data and input for this report:

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This publication was produced with financial assistance from the community services department in each state and territory.

## Symbols used in this report

- nil or rounded to zero
- .. not applicable
- n.a. not available

# Summary

## Background

Adoption is one of a range of options used to provide care for children who cannot live with their birth families. While the number of adoptions has declined over the last 30 years, there are still a considerable number of adoptions per year in Australia. The results in this report, as with previous editions, present the latest data on adoptions of Australian children and those from overseas, while also making reference to important trends in the number of adoptions over the last three decades.

## Data sources

Adoption data in this report were obtained from the Australian Institute of Health and Welfare (AIHW) Adoptions Australia data collection. This data collection is a record of all finalised adoptions in Australia since 1990–91, collected from each state and territory community services department. Data on adoptions are collated by the AIHW on a financial year basis, with the most recent data for the 2005–06 year.

## The findings

While the total number of adoptions has remained relatively stable over the last nine years, there has been a 17-fold decrease in adoptions since the 1970s. This can largely be attributed to a decline in adoptions of Australian children. In contrast, the number of intercountry adoptions has tripled over the last 25 years. There has also been a dramatic increase in the proportion of intercountry adoptions over this period – from 4% of all adoptions in 1980–81 to 73% in 2005–06.

In 2005–06:

- There were 576 adoptions in Australia – 73% were intercountry, 10% were local and 16% were ‘known’ child adoptions.
- More than two-thirds of intercountry adoptions were from China (28%), South Korea (24%) and Ethiopia (17%).
- For ‘known’ child adoptions, 73% of adoptions were by step-parents and 22% by carers.
- In local and intercountry adoptions, nearly all children were less than 5 years old (91%), while for ‘known’ child adoptions, most were aged 10 years and over (71%).
- Around half of the children in local and intercountry adoptions were adopted into families with no other children, and 56% had adoptive parents aged 40 years and over.

## The message

The latest edition of *Adoptions Australia*, the sixteenth report in the series, shows the total numbers of adoptions are continuing to remain relatively stable. As in recent years, the vast majority of adoptions in 2005–06 were intercountry adoptions. Data from future years will need to be monitored to see if these trends continue.





# 1 Introduction

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

Access by the birth parents or other relatives to the adopted child (sometimes called 'open' adoption) is encouraged in most states and territories. The degree to which this process is encouraged varies across the jurisdictions (see Section 2.2 of Appendix 2).

Adoption is one of a range of options used to provide care for children who cannot live with their birth families as they are unwilling or unable to nurture and raise them.

## Data sources

The data included in this report were collected from each of the state and territory community services departments, and collated and analysed by the Children, Youth and Families Unit of the Australian Institute of Health and Welfare (AIHW). The data were extracted from the administrative systems of the state and territory departments according to definitions and counting rules agreed to by those departments and the AIHW (AIHW 2006). Definitions of terms used in the collection are provided in the Glossary.

Each state and territory in Australia has responsibility for all aspects of adoption within its jurisdiction and has its own legislation, policies and practices regarding adoption (see Appendix 2). These differences should be taken into account when comparing data across jurisdictions.

## Purpose and structure of this report

*Adoptions Australia 2005–06*, the sixteenth report in the series, includes data on all finalised adoptions recorded by state and territory community services departments for the period 1 July 2005 to 30 June 2006. It aims to present the latest data on the patterns and trends in adoptions in Australia.

This report has five chapters. The second chapter describes the different categories and processes of adoption. The results are presented in Chapters 3 and 4:

- Chapter 3 provides an overview of all adoptions in 2005–06, including current patterns and trends.
- Chapter 4 presents detailed data on categories of adoption in 2005–06, including the characteristics of adopted children and their adoptive families. Data on the number of requests made for information about an adoption and the number of contact and information vetoes lodged for the same period are also presented.

The main findings are then discussed in Chapter 5. More detailed statistical tables are included in Appendix 1, and state and territory adoptions legislation is summarised in Appendix 2.

# 2 Background

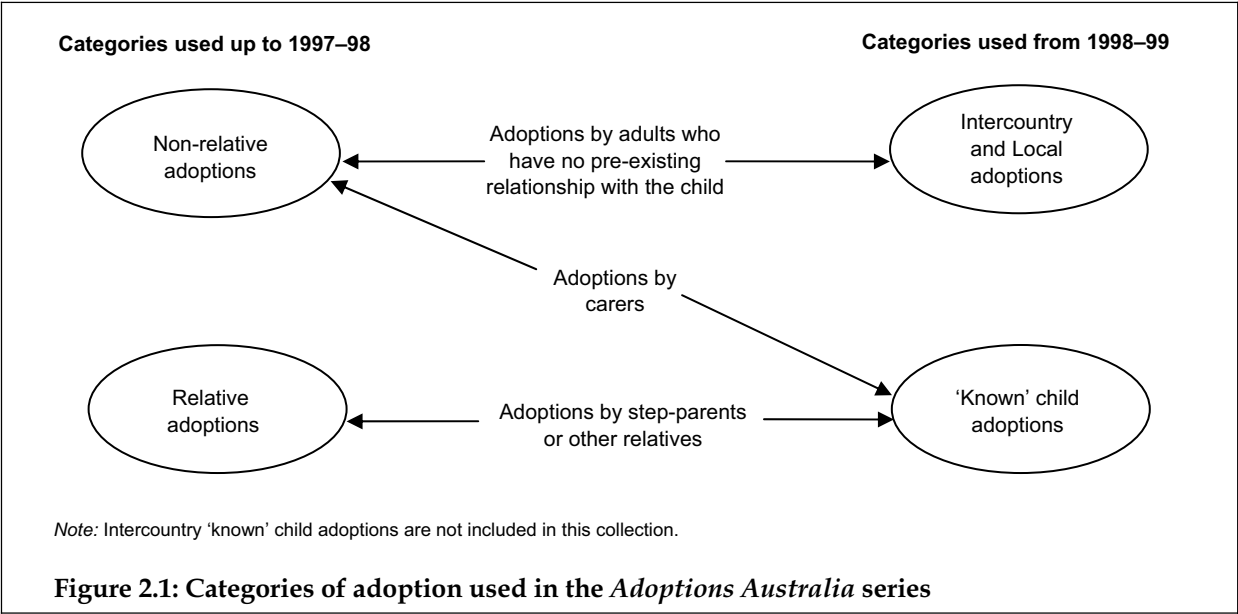
## Categories of adoption

The categories of adoption used in this publication are:

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

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

Before 1998–99, adoptions were categorised as either ‘relative’ or ‘non-relative’ adoptions. The major difference between the categories used now and those used earlier is that adoptions by carers are now included with adoptions by step-parents and other relatives, rather than with adoptions by non-relatives (see Figure 2.1). While trend data for intercountry adoptions are not affected by this change, data for local and ‘known’ child adoptions are only comparable from 1998–99 onwards.



## Adoption processes

A child is legally available for adoption if all the necessary consents to the child's adoption have been obtained or dispensed with. Persons wishing to adopt a child must satisfy the department or agency concerned that they will be suitable parents. Factors considered in the assessment of the suitability of potential parent(s) are their parenting capacity, age, health, reasons for wanting to adopt, marital status and the stability of their relationship. Each jurisdiction has different requirements for eligibility to adopt a child – these are outlined in Section 2.1 of Appendix 2.

## Intercountry adoptions

The adoption process for intercountry children is strictly controlled by each state and territory under the relevant Adoption Act and by the Australian Government under the *Immigration (Guardianship of Children) Act 1946*. Although the Australian Government and the state and territory governments are jointly responsible for investigating and approving overseas adoption programs, a suitable central agency in the overseas country is required to administer the program in accordance with standards acceptable to Australia. While each state and territory has its own legislation relating to intercountry adoption, the process is relatively similar across the jurisdictions (Figure 2.2).

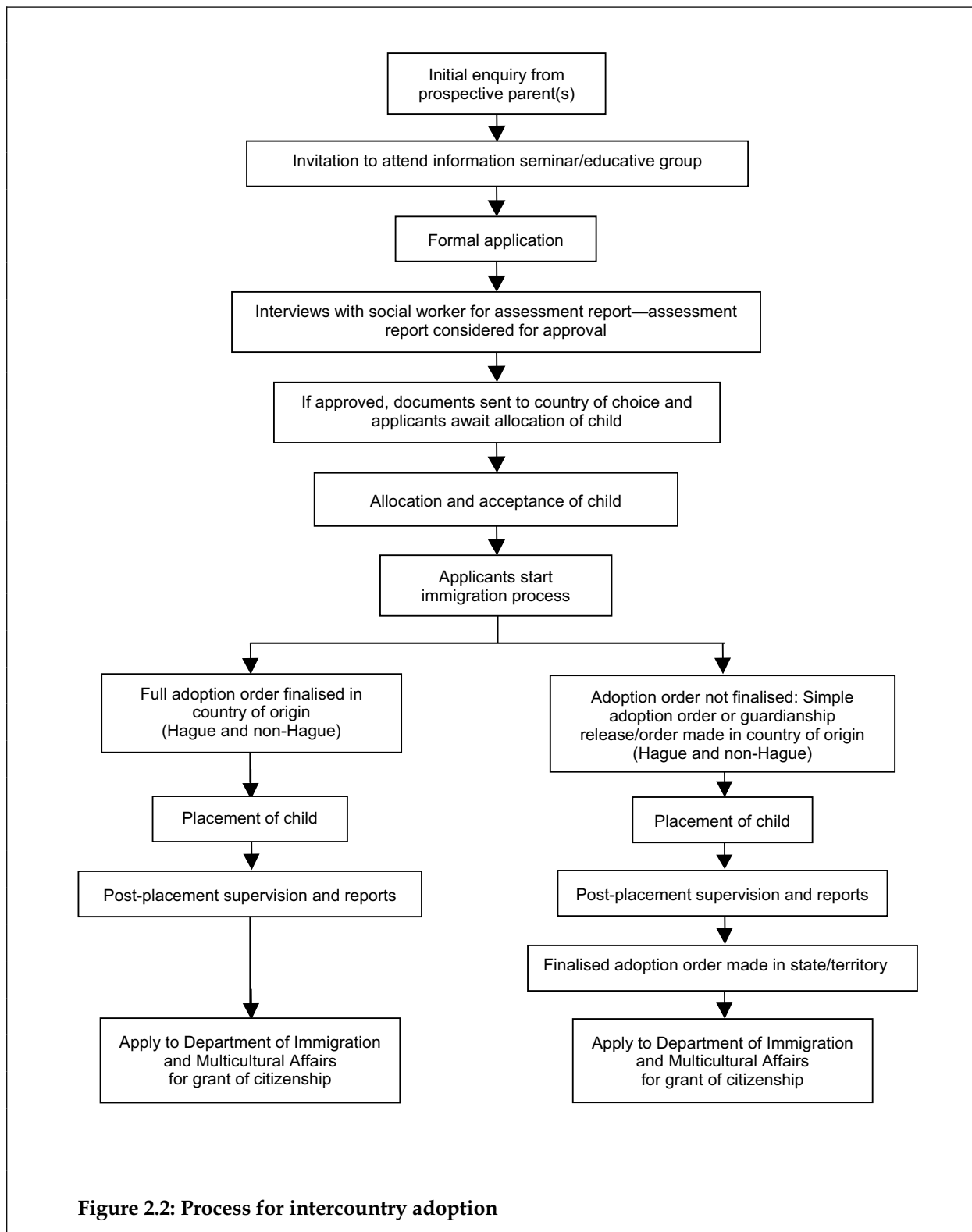
In December 1998 Australia ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption:

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 helps people in Australia who wish to adopt children from other countries as it establishes uniform procedures to be followed by the countries that are parties to the Convention. The Convention also ensures that the child's best interests are safeguarded. A list of countries currently party to the Hague Convention can be found in Appendix 3.

From 1998–99 onwards, data on intercountry adoptions have been categorised into 'Hague' and 'non-Hague' adoptions. The data on 'Hague' adoptions are also used by the Federal Attorney-General's Department – the Principal Central Authority for the Convention – in reporting to the Hague Conference on Private International Law on Australia's adherence to the Convention. In accordance with its responsibilities for intercountry adoption, each state and territory has established a Central Authority under the Convention. These, in turn, report to the Principal Central Authority.

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



Adoptions of children from countries that have not yet ratified or acceded to the Hague Convention are still in operation (see Table 4.1). However, with the exception of China, such adoptions only occur with countries with which Australia had a pre-existing bilateral agreement.

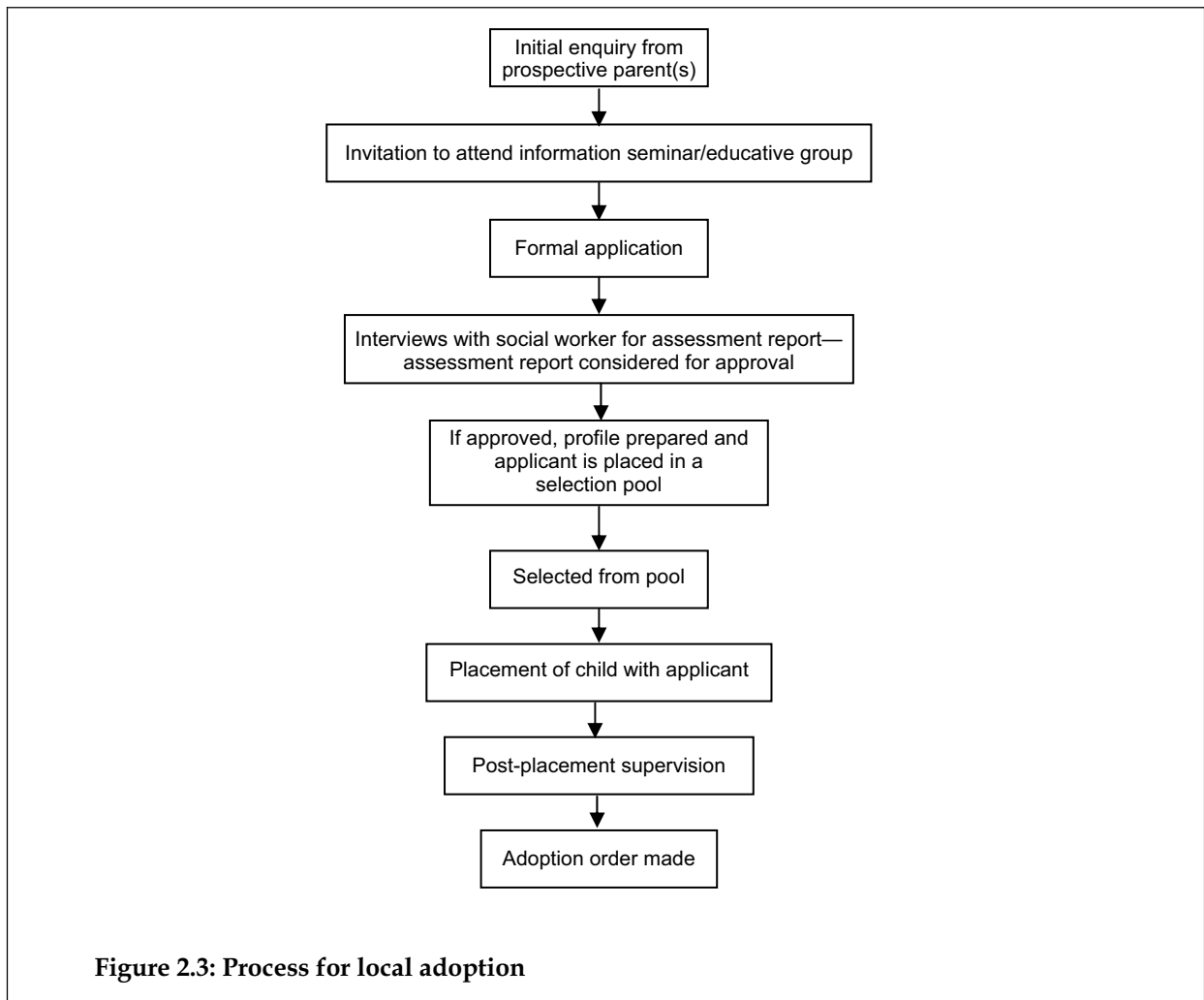
Prior to 1 January 2006, China was not party to the Convention; however, Australia signed a bilateral agreement with China in December 1999. This agreement had similar arrangements to the Hague Convention – in particular, it allowed Australian residents to adopt children from China with the adoption order being finalised in the country of origin and automatically recognised in Australia. Australian citizenship was then granted once the adoption order was made.

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

In November 2005, a report was released on the inquiry into the adoption of children from overseas, by the House of Representatives Standing Committee on Family and Human Services (HRSCFHS 2005). The Committee made 27 recommendations, and the Government responses to these recommendations were subsequently released in September 2006 (Commonwealth Government 2006).

## Local adoptions

For local adoptions, the guardianship of a child for whom a general consent for adoption has been signed generally resides with the community services department or, in the case of some approved non-government adoption agencies, with the principal officer of the agency. The guardianship remains in force until the adoption order is made, the consent for adoption is revoked, or some other specified event occurs. Figure 2.3 provides an overview of the process involved in the placement of local children with prospective adoptive parent(s), however the precise order of the steps may vary slightly between jurisdictions.



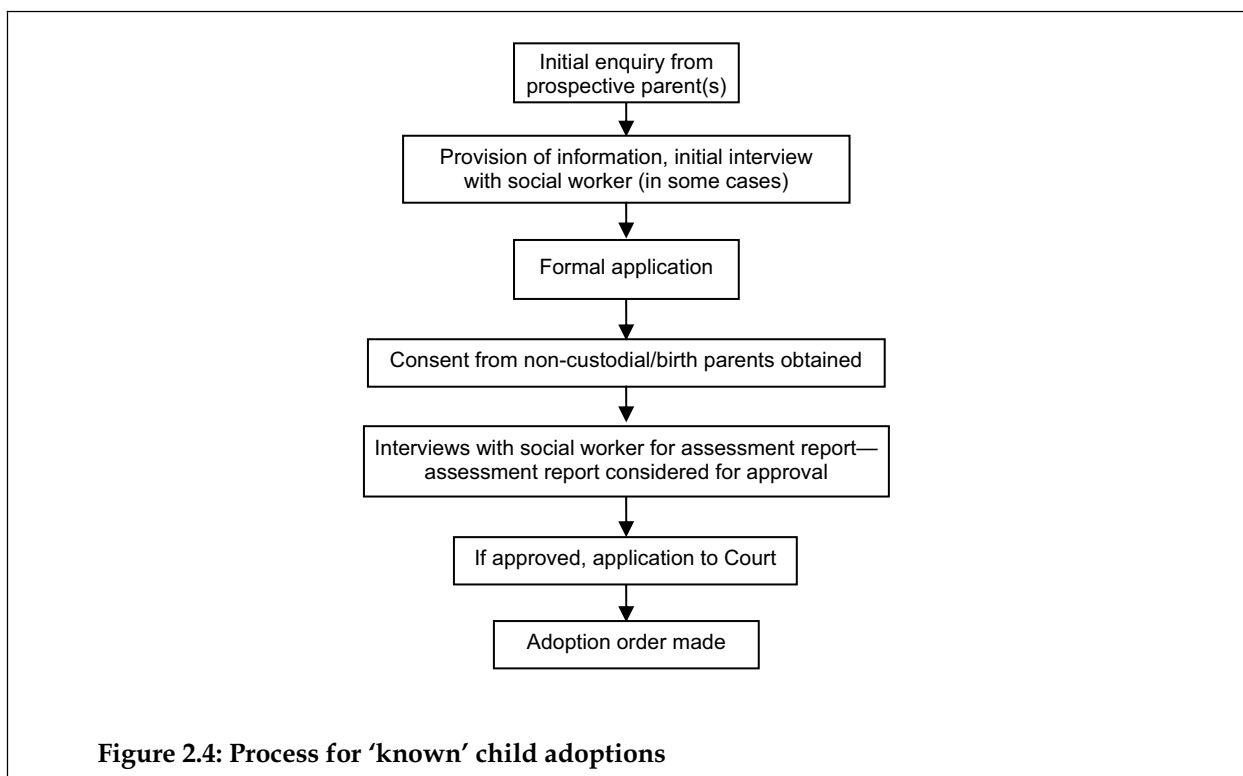
## ‘Known’ child adoptions

‘Known’ child adoptions are administered by the community services department in each state and territory.

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 (DCHS 1994). Adoption by relatives other than step-parents is less common because most states and territories have policies that promote the use of parental responsibility orders (e.g. permanent care and guardianship/custody orders), rather than adoption, when placing children in the care of relatives other than parents (see Section 2.1 in Appendix 2). Adoptions by relatives are generally discouraged due to the confusion and distortion that may occur to biological relationships. For example, if a child were adopted by his or her grandmother, then the birth parent would become the child’s sibling (DoCS 2006).

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

Each state and territory has its own process for the adoption of ‘known’ children by prospective parent(s). Figure 2.4 provides a broad outline of this process, although the precise order of the steps may vary slightly between jurisdictions.



# 3 An overview of adoptions in Australia

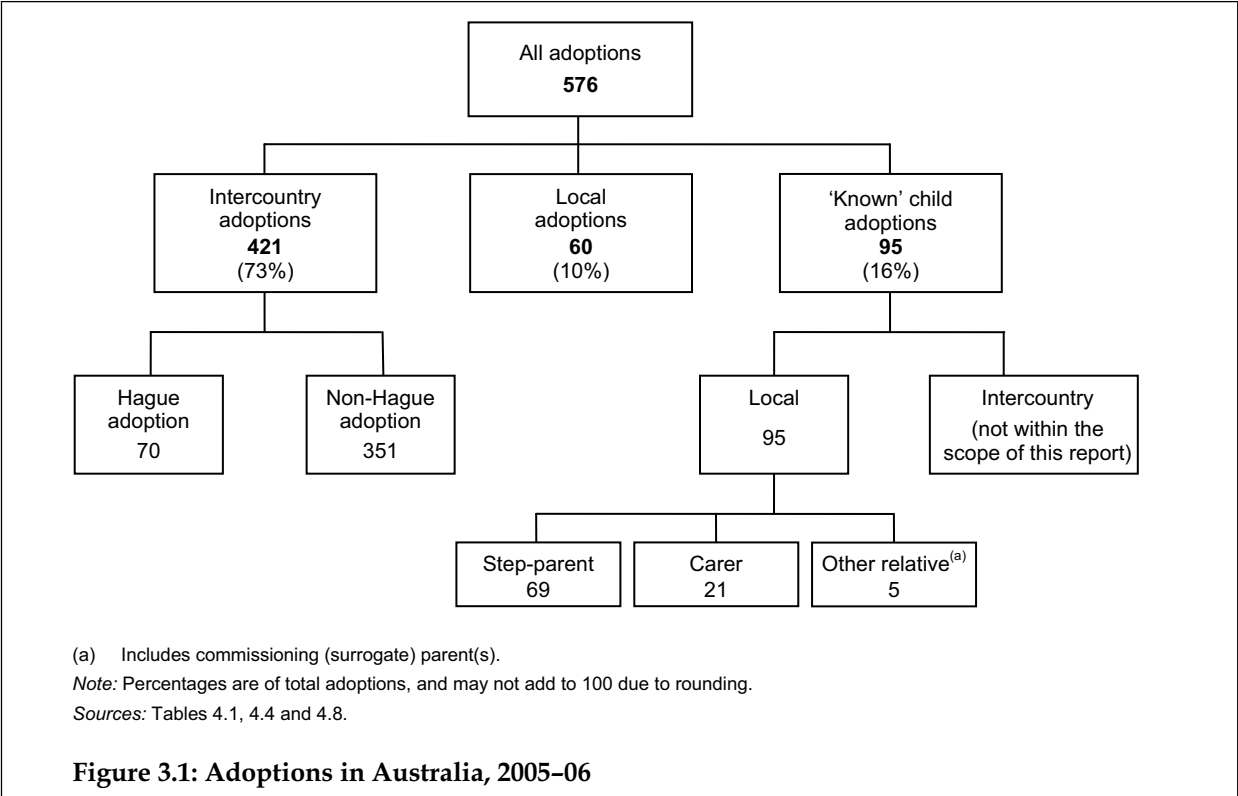
## Adoptions in 2005–06

In 2005–06, there were 576 adoptions of children in Australia, a 2% decrease from 2004–05 (Figure 3.1; Table A1). Almost three-quarters of these (73%) were intercountry adoptions, 16% were ‘known’ child adoptions and 10% were local adoptions (see Chapter 2 and the Glossary for definitions of these categories).

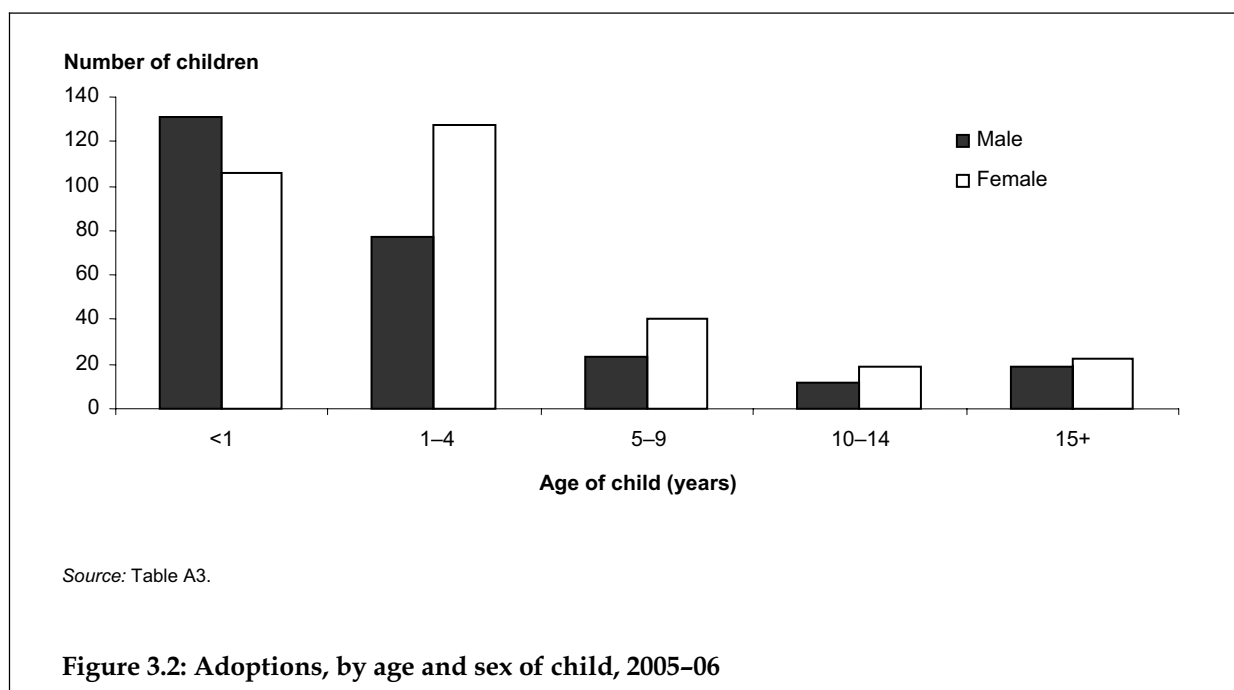
The majority of adopted children were aged younger than 5 years (76%), with more than half of these aged less than 1 year. More females than males were adopted (55% compared to 45%) (Figure 3.2).

The number and rate of adoptions vary considerably across the states and territories. Although the states with larger populations (e.g. New South Wales, Victoria, Queensland) had the highest number of adoptions, they had the lowest rates of adoptions per 100,000 population. Rates of adoptions were highest in the Australian Capital Territory, the Northern Territory and Tasmania (Table 3.1).

For local and intercountry adoptions, children are placed with their adoptive families prior to their adoption order being finalised (Figures 2.2 and 2.3). There were 420 such children placed with their adoptive families during 2005–06 (Table A2). Some children placed for adoption during this period may not have their adoption finalised until the following year. In addition, some adoption orders finalised in 2005–06 may relate to children who were placed in the previous year.







**Table 3.1: Number and rate of adoptions, by state and territory, 2005-06**

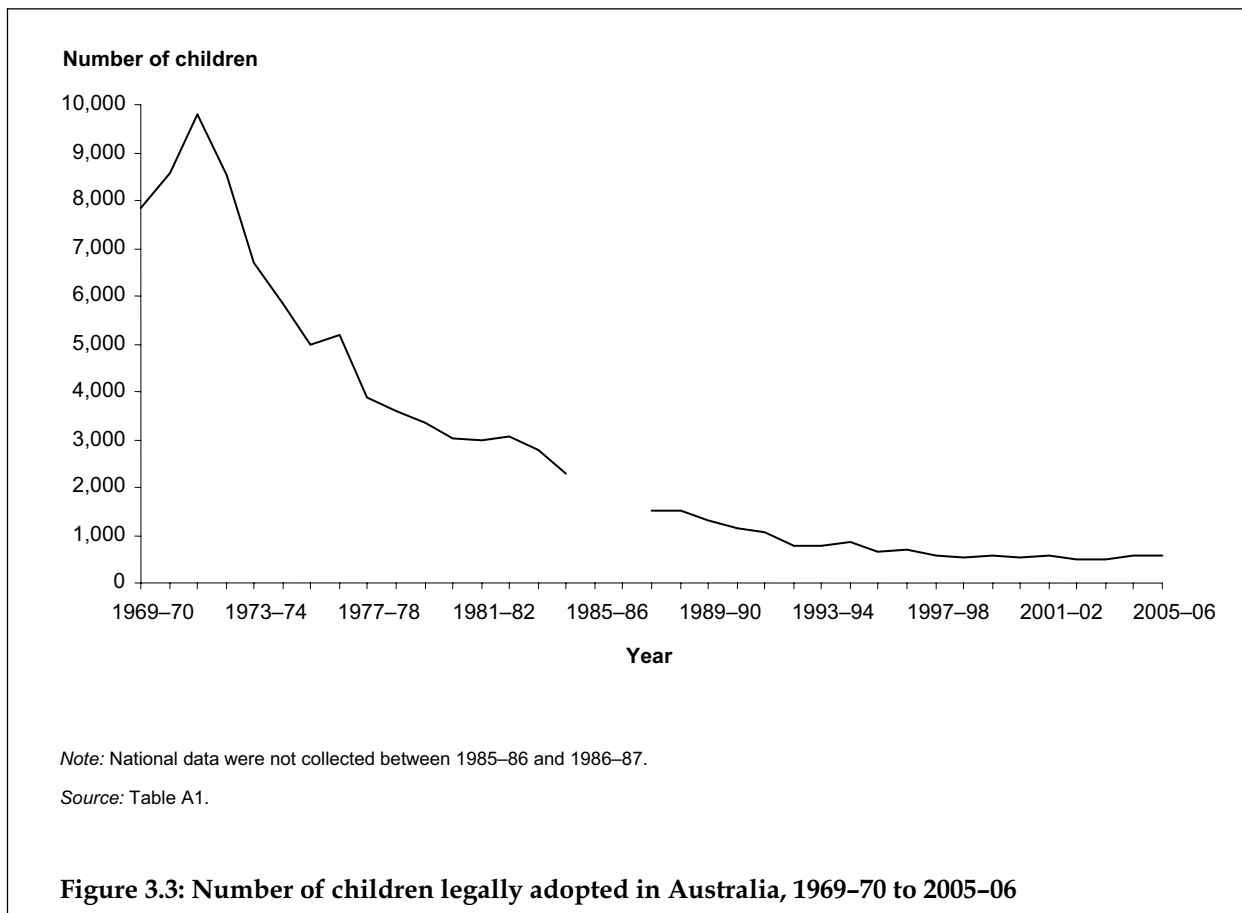
State/territory	Number of adoptions	Rate per 100,000 population <sup>(a)</sup>
New South Wales	149	2.2
Victoria	131	2.6
Queensland	82	2.0
Western Australia	62	3.1
South Australia	72	4.7
Tasmania	35	7.2
Australian Capital Territory	30	9.2
Northern Territory	15	7.3
<b>Australia</b>	<b>576</b>	<b>2.8</b>

(a) Rate for total state/territory population (all ages).

Source: AIHW Adoptions Australia data collection.

## Trends

Since the 1970s, the number of adoptions in Australia has decreased with declining fertility rates (ABS 2004). Australia experienced a substantial fall in the number of adoptions between the early 1970s and the early 1990s, from almost 10,000 in 1971–72 to 764 in 1993–94 (Figure 3.3; Table A1). Since then, the number of adoptions has fluctuated slightly and flattened out. The number of children adopted fell to an all-time low of 472 in 2002–03, but has increased slightly to 576 in 2005–06 – a 22% increase over this three-year period.



## Trends in categories of adoptions

### Inter-country adoptions

The number of intercountry adoptions has fluctuated over time, but has more than tripled in the last 25 years, from 127 in 1980–81 to 421 in 2005–06 (AIHW: Wilkinson & Angus 1993; Table A4). Intercountry adoptions have also clearly emerged as the dominant category of adoptions during this time – in 2005–06, intercountry adoptions represented 73% of all adoptions, compared to 4% of adoptions in 1980–81 (Figure 3.1; AIHW: Wilkinson & Angus 1993). Since 1998–99, there has been a 73% increase in the number of intercountry adoptions (Figure 3.4; Table A4).

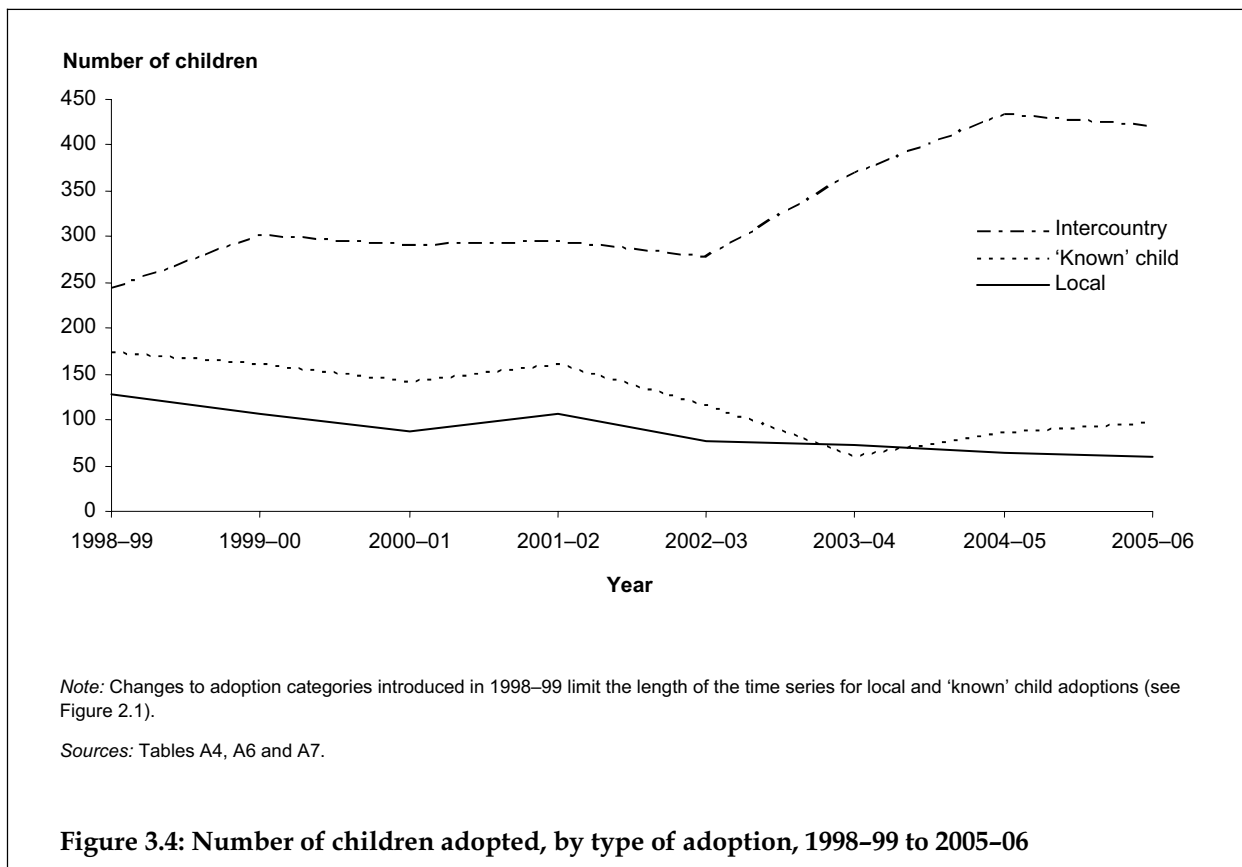
From 1999–00 to 2002–03, the numbers of intercountry adoptions remained fairly stable. However, in 2003–04 there was an increase of 33% from the previous year, and the greatest

number of intercountry adoptions in Australia was recorded in 2004–05 (434 adoptions) (Table A4). This was largely influenced by the three-fold increase in the number of children adopted from China and the Philippines between 2002–03 and 2004–05, and to a lesser extent, the increase in children from Ethiopia (Table A5).

### Adoption of Australian children

The number of Australian children adopted (including local and ‘known’ child adoptions) has decreased substantially since the 1980s (19-fold decline), from 2,872 in 1980–81 to 155 in 2005–06 (AIHW: Wilkinson & Angus 1993; Tables A6 and A7). These numbers declined more rapidly prior to the late 1990s – there was a nine-fold decline from 1980–81 to 1997–98, and a two-fold decline from 1998–99 to 2005–06.

The number of local adoptions has more than halved overall from 127 in 1998–99 to an all-time low of 60 in 2005–06 (Figure 3.4; Table A6). Similarly, the number of ‘known’ child adoptions almost halved over this period (Figure 3.4). An all-time low of 59 ‘known’ child adoptions was recorded in 2003–04, but numbers have since increased to 95 adoptions in 2005–06 (Table A7).



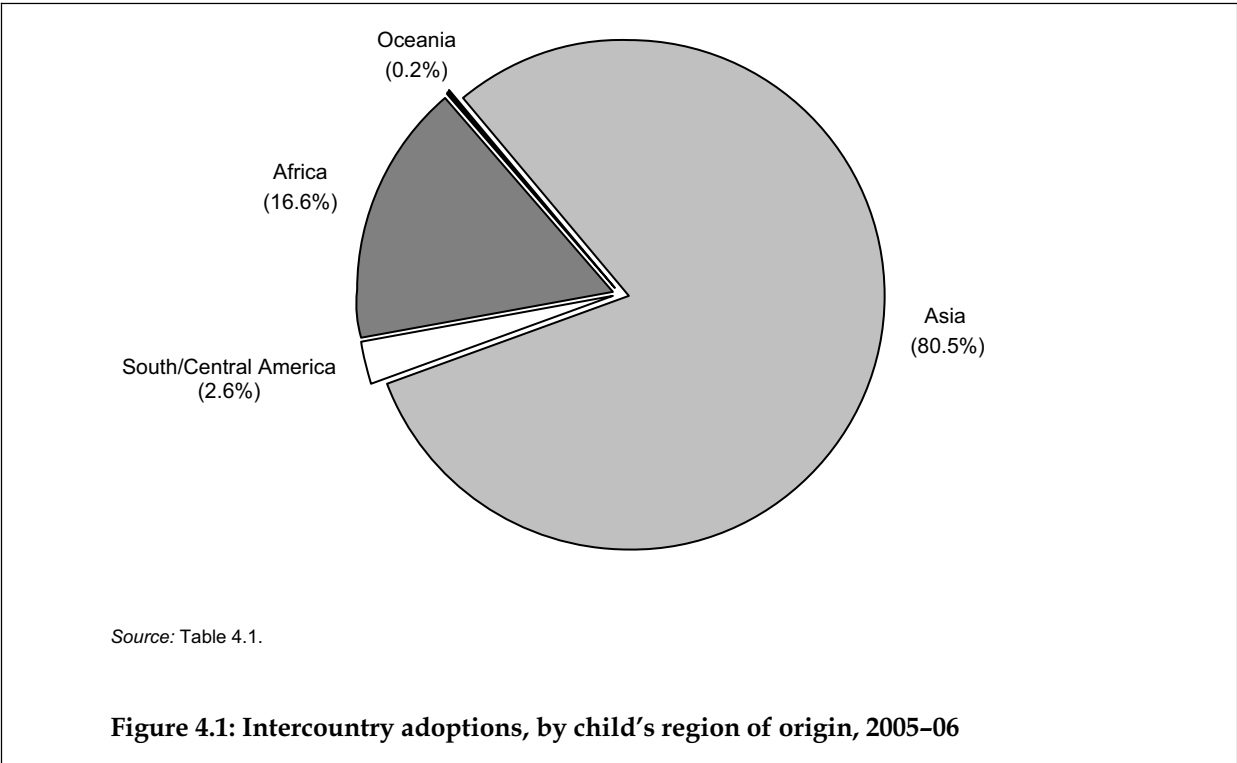
# 4 Detailed information

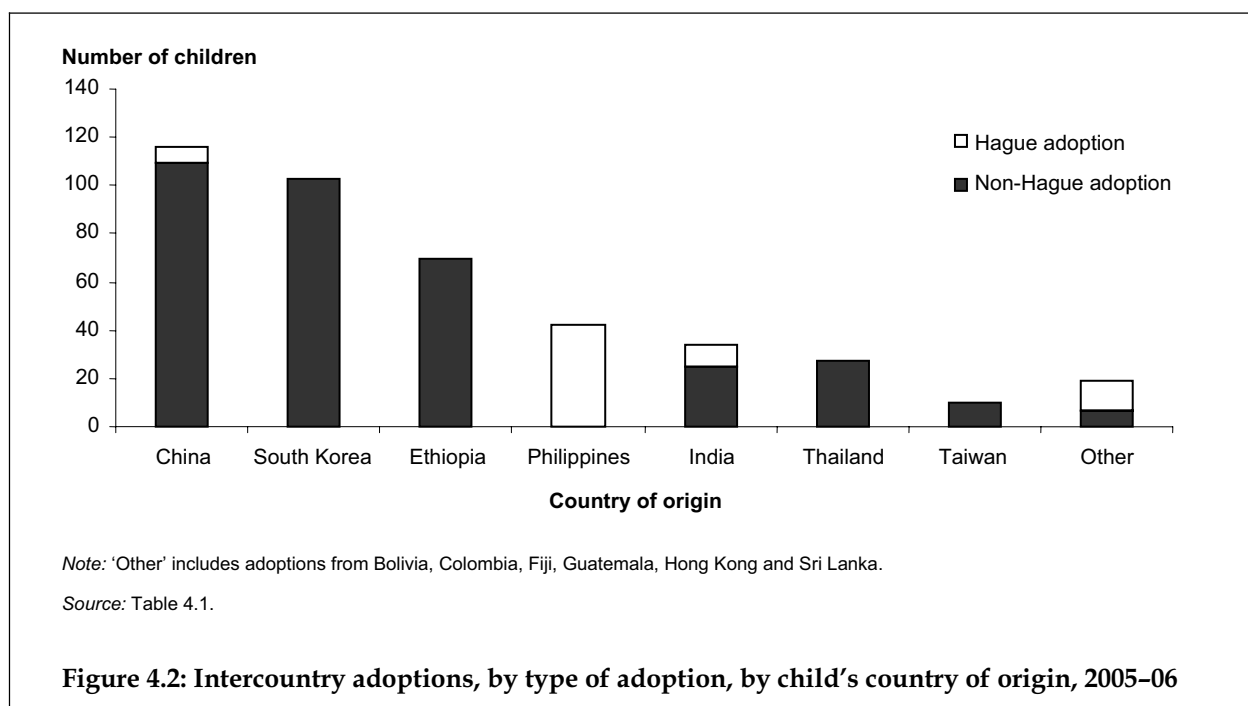
## Intercountry adoptions

There were 421 intercountry adoptions in 2005–06, representing 73% of all adoptions (Table 4.1). The number of intercountry adoptions has declined by 3% since 2004–05 (Table A4). This can largely be attributed to a 17% decrease in the number of adoptions from China over this period. The number of adoptions from South Korea and Ethiopia reached an all-time high in 2005–06, with Ethiopian adoptions increasing by 19% from 2004–05 (Table A5).

### Country of origin

- In 2005–06, four in every five (81%) intercountry adoptions were of children from Asia, and 17% were from Africa (Figure 4.1).
- More than two-thirds of the total intercountry adoptions were from the following countries: China (28%), South Korea (24%) and Ethiopia (17%). A considerable proportion of children were also adopted from the Philippines (10%) and India (8%) (Figure 4.2).
- The number of adoptions from China has increased significantly over the last decade, so too have adoptions from South Korea, the Philippines and Ethiopia. Of the total number of intercountry children adopted since 1993–94, 28% have come from South Korea, 12% from China, and 11% from both Ethiopia and India (Table A5).
- In 2005–06, 17% of intercountry adoptions were Hague adoptions, a 4% increase from 2004–05 (Table 4.1; AIHW 2005).





**Figure 4.2: Intercountry adoptions, by type of adoption, by child's country of origin, 2005-06**

**Table 4.1: Intercountry adoptions, by child's country of origin, 2005-06**

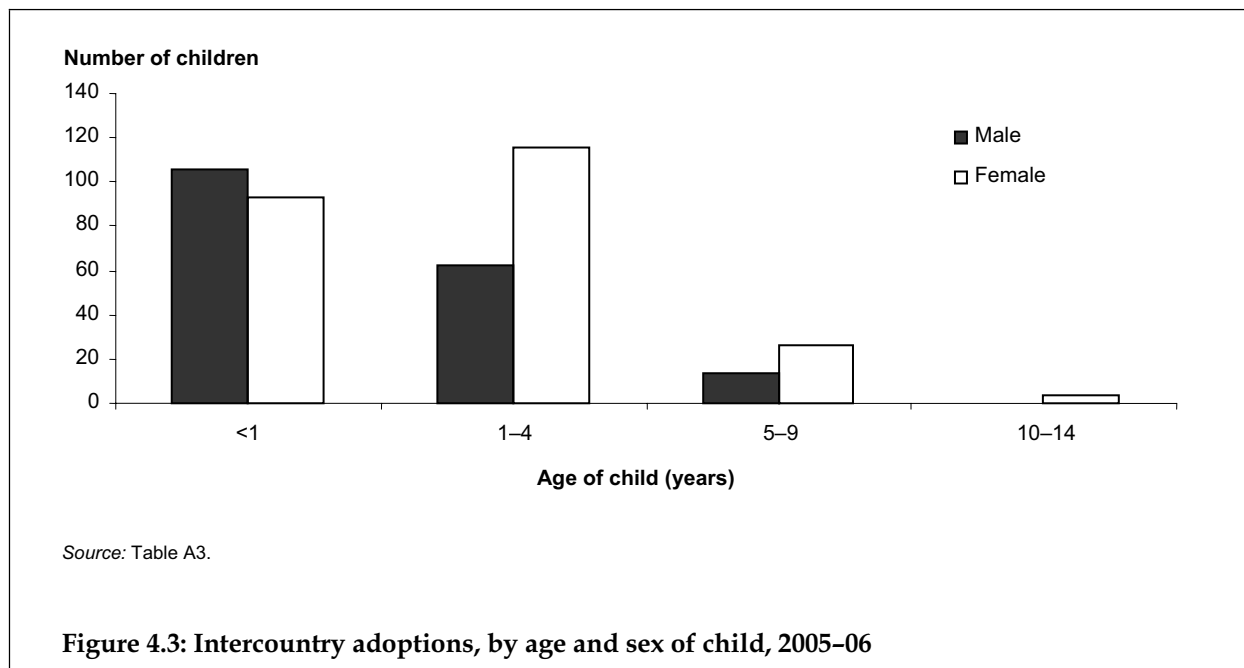
Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Hague adoptions</b>									
China	—	—	—	—	—	2	—	5	7
Colombia	9	—	—	—	—	—	—	—	9
India	2	4	2	—	—	—	—	1	9
Philippines	10	9	9	2	6	2	3	1	42
Sri Lanka	—	2	1	—	—	—	—	—	3
<i>Total Hague adoptions</i>	<i>21</i>	<i>15</i>	<i>12</i>	<i>2</i>	<i>6</i>	<i>4</i>	<i>3</i>	<i>7</i>	<i>70</i>
<b>Non-Hague adoptions</b>									
Bolivia	1	—	—	—	—	—	—	—	1
China	34	25	7	15	18	5	5	—	109
Ethiopia	10	21	8	4	9	9	7	2	70
Fiji	—	1	—	—	—	—	—	—	1
Guatemala	—	1	—	—	—	—	—	—	1
Hong Kong	—	2	1	1	—	—	—	—	4
India	—	6	—	1	15	3	—	—	25
South Korea	21	25	20	11	16	3	4	3	103
Taiwan	1	—	5	—	2	1	1	—	10
Thailand	5	8	8	2	3	1	—	—	27
<i>Total non-Hague adoptions</i>	<i>72</i>	<i>89</i>	<i>49</i>	<i>34</i>	<i>63</i>	<i>22</i>	<i>17</i>	<i>5</i>	<i>351</i>
<b>Total intercountry</b>	<b>93</b>	<b>104</b>	<b>61</b>	<b>36</b>	<b>69</b>	<b>26</b>	<b>20</b>	<b>12</b>	<b>421</b>
<b>Per cent of intercountry adoptions</b>	<b>22</b>	<b>25</b>	<b>14</b>	<b>9</b>	<b>16</b>	<b>6</b>	<b>5</b>	<b>3</b>	<b>100</b>

Note: The adoptions from China and India that are counted as non-Hague adoptions occurred before 1 January 2006 and 1 October 2003, respectively.

Source: AIHW Adoptions Australia data collection.

## Characteristics of adopted children

- The vast majority of children in intercountry adoptions were younger than 5 years old (89%), and more than half of these were infants aged less than 1 year old (Figure 4.3).
- Children who were the subject of non-Hague adoptions were more likely to be infants – 51% of non-Hague adoptions were of children aged less than 1 year, compared to 30% of Hague adoptions (Table A8).
- A higher proportion of females than males were adopted (57% compared to 43%) (Table A3).
- The majority of intercountry adoptions were of single children, but 13% of children were adopted as part of a sibling group. Almost four-fifths of sibling group adoptions were non-Hague adoptions (78%) (Table A9).

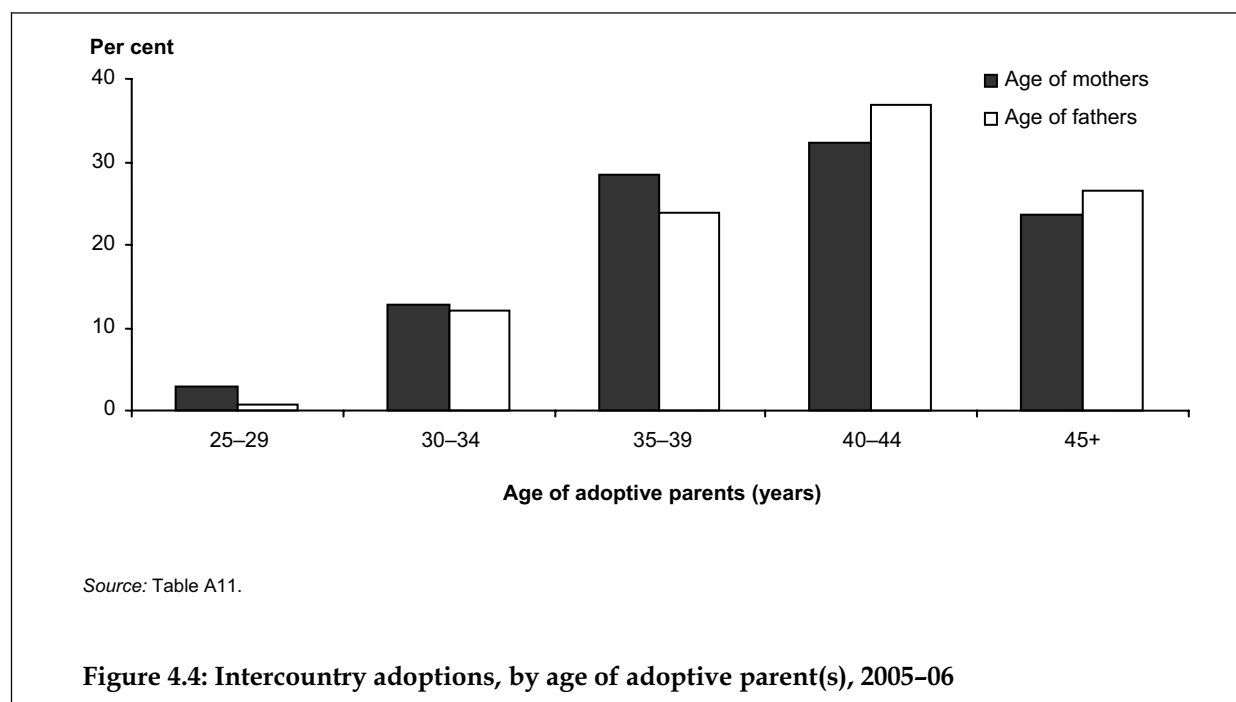


## Administration of Hague adoptions

- In 2005-06, 59% of children who were the subject of Hague adoptions entered Australia under guardianship orders, with eight in ten of these children being from the Philippines. The remaining 41% entered Australia under adoption orders made in the country of origin (Table A10).

## Characteristics of adoptive families

- The vast majority of adoptive mothers and fathers were aged 35 years and older (84% and 87% respectively), with two-thirds of these aged 40 years and older (Figure 4.4).
- Nearly all intercountry adoptions were by married couples (95%) (Table 4.2).
- Children were slightly more likely to be adopted into families with no other children, than into families with children (52% compared to 48%). The proportions of family types varied slightly between Hague and non-Hague adoptions (Table 4.3).



**Table 4.2: Intercountry adoptions, by type of adoption, by family type of the adoptive parent(s), 2005-06**

Marital status of the adoptive parent(s)	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	Per cent	Number	Per cent	Number	Per cent
Married couples	70	100	330	94	400	95
De facto couples	—	—	8	2	8	2
Single person <sup>(a)</sup>	—	—	13	4	13	3
<b>Total</b>	<b>70</b>	<b>100</b>	<b>351</b>	<b>100</b>	<b>421</b>	<b>100</b>

(a) Includes widowed parents.

Source: AIHW Adoptions Australia data collection.

**Table 4.3: Intercountry adoptions, by type of adoption, by composition of the adoptive family, 2005–06**

Composition of the adoptive family	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	Per cent	Number	Per cent	Number	Per cent
No other children in the family	24	49	148	53	172	52
Biological children only	9	18	56	20	65	20
Adopted children only	14	29	60	22	74	23
Both biological and adopted children	2	4	15	5	17	5
<b>Total<sup>(a)</sup></b>	<b>49</b>	<b>100</b>	<b>279</b>	<b>100</b>	<b>328</b>	<b>100</b>

(a) Excludes 93 adoptive families (21 Hague, 72 non-Hague) for which New South Wales was unable to report on composition of family.

Source: AIHW Adoptions Australia data collection.

### Other intercountry adoptions

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

In 2005–06, there were 99 such visas issued for children whose adoptive parents were overseas for 12 months or more (Table A12). This is the highest number recorded since 1998–99, and a three-fold increase from 2004–05, when 35 visas were issued (AIHW 2000:16, 2005:16). In 2005–06, visas were issued from 34 countries, compared to 19 countries in 2004–05.

A further 377 visas were issued for standard intercountry adoptions that are governed by the state and territory departments (Table A12). However, not all children who were issued visas in 2005–06 entered Australia during that period.



## Local adoptions

There were 60 local adoptions in 2005–06, representing 10% of all adoptions (Table 4.4). The number of local adoptions has decreased by 8% since 2004–05 (Table A6). Two-thirds (66%) of local adoptions occurred in New South Wales and Victoria (Table 4.4).

**Table 4.4: Local adoptions, by state and territory, 2005–06**

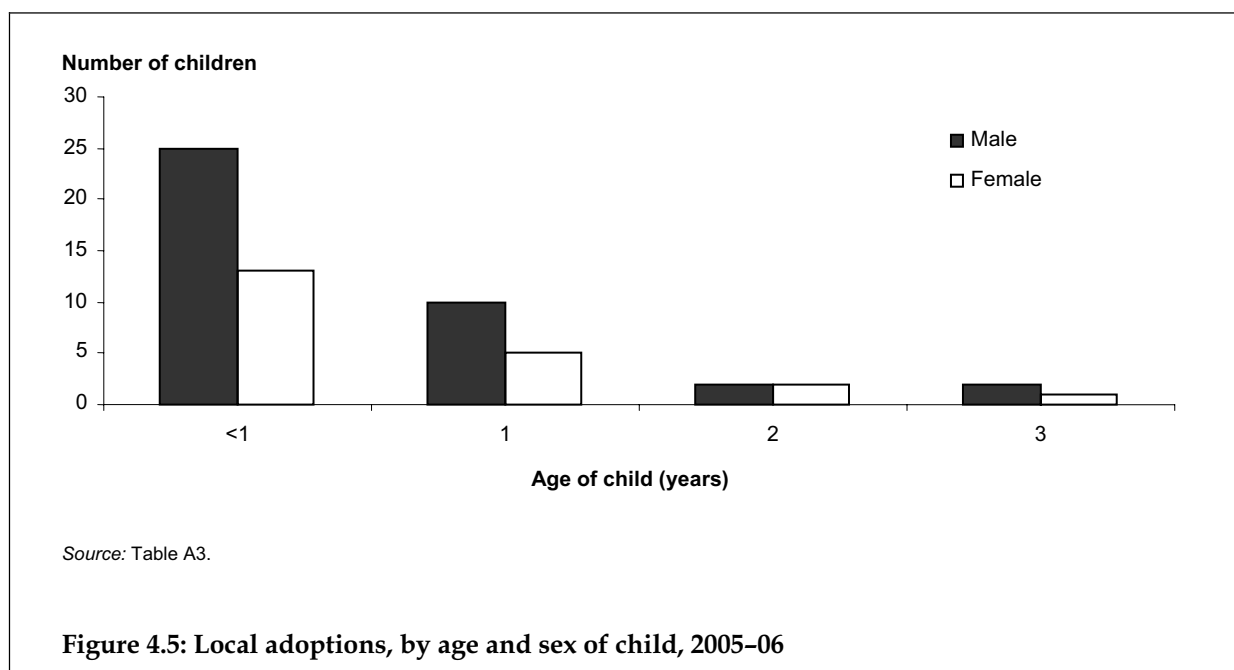
State/territory	Number	Per cent
New South Wales	23	38
Victoria	17	28
Queensland	8	13
Western Australia	9	15
South Australia	—	—
Tasmania	2	3
Australian Capital Territory	1	2
Northern Territory	—	—
<b>Total</b>	<b>60</b>	<b>100</b>

*Note:* Percentages may not add to 100 due to rounding.

*Source:* AIHW Adoptions Australia data collection.

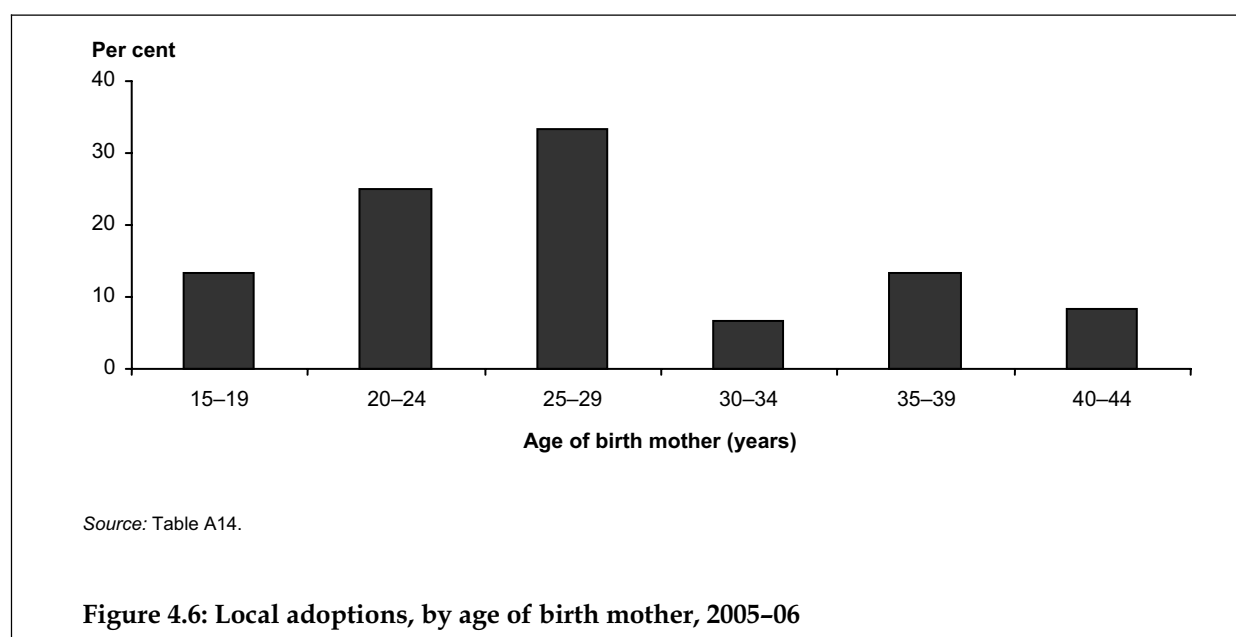
### Characteristics of adopted children

- All local adoptions were of children aged 3 years or younger, and 63% were of children aged under 1 year (Figure 4.5).
- Almost two-thirds (65%) of children adopted were male (Figure 4.5).



## Characteristics of birth mothers

- Almost three-quarters of the children adopted (71%) had birth mothers who were under the age of 30 years (Figure 4.6).
- In 2005–06, birth mothers were generally older than in previous years—a mean age of 27 years, the highest mean age since 1998–99 (Table A13). Similarly, a much lower proportion of birth mothers were less than 20 years of age in 2005–06 (13%), 18% less than in 2004–05 (Table A14; AIHW 2005).
- A large proportion of children adopted (88%) were born to mothers who were not legally married (Table A15). This proportion has remained relatively stable over the last two decades at around 80–90%.



## Administration of local adoptions

- In 60% of local adoptions, consent to the adoption was given by the birth mother only, while a further 33% had consent from both parents (Table 4.5).
- Agreements made at the time of adoption indicate that the majority of local adoptions are now 'open', with only 5% requesting 'no contact or information exchange' (Table 4.6). This is the lowest proportion of such agreements since 1998–99 (Table A16).
- Three in every five local adoptions (60%) were arranged by the community services departments, and the remaining 40% were arranged by non-government agencies (Table A17).

**Table 4.5: Local adoptions, by type of consent, 2005–06**

Type of consent given	Number	Per cent
Mother only	36	60
Father only	—	—
Mother and father	20	33
Dispensations	4	7
Unknown	—	—
<b>Total</b>	<b>60</b>	<b>100</b>

*Notes*

1. A dispensation is usually provided by the relevant court in each state/territory when the birth parent(s) are unable to give consent themselves.
2. In New South Wales, consent is required of both parents, therefore in 13 cases where consent was provided by only the mother the court made dispensations for the father—these cases are included in the 'Mother only' category and not included in the 'Dispensations' category.

Source: AIHW Adoptions Australia data collection.

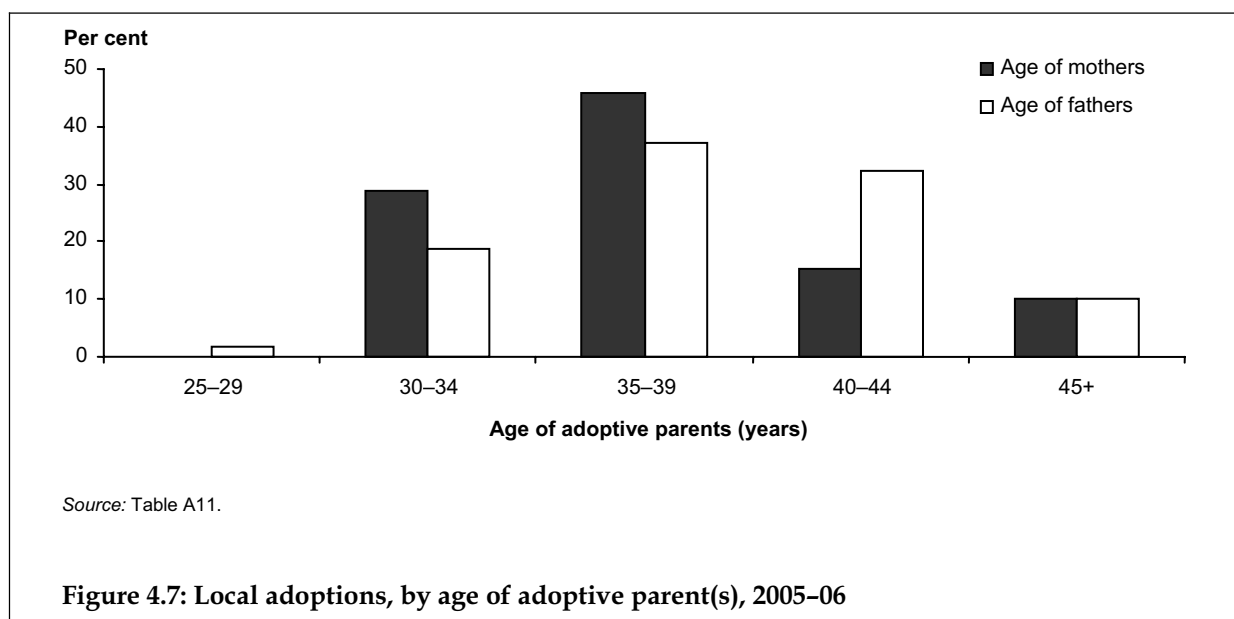
**Table 4.6: Local adoptions, by type of agreement, 2005–06**

Type of agreement	Total	Per cent
Contact and information exchange	38	63
Contact only	1	2
Information exchange only	18	30
No contact or information exchange	3	5
<b>Total</b>	<b>60</b>	<b>100</b>

Source: AIHW Adoptions Australia data collection.

### Characteristics of adoptive families

- The vast majority of adoptive mothers and fathers were aged 35 years and older (71% and 80% respectively); of these, a third of mothers and half of fathers were aged 40 years and older (Figure 4.7).
- All 60 local adoptions were by couples who were married.
- Children were slightly more likely to be adopted into families with no other children, than into families with children (54% compared to 46%) (Table 4.7).



**Table 4.7: Local adoptions, by composition of the adoptive family, 2005-06**

Composition of the adoptive family	Number of adoptions	Per cent
No other children in the family	20	54
Biological children only	7	19
Adopted children only	10	27
Both biological and adopted children	—	—
<b>Total<sup>(a)</sup></b>	<b>37</b>	<b>100</b>

(a) Excludes 23 adoptive families for which New South Wales was unable to report on composition of family.

Source: AIHW Adoptions Australia data collection.

## ‘Known’ child adoptions

There were 95 ‘known’ child adoptions in 2005–06, representing 16% of all adoptions (Table 4.8). The number of ‘known’ child adoptions has increased by 10% since 2004–05 (Table A7). In 2005–06, almost three in every four adoptions were by step-parents (73%), with a further 22% by carers – similar proportions to previous years (Table 4.9; Table A18).

**Table 4.8: ‘Known’ child adoptions, by state and territory, 2005–06**

State/territory	Number	Per cent
New South Wales	33	35
Victoria	10	11
Queensland	13	14
Western Australia	17	18
South Australia	3	3
Tasmania	7	7
Australian Capital Territory	9	9
Northern Territory	3	3
<b>Total</b>	<b>95</b>	<b>100</b>

Source: AIHW Adoptions Australia data collection.

**Table 4.9: ‘Known’ child adoptions, by relationship of adoptive parent(s), 2005–06**

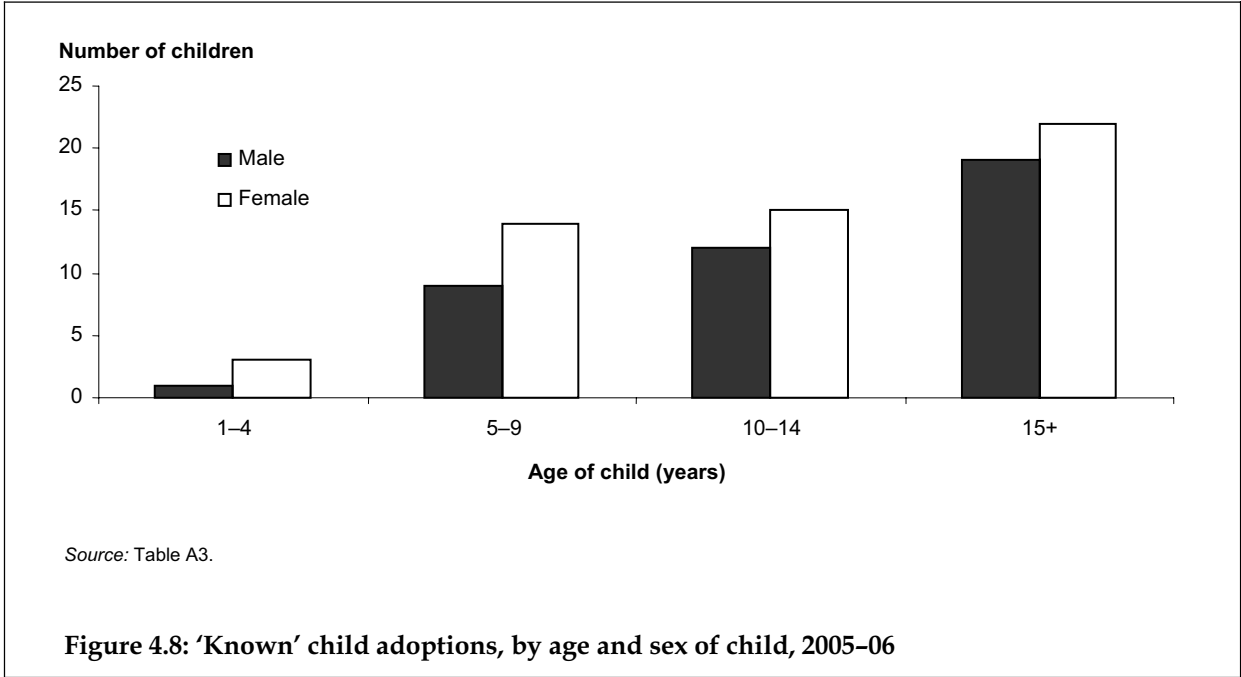
Relationship of the adoptive parent(s)	Number of adoptions	Per cent
Step-parent	69	73
Carer	21	22
Other relative <sup>(a)</sup>	5	5
<b>Total</b>	<b>95</b>	<b>100</b>

(a) Includes children adopted by commissioning (surrogate) parent(s).

Source: AIHW Adoptions Australia data collection.

### Characteristics of adopted children

- A higher proportion of females than males were adopted (57% compared to 43%) (Figure 4.8).
- Over two-thirds of ‘known’ child adoptions were of children aged 10 years or older (71%), with one-quarter of these children aged 18 years or older. No children younger than 1 year old were adopted, and only 4% of adoptions were of children aged 1 to 4 years (Figure 4.8).
- Children adopted by step-parents tended to be older than those adopted by other adults, with 81% of children in step-parent adoptions aged 10 years or older, compared to 46% of children in other ‘known’ child adoptions (Table A19).



## **Adoption of Aboriginal and Torres Strait Islander children**

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

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

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

In 2005-06, five Indigenous children were adopted in Australia – three were adopted by Indigenous parents in accordance with the Aboriginal Child Placement Principle, and two by non-Indigenous adoptive parents.

It is difficult to identify trends in the number of Aboriginal and Torres Strait Islander children adopted in accordance with the Principle as the number of adoptions remains small, with only 85 adoptions of such children occurring in the last 15 years (see AIHW 2005 for further details).

## Permanent care orders (Victoria only)

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

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

Since 1992–93, the number of permanent care orders granted in Victoria has fluctuated, but generally increased. In 2005–06, there were 162 permanent care orders granted, a 21% decrease from the record high of 205 orders granted in the previous financial year (Table 4.10). A total of 1,843 permanent care orders have been granted by the Department of Human Services in Victoria since their inception in 1992.

**Table 4.10: Number of permanent care orders granted in Victoria, 1992–93 to 2005–06**

Year	Males	Females	Unknown	Total
1992–93	7	4	—	11
1993–94	36	38	—	74
1994–95	65	70	—	135
1995–96	56	54	—	110
1996–97	54	41	—	95
1997–98	63	61	—	124
1998–99	67	75	—	142
1999–00	68	90	—	158
2000–01	81	79	1	161
2001–02	99	92	—	191
2002–03	48	66	—	114
2003–04	86	75	—	161
2004–05	115	90	—	205
<b>2005–06</b>	<b>74</b>	<b>86</b>	<b>2</b>	<b>162</b>

Source: Victorian Government Department of Human Services, unpublished data.



## Access to information

Adoption law in Australia has undergone significant change in the past decade in relation to access to information. Currently, all states and territories have legislation that grants certain rights to information to adopted people who are aged 18 years or older, and to their adoptive and birth families. However, the extent of these rights and of the protection of the privacy of parties to the adoption vary among the jurisdictions (see Section 2.3 of Appendix 2, and also Section 2.2 for information on 'open' adoptions).

### Information applications

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

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

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

In 2005–06:

- There were 3,038 information applications made – 2,602 for identifying information and 436 for non-identifying information (Table 4.11). This is the lowest number recorded over the last decade, and a reduction of 11% from 2004–05 (Table A20).
- The vast majority of the information applications (both identifying and non-identifying) were made by the adopted person (2,248 or 74%), 443 (15%) by the birth parents (mainly the birth mother), and 169 (6%) by other birth relatives (Table 4.11).
- Nine in ten adopted persons seeking identifying information were aged 25 years or older, and almost three-quarters of these were aged 35 years or older (Table 4.12).
- Adopted persons seeking identifying information were more likely to be female than male (57% compared to 43%) (Table 4.12).

**Table 4.11: Information applications lodged, by person lodging application, 2005–06**

Person lodging the application	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Identifying information</b>									
Adopted person	627	392	395	206	234	66	31	46	1,997
Adoptive mother	—	—	3	12	4	—	1	1	21
Adoptive father	—	—	1	—	—	—	—	—	1
Birth mother	114	—	95	38	46	4	8	7	312
Birth father	13	—	8	10	9	1	3	11	55
Other birth relative(s)	22	—	19	20	13	13	2	5	94
Other adoptive relative(s)	2	—	2	5	17	—	—	4	30
Child of adopted person	29	24	16	16	3	3	—	—	91
Unknown	—	—	—	—	1	—	—	—	1
<b>Total</b>	<b>807</b>	<b>416</b>	<b>539</b>	<b>307</b>	<b>327</b>	<b>87</b>	<b>45</b>	<b>74</b>	<b>2,602</b>
<b>Non-identifying information</b>									
Adopted person	..	—	74	172	5	—	—	..	251
Adoptive mother	..	1	1	9	1	—	—	..	12
Adoptive father	..	1	1	—	—	—	—	..	2
Birth mother	..	23	7	31	2	—	—	..	63
Birth father	..	7	—	5	1	—	—	..	13
Other birth relative(s)	..	56	—	18	1	—	—	..	75
Other adoptive relative(s)	..	—	—	4	—	—	—	..	4
Child of adopted person	..	—	2	14	—	—	—	..	16
<b>Total</b>	<b>..</b>	<b>88</b>	<b>85</b>	<b>253</b>	<b>10</b>	<b>—</b>	<b>—</b>	<b>..</b>	<b>436</b>

*Notes*

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

Source: AIHW Adoptions Australia data collection.

**Table 4.12: Identifying information applications lodged by the adopted person, by age, sex and Indigenous status, for selected states and territories<sup>(a)</sup>, 2005–06**

Age	Indigenous			Other Australians				Total			
	M	F	P	M	F	U	P	M	F	U	P
18–19	—	—	—	15	22	6	43	15	22	6	43
20–24	1	1	2	31	43	13	87	32	44	13	89
25–34	4	5	9	140	171	23	334	144	176	23	343
35–44	4	5	9	167	192	41	400	171	197	41	409
45+	5	3	8	174	280	43	497	179	283	43	505
Unknown	—	—	—	1	1	—	2	1	1	—	2
<b>Total</b>	<b>14</b>	<b>14</b>	<b>28</b>	<b>528</b>	<b>709</b>	<b>126</b>	<b>1,363</b>	<b>542</b>	<b>723</b>	<b>126</b>	<b>1,391</b>

M = male, F = female, U = unknown, P = persons

(a) New South Wales and South Australia were unable to provide data for this table.

Note: If Indigenous status was unknown, the person was included in the 'Other Australians' category.

Source: AIHW Adoptions Australia data collection.

## Contact and identifying information vetoes

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

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

In 2005–06:

- There were 58 contact and identifying information vetoes lodged (Table 4.13).
- There were 8,976 vetoes in place at 30 June 2006, comprising 61% contact vetoes and 39% identifying information vetoes (Table 4.14).
- For both vetoes lodged in 2005–06 and vetoes in place at 30 June 2006, the majority of vetoes were lodged by the adoptive person (64% and 56% respectively) and the birth mother (22% and 39% respectively) (Tables 4.13 and 4.14).
- As in previous years, in 2005–06 the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information (Table A20).
- The number of vetoes lodged each year has significantly decreased over the last decade, from 426 in 1995–96, to a record low of 56 vetoes in 2004–05 (Table A20).

**Table 4.13: Contact or identifying information vetoes lodged, by person lodging veto, for selected states and territories<sup>(a)</sup>, 2005–06**

	NSW <sup>(b)</sup>	Qld <sup>(c)</sup>	SA <sup>(d)</sup>	Tas <sup>(e)</sup>	ACT <sup>(f)</sup>	NT <sup>(g)</sup>	Total
<b>Contact vetoes</b>							
Adopted person	4	6	..	14	2	..	26
Adoptive mother	..	—	..	—	—	..	—
Adoptive father	..	—	..	—	—	..	—
Birth mother	1	—	..	2	1	..	4
Birth father	—	—	..	—	—	..	—
Other birth relative(s)	..	—	..	—	—	..	—
Other adoptive relative(s)	..	—	..	—	—	..	—
<b>Total</b>	<b>5</b>	<b>6</b>	<b>..</b>	<b>16</b>	<b>3</b>	<b>..</b>	<b>30</b>
<b>Identifying information vetoes</b>							
Adopted person	..	2	7	..	..	2	11
Adoptive mother	..	—	1	..	..	5	6
Adoptive father	..	—	2	..	..	—	2
Birth mother	..	2	7	..	..	—	9
Birth father	..	—	—	..	..	—	—
Other birth relative(s)	..	—	—	..	..	—	—
Other adoptive relative(s)	..	—	—	..	..	—	—
<b>Total</b>	<b>..</b>	<b>4</b>	<b>17</b>	<b>..</b>	<b>..</b>	<b>7</b>	<b>28</b>

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

Source: AIHW Adoptions Australia data collection.

**Table 4.14: Number of information and contact vetoes in place at 30 June 2006, by person lodging the application, for selected states and territories<sup>(a)</sup>**

	NSW <sup>(b)</sup>	Qld <sup>(c)</sup>	WA <sup>(d)</sup>	SA <sup>(e)</sup>	Tas <sup>(f)</sup>	ACT <sup>(g)</sup>	NT <sup>(h)</sup>	Total
<b>Contact vetoes</b>								
	<b>Number</b>							
Adopted person	2,351	178	296	..	131	43	..	2,999
Adoptive mother	..	—	242	..	1	17	..	260
Adoptive father	..	—	10	..	9	15	..	34
Birth mother	1,802	76	189	..	21	23	..	2,111
Birth father	53	—	8	..	1	1	..	63
Other birth relative(s)	..	—	3	..	3	1	..	7
Other adoptive relative(s)	..	—	1	..	—	2	..	3
<b>Total</b>	<b>4,206</b>	<b>254</b>	<b>749</b>	<b>..</b>	<b>166</b>	<b>102</b>	<b>..</b>	<b>5,477</b>
	<b>Per cent</b>							
Adopted person	55.9	70.1	39.5	..	78.9	42.2	..	54.8
Adoptive mother	..	—	32.3	..	0.6	16.7	..	4.7
Adoptive father	..	—	1.3	..	5.4	14.7	..	0.6
Birth mother	42.8	29.9	25.2	..	12.7	22.5	..	38.5
Birth father	1.3	—	1.1	..	0.6	1.0	..	1.2
Other birth relative(s)	..	—	0.4	..	1.8	1.0	..	0.1
Other adoptive relative(s)	..	—	0.1	..	—	2.0	..	0.1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>..</b>	<b>100</b>	<b>100</b>	<b>..</b>	<b>100</b>
<b>Identifying information vetoes</b>								
	<b>Number</b>							
Adopted person	..	1,672	..	359	..	..	11	2,042
Adoptive mother	..	—	..	17	..	..	1	18
Adoptive father	..	—	..	12	..	..	—	12
Birth mother	..	1,167	..	219	..	..	4	1,390
Birth father	..	6	..	9	..	..	—	15
Other birth relative(s)	..	—	..	5	..	..	—	5
Other adoptive relative(s)	..	—	..	—	..	..	—	—
Unknown	..	2	..	15	..	..	—	17
<b>Total</b>	<b>..</b>	<b>2,847</b>	<b>..</b>	<b>636</b>	<b>..</b>	<b>..</b>	<b>16</b>	<b>3,499</b>
	<b>Per cent</b>							
Adopted person	..	58.7	..	56.4	..	..	68.8	58.4
Adoptive mother	..	—	..	2.7	..	..	6.3	0.5
Adoptive father	..	—	..	1.9	..	..	—	0.3
Birth mother	..	41.0	..	34.4	..	..	25.0	39.7
Birth father	..	0.2	..	1.4	..	..	—	0.4
Other birth relative(s)	..	—	..	0.8	..	..	—	0.1
Other adoptive relative(s)	..	—	..	—	..	..	—	—
Unknown	..	0.1	..	2.4	..	..	—	0.5
<b>Total</b>	<b>..</b>	<b>100</b>	<b>..</b>	<b>100</b>	<b>..</b>	<b>..</b>	<b>100</b>	<b>100</b>

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

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

(continued)

- (c) In Queensland, identifying information can be provided to birth parents who signed an adoption consent and persons who were adopted before June 1991, providing an objection to the disclosure of identifying information has not been lodged by one of the parties to the adoption.
- (d) In Western Australia, amendments to the *Adoption Act 1994* gazetted in 2003 prohibit the placement of any new vetoes on adoptions after 1 June 2003. However, adopted persons turning 18, where adoptive parents have existing contact vetoes, have 12 months in which to request the continuation of the current veto. All existing information vetoes were removed on 1 June 2005.
- (e) All vetoes in South Australia restrict both contact and information vetoes.
- (f) In Tasmania, contact veto applications were not implemented until 18 June 1999 and the release of identifying information can't be vetoed.
- (g) In the Australian Capital Territory, the release of identifying information cannot be vetoed.
- (h) In the Northern Territory, both contact and identifying information are vetoed in the same veto lodgement and only the adopted person and birth parent are able to lodge vetoes with respect to adoptions finalised before 1994.

Source: AIHW Adoptions Australia data collection.

# 5 Discussion

The results in this report, as with previous editions, present the latest data on adoptions of Australian children and those from overseas, while also making reference to important trends in the number of adoptions over the last three decades. The main findings are discussed below.

## National patterns and trends

In 2005–06 there were 576 adoptions in Australia. While the total number of adoptions has remained relatively stable over the last nine years, there has been a 17-fold decrease in adoptions since the early 1970s. Almost all of this decline in numbers (over 95%) occurred between the early 1970s and the early 1990s.

As intercountry adoptions comprised only a very small proportion of all adoptions until the mid-1980s, the overall decline in the last 25 years can be attributed to the fall in the number of adoptions of Australian children (including local and ‘known’ child adoptions) – a 19-fold decline since 1980–81. This is reflective of the decline in the number of Australian children who are legally available for, and require, an adoption.

A range of medical, social and legislative factors have contributed to this trend. The availability of more effective birth control, together with the emergence of family planning centres and sex education classes, have had a substantial impact in reducing the number of unplanned and unwanted pregnancies (ABS 1998). In addition, decreasing fertility rates may reflect a general change in individual preferences and social trends with regards to raising children.

For some people unable to conceive a child naturally, the recent development of assisted reproduction technologies, such as in-vitro fertilisation (IVF), will have avoided the need for adoption (ABS 1998). In 2003 in Australia, there were 6,474 births following assisted reproduction treatment – almost 13 times the number of adoptions in 2003–04 (Waters et al. 2006; Table A1).

Changing community attitudes towards single parenthood and increased levels of support available to single parents have also reduced the pressure on unmarried women to give up their children for adoption. This coincides with an increasing number of women in the workforce and more affordable and accessible child care facilities, further improving women’s ability to support a family on their own (ABS 1998).

Legislative changes introduced by state and territory departments over the last two decades have also facilitated a greater use of alternative legal orders, often replacing the need for adoption orders (AIHW: Bentley & Broadbent 1997; Appendix 2). These orders, such as permanent care orders in Victoria, transfer permanent guardianship and custody of a child to a person other than the parent – in most cases to relatives or carers that the child is currently living with.

While the number of adoptions of children from Australia has declined, the number of intercountry adoptions has been steadily increasing (three-fold increase since 1980–81). The relatively stable number of total adoptions in recent years may be a reflection of the increase in intercountry adoptions. Data from future years will need to be monitored to see if this trend continues.



The increase in intercountry adoptions in recent years has largely been influenced by substantial increases in the number of children adopted from China and the Philippines, and, to a lesser extent, Ethiopia. These overall increases can largely be attributed to the streamlining of processes for adoption of intercountry children as a result of the ratification by Australia of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in December 1998, and the bilateral agreement which was signed with China in 1999 (see Chapter 2 for further details).

### **Characteristics of adopted children**

Children adopted from within Australia (excluding 'known' child adoptions) tend to be younger than children adopted from other countries – almost two-thirds of local adoptions were of infants (aged under 1 year), compared with less than half 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. It could also be that children identified by intercountry organisations as available for adoption tend to be older. For intercountry adoptions, children in non-Hague adoptions tended to be younger than those in Hague adoptions. This may reflect the different processes between these categories of adoption.

In contrast, children from 'known' child adoptions tend to be much older than other children adopted – no infants were adopted, and only 4% of children were aged 1–4 years. This reflects departmental policies and practices regarding the 'known' child's age and the length of time the prospective parent(s) have had a relationship with the child (see Section 2.1 of Appendix 2). The older age of children in 'known' child adoptions is also driven by the high proportion of adoptions by step-parents (73% of all 'known' adoptions) – children adopted by step-parents tend to be older than those adopted by other adults.

The majority of local adoptions are still of children born to unmarried women. This proportion has remained relatively steady over the last two decades at around 80–90%.

### **Characteristics of adoptive families**

Nearly all adoptive parents were married couples, which is reflective of the criteria used to assess the eligibility of prospective adoptive parents. In Queensland, Tasmania and the Northern Territory, only married couples are allowed to adopt, whereas married and de facto couples are eligible in all other jurisdictions. Same-sex couples can also apply in Western Australia and the Australian Capital Territory. The circumstances under which single people can apply to adopt vary for each state and territory, with most only accepting applications under special circumstances.

Adoptive parents of children from overseas tended to be older than those for local adoptions, with 60% of parents aged 40 years and older (compared with 34% of parents for local adoptions). This pattern has remained unchanged since 1998–99 (AIHW 2000).

Family composition was similar for both local and intercountry adoptions – approximately half of the adoptive families had no children, around one-quarter had adopted children only, and one-fifth had biological children only.

### **Access to information**

Changes in adoption procedures since World War II have 'paralleled a shift in social attitudes from one in which adoptions were regarded as providing a service for adults

(childless couples and young single mothers) to one in which the wellbeing of children has become paramount' (ABS 1998:33). Recent changes allowing relevant parties access to information about their biological relatives reflect this trend.

Overall, local adoptions have changed from a guarded practice, where files were sealed and parties to the adoption had no contact with each other, to a more open practice which can involve access to information or contact between the parties. Over the last decade, there has been a slight increase in the proportion of adoptions that would be considered 'open' adoptions (from 90% in 1998–99 to 95% in 2005–06).

### **International comparisons**

The overall patterns and trends in adoptions in Australia show some similarities, but also some differences, to those in other developed countries for which data are readily available. However, it should be noted that adoption legislation and practice may differ across countries (and even within countries).

As in Australia, the total number of adoptions has also been falling over the last two decades in New Zealand, England/Wales and Scotland (National Statistics 2005; Scottish Executive 2004; Stats NZ 2004). However, in Norway and the United States, the number of adoptions has remained relatively stable over this period (Stats Norway 2006; US DHHS 2004).

Similar to Australia, the number of intercountry adoptions has also been increasing in New Zealand, Ireland, the United Kingdom, Norway and the United States (Scottish Executive 2004; Stats Norway 2006; Stats NZ 2004; US DHHS 2004). In addition, the increase in the proportion of intercountry adoptions in Australia is consistent with trends in Norway, the United States and Ireland (Scottish Executive 2004; Stats Norway 2006; US DHHS 2004). However, in recent years in New Zealand and the United Kingdom, the proportion of intercountry adoptions has remained fairly stable (Stats NZ 2004; Scottish Executive 2004).

The proportion of overseas adoptions in Norway (80% in 2005) is similar to that of Australia (73% in 2005–06), while the proportions in New Zealand (49% in 2003), the United States (15% in 2001) and the UK (5% in 2002) are considerably lower (Scottish Executive 2004; Stats Norway 2006; US DHHS 2004). Australia is also similar to Norway in that over two-thirds of overseas adoptions are of children from Asian countries (66% in Norway compared with 80% in Australia), with most of these from China (Stats Norway 2006).

The fall in the number of local children adopted in Australia (including local and 'known' child adoptions) over the last two decades is consistent with trends in New Zealand and Norway (Stats Norway 2006; Stats NZ 1997; Stats NZ 2004).

# Appendix 1: Statistical tables

**Table A1: Number of children legally adopted, by state and territory, 1968–69 to 2005–06**

Year	NSW <sup>(a)</sup>	Vic	Qld <sup>(b)</sup>	WA	SA	Tas	ACT <sup>(c)</sup>	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 <sup>(d)</sup>	n.a.	n.a.	359	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87 <sup>(d)</sup>	n.a.	n.a.	334	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	280	114	309	191	416	120	36	28	1,494
1988–89	335	288	353	147	221	85	47	25	1,501
1989–90	360	212	278	128	174	71	50	21	1,294
1990–91	329	258	210	136	103	61	25	20	1,142
1991–92	310	185	232	120	112	58	23	12	1,052
1992–93	209	101	222	87	111	23	20	10	783
1993–94	188	112	206	85	106	37	21	9	764
1994–95	260	145	179	127	108	12	18	6	855
1995–96	204	131	170	75	48	17	19	4	668
1996–97	263	123	129	56	79	30	26	3	709
1997–98	200	114	111	69	48	19	15	1	577
1998–99	185	102	94	64	53	25	16	6	543
1999–00	154	122	105	79	59	19	24	4	566
2000–01	166	98	62	74	53	24	27	10	514
2001–02	207	110	49	79	62	20	23	11	561
2002–03	122	82	67	76	72	21	25	7	472
2003–04	115	120	65	59	79	26	33	5	502
2004–05	154	161	84	49	77	23	20	17	585
<b>2005–06</b>	<b>149</b>	<b>131</b>	<b>82</b>	<b>62</b>	<b>72</b>	<b>35</b>	<b>30</b>	<b>15</b>	<b>576</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.

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

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

Source: AIHW Adoptions Australia data collection.

**Table A2: Placement adoptions: number of children who were placed for adoption, regardless of whether the adoption order was finalised, 2005–06**

Type of adoption	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Local placement	9	17	8	7	4	3	—	—	48
Intercountry placement									
Hague adoption	24	20	13	3	4	3	3	9	79
Non-Hague adoption	67	61	49	28	53	18	9	8	293
<b>Total</b>	<b>100</b>	<b>98</b>	<b>70</b>	<b>38</b>	<b>61</b>	<b>24</b>	<b>12</b>	<b>17</b>	<b>420</b>

Source: AIHW Adoptions Australia data collection.

**Table A3: Adoptions, by type of adoption, by age and sex of child, 2005–06**

Age (years)	Intercountry adoptions			Local adoptions			'Known' child adoptions			Total		
	M	F	P	M	F	P	M	F	P	M	F	P
<b>Number</b>												
Under 1	106	93	199	25	13	38	—	—	—	131	106	237
1–4	62	116	178	14	8	22	1	3	4	77	127	204
5–9	14	26	40	—	—	—	9	14	23	23	40	63
10–14	—	4	4	—	—	—	12	15	27	12	19	31
15+	—	—	—	—	—	—	19	22	41 <sup>(a)</sup>	19	22	41 <sup>(a)</sup>
Unknown	—	—	—	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>182</b>	<b>239</b>	<b>421</b>	<b>39</b>	<b>21</b>	<b>60</b>	<b>41</b>	<b>54</b>	<b>95</b>	<b>262</b>	<b>314</b>	<b>576</b>
<b>Per cent</b>												
Under 1	58	39	47	64	62	63	—	—	—	50	34	41
1–4	34	49	42	36	38	37	2	6	4	29	40	35
5–9	8	11	10	—	—	—	22	26	24	9	13	11
10–14	—	2	1	—	—	—	29	28	28	5	6	5
15+	—	—	—	—	—	—	46	41	43	7	7	7
Unknown	—	—	—	—	—	—	—	—	—	—	—	—
<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>

M = male, F = female, P = persons

(a) Includes 18 children aged 18 years or more.

Note: Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

**Table A4: Intercountry adoptions, by state and territory, 1987–88 to 2005–06**

<b>Year</b>	<b>NSW</b>	<b>Vic</b>	<b>Qld</b>	<b>WA</b>	<b>SA</b>	<b>Tas</b>	<b>ACT</b>	<b>NT</b>	<b>Total</b>
1987–88	105	n.a.	22	37	83	34	15	12	n.a.
1988–89	148	31	48	36	64	41	17	9	394
1989–90	216	50	30	20	41	23	32	8	420
1990–91	162	105	25	22	43	16	16	4	393
1991–92	145	67	27	24	50	13	10	2	338
1992–93	95	37	19	14	40	9	9	4	227
1993–94	89	30	26	16	34	14	10	3	222
1994–95	85	59	21	9	35	2	9	4	224
1995–96	105	57	37	29	29	9	4	4	274
1996–97	81	56	41	13	49	15	12	2	269
1997–98	69	64	43	14	37	8	10	—	245
1998–99	57	59	36	20	45	12	11	4	244
1999–00	55	76	60	26	56	13	11	4	301
2000–01	85	60	40	20	44	14	18	8	289
2001–02	71	74	33	29	54	16	9	8	294
2002–03	61	59	29	24	68	15	15	7	278
2003–04	66	86	49	44	72	22	26	5	370
2004–05	88	132	65	29	74	18	12	16	434
<b>2005–06</b>	<b>93</b>	<b>104</b>	<b>61</b>	<b>36</b>	<b>69</b>	<b>26</b>	<b>20</b>	<b>12</b>	<b>421</b>

*Notes*

1. Data relating to 1979–80 to 1984–85 are shown in previous editions of this publication. National data were not collected in 1985–86 and 1986–87.
2. Before 1998–99, 'intercountry adoptions' were referred to as 'adoptions of overseas-born children by non-relatives'.

Source: AIHW Adoptions Australia data collection.

**Table A5: Intercountry adoptions, by country of origin, 1993–94 to 2005–06**

Country of birth	1993 –94	1994 –95	1995 –96	1996 –97	1997 –98	1998 –99	1999 –00	2000 –01	2001 –02	2002 –03	2003 –04	2004 –05	2005 –06	Total
<b>Number</b>														
China	—	—	3	1	—	—	1	15	39	46	112	140	116	473
Colombia	22	16	40	23	14	11	17	15	9	7	7	3	9	193
Ethiopia	3	—	5	16	37	34	46	37	36	39	45	59	70	427
Fiji	—	—	13	—	18	12	5	3	5	—	1	1	1	59
Guatemala	—	11	6	7	7	6	2	3	6	4	—	1	1	54
Hong Kong	8	—	8	2	4	6	3	3	10	4	4	3	4	59
India	22	29	20	35	28	30	37	40	40	33	29	31	34	408
Philippines	14	22	22	27	19	10	29	18	12	18	29	48	42	310
Romania	—	3	—	5	5	17	36	22	2	1	—	—	—	91
South Korea	64	71	94	84	69	70	77	75	93	101	98	96	103	1,095
Sri Lanka	33	18	14	—	3	5	3	4	3	2	2	2	3	92
Taiwan	6	3	10	4	8	6	2	6	6	3	3	10	10	77
Thailand	20	25	18	34	26	25	33	35	27	17	39	31	27	357
Other <sup>(a)</sup>	30	26	21	31	7	12	10	13	6	3	1	9	1	170
<b>Total</b>	<b>222</b>	<b>224</b>	<b>274</b>	<b>269</b>	<b>245</b>	<b>244</b>	<b>301</b>	<b>289</b>	<b>294</b>	<b>278</b>	<b>370</b>	<b>434</b>	<b>421</b>	<b>3,865</b>
<b>Per cent</b>														
China	—	—	1	<1	—	—	<1	5	13	17	30	32	28	12
Colombia	10	7	15	9	6	5	6	5	3	3	2	1	2	5
Ethiopia	1	—	2	6	15	14	15	13	12	14	12	14	17	11
Fiji	—	—	5	—	7	5	2	1	2	—	<1	<1	<1	2
Guatemala	—	5	2	3	3	2	1	1	2	1	—	<1	<1	1
Hong Kong	4	—	3	1	2	2	1	1	3	1	1	1	1	2
India	10	13	7	13	11	12	12	14	14	12	8	7	8	11
Philippines	6	10	8	10	8	4	10	6	4	6	8	11	10	8
Romania	—	1	—	2	2	7	12	8	1	<1	—	—	—	2
South Korea	29	32	34	31	28	29	26	26	32	36	26	22	24	28
Sri Lanka	15	8	5	—	1	2	1	1	1	1	1	<1	1	2
Taiwan	3	1	4	1	3	2	1	2	2	1	1	2	2	2
Thailand	9	11	7	13	11	10	11	12	9	6	11	7	6	9
Other <sup>(a)</sup>	14	12	8	12	3	5	3	4	2	1	<1	2	<1	4
<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>

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

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

Source: AIHW Adoptions Australia data collection.

**Table A6: Local adoptions, by state and territory, 1987–88 to 2005–06**

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Local non-relative adoptions</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 adoptions</b>									
1998–99	50	30	22	6	6	11	1	1	127
1999–00	31	34	24	10	3	2	2	—	106
2000–01	28	28	9	6	5	5	2	2	85
2001–02	54	22	10	13	3	2	3	—	107
2002–03	22	20	23	6	3	3	1	—	78
2003–04	24	23	14	3	6	1	2	—	73
2004–05	24	16	13	4	2	2	3	1	65
<b>2005–06</b>	<b>23</b>	<b>17</b>	<b>8</b>	<b>9</b>	<b>—</b>	<b>2</b>	<b>1</b>	<b>—</b>	<b>60</b>

*Notes*

1. Changes to the categories of adoption were introduced in 1998–99 (see Figure 2.1). From 1998–99 onwards, adoptions by foster parents and other carers are included in the category 'known' child adoptions (see Table A6) — these were previously included in the category 'local non-relative adoptions'.
2. In 1996–97 and 1997–98, some children adopted by foster parents are included in 'local non-relative adoptions' (six in 1996–97 and one in 1997–98).
3. Data relating to 1979–80 to 1984–85 are shown in previous editions of this publication. National data were not collected in 1985–86 and 1986–87.

Source: AIHW Adoptions Australia data collection.

**Table A7: 'Known' child adoptions, 1987–88 to 2005–06**

Year	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	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	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	44	23	40	32	6	5	4	—	154
<b>'Known' child adoptions</b>									
1998–99	78	13	36	38	2	2	2	1	172
1999–00	68	12	21	43	—	4	11	—	159
2000–01	53	10	13	48	4	5	7	—	140
2001–02	82	14	6	37	5	2	11	3	160
2002–03	39	3	15	46	1	3	9	—	116
2003–04	25	11	2	12	1	3	5	—	59
2004–05	42	13	6	16	1	3	5	—	86
<b>2005–06</b>	<b>33</b>	<b>10</b>	<b>13</b>	<b>17</b>	<b>3</b>	<b>7</b>	<b>9</b>	<b>3</b>	<b>95</b>

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

(b) In 1994–95, Western Australia introduced the *Adoptions Act 1994* into its legislation.

*Notes*

- Changes to the categories of adoption were introduced in 1998–99 (see Figure 2.1). From 1998–99 onwards, adoptions by foster parents and other carers are included in the category 'known' child adoptions — these were previously included in the category 'local non-relative adoptions' (see Table A5).
- Data relating to 1979–80 to 1984–85 are shown in previous editions of this publication. National data were not collected in 1985–86 and 1986–87.

Source: AIHW Adoptions Australia data collection.



**Table A8: Intercountry adoptions, by type of adoption, by age and sex of child, 2005–06**

Age (years)	Hague adoptions			Non-Hague adoptions		
	Males	Females	Persons	Males	Females	Persons
	<b>Number</b>					
Under 1	10	11	21	96	82	178
1–4	16	20	36	46	96	142
5–9	6	6	12	8	20	28
10–14	—	1	1	—	3	3
15+	—	—	—	—	—	—
<b>Total</b>	<b>32</b>	<b>38</b>	<b>70</b>	<b>150</b>	<b>201</b>	<b>351</b>
	<b>Per cent</b>					
Under 1	31	29	30	64	41	51
1–4	50	53	51	31	48	40
5–9	19	16	17	5	10	8
10–14	—	3	1	—	1	1
15+	—	—	—	—	—	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Note: Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

**Table A9: Intercountry adoptions, by sibling groups, 2005–06**

Type of adoption	Number of sibling groups	Children adopted in sibling groups	
		No.	% of adoption type
Hague adoption	6	13	19
Non-Hague adoption	21	43	12
<b>All intercountry adoptions</b>	<b>27</b>	<b>56</b>	<b>13</b>

Note: In 2005–06, no children were adopted as part of a sibling group for local adoptions.

Source: AIHW Adoptions Australia data collection.

**Table A10: Intercountry adoptions from Hague countries, by type of order under which the child entered Australia, 2005–06**

Country of origin	Adoption order in country of origin	Guardianship order	Total
China	7	—	7
Colombia	9	—	9
India	2	7	9
Philippines	9	33	42
Sri Lanka	2	1	3
<b>Total</b>	<b>29</b>	<b>41</b>	<b>70</b>

Source: AIHW Adoptions Australia data collection.

**Table A11: Local and intercountry adoptions, by age of the adoptive parent(s), 2005–06**

Type of adoption	Age (years)						Unknown	Total
	Under 25	25–29	30–34	35–39	40–44	45+		
<b>Age of mother</b>								
Local adoptions	—	—	17	27	9	6	1	60
Intercountry								
Hague adoption	—	1	4	16	26	23	—	70
Non-Hague adoption	—	11	50	103	109	76	2	351
<i>Total intercountry</i>	—	12	54	119	135	99	2	421
<b>Total local and intercountry adoptions</b>	<b>—</b>	<b>12</b>	<b>71</b>	<b>146</b>	<b>144</b>	<b>105</b>	<b>3</b>	<b>481</b>
<b>Age of father</b>								
Local adoptions	—	1	11	22	19	6	1	60
Intercountry								
Hague adoption	—	1	8	13	24	24	—	70
Non-Hague adoption	—	2	41	84	126	84	1	338
<i>Total intercountry</i>	—	3	49	97	150	108	1	408
<b>Total local and intercountry adoptions</b>	<b>—</b>	<b>4</b>	<b>60</b>	<b>119</b>	<b>169</b>	<b>114</b>	<b>2</b>	<b>468</b>

Note: Totals for the father do not add to the total number of adoptions (481) as 13 women were single.

Source: AIHW Adoptions Australia data collection.

**Table A12: Visa subclass 102 issued during 2005–06**

Country of birth	State/territory adoptions	Parents living overseas 12 months	Total
Bangladesh	—	1	1
Bolivia	—	2	2
Cambodia, the Kingdom of	—	9	9
Canada	1	1	2
China, Peoples Republic of	123	7	130
Colombia	9	—	9
Ethiopia	54	1	55
Fiji	—	9	9
Germany, Federal Republic of	—	1	1
HKSAR of the PRC <sup>(a)</sup>	13	—	13
India	14	4	18
Indonesia	—	5	5
Irish Republic	—	1	1
Kenya	—	1	1
Korea, Republic of	67	—	67
Lebanon	—	1	1
Malaysia	—	5	5
Mexico	—	1	1
Mongolia	—	1	1
Papua New Guinea	—	3	3
Philippines	39	5	44
Russian Federation	—	1	1
Samoa	—	2	2
Singapore	—	4	4
Slovakia	—	1	1
Solomon Islands	—	1	1
South Africa, Republic of	2	2	4
Sri Lanka	2	2	4
Taiwan	25	2	27
Tanzania	—	1	1
Thailand	25	5	30
Uganda	—	1	1
United Kingdom	2	7	9
United States of America	—	5	5
Vanuatu	—	2	2
Vietnam	—	4	4
Zambia	1	1	2
<b>Total</b>	<b>377</b>	<b>99</b>	<b>476</b>

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

*Notes*

1. This table relates to visa subclass 102 that were issued during the financial year 2005–06. Not all children who are issued visas entered Australia during 2005–06.
2. Only the persons recorded by the Department of Immigration and Multicultural Affairs (DIMA) are included in this table.

*Source:* Australian Government, Department of Immigration and Multicultural Affairs, unpublished data.

**Table A13: Local adoptions, by mean age of birth mother, 1998–99 to 2005–06**

<b>Year</b>	<b>Mean age of birth mother</b>
1998–99	25
1999–00	25
2000–01	24
2001–02	24
2002–03	23
2003–04	25
2004–05	24
<b>2005–06</b>	<b>27</b>

Source: AIHW Adoptions Australia data collection.

**Table A14: Local adoptions, by age and marital status of birth mother, 2005–06**

<b>Age (years)</b>	<b>Married</b>		<b>Not married<sup>(a)</sup></b>		<b>Unknown</b>		<b>Total</b>	
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
Under 20	—	—	8	15	—	—	8	13
20–24	—	—	14	27	1	100	15	25
25–29	3	43	17	33	—	—	20	33
30–34	2	29	2	4	—	—	4	7
35–39	1	14	7	13	—	—	8	13
40+	1	14	4	8	—	—	5	8
Unknown	—	—	—	—	—	—	—	—
<b>Total</b>	<b>7</b>	<b>100</b>	<b>52</b>	<b>100</b>	<b>1</b>	<b>100</b>	<b>60</b>	<b>100</b>

(a) Includes de facto relationships.

Note: Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

**Table A15: Local adoptions, by marital status of birth mother, 1987–88 to 2005–06**

Year	Married		Not married <sup>(a)</sup>		Unknown	Total
	No.	%	No.	%	No.	
1987–88	65	11	503	89	10	578
1988–89	73	12	528	88	5	606
1989–90	80	15	461	85	6	547
1990–91	72	15	397	85	3	472
1991–92	67	16	348	84	3	418
1992–93	45	15	259	85	2	306
1993–94	53	17	259	83	2	314
1994–95	55	18	243	82	13	311
1995–96	17	11	138	89	62	217
1996–97	26	14	163	86	74	263
1997–98	20	15	116	85	42	178
1998–99	14	12	103	88	10	127
1999–00	10	13	70	87	26	106
2000–01	14	19	58	81	16	88
2001–02	7	7	87	93	13	107
2002–03	5	7	70	93	3	78
2003–04	6	8	65	92	2	73
2004–05	6	9	59	91	—	65
<b>2005–06</b>	<b>7</b>	<b>12</b>	<b>52</b>	<b>88</b>	<b>1</b>	<b>60</b>

(a) Includes de facto relationships.

*Notes*

1. Percentages exclude 'unknown'.
2. Changes to the categories of adoption were introduced in 1998–99 (see Figure 2.1). From 1998–99 onwards, adoptions by foster parents and other carers are included in the category 'known' child adoptions — these were previously included in the category 'local non-relative adoptions' (see Table A5).

Source: AIHW Adoptions Australia data collection.

**Table A16: Proportion of local adoptions with 'no contact or information exchange' agreements, 1998–99 to 2005–06**

Year	Per cent
1998–99	10
1999–00	8
2000–01	7
2001–02	6
2002–03	16
2003–04	7
2004–05	8
<b>2005–06</b>	<b>5</b>

Source: AIHW Adoptions Australia data collection.

**Table A17: Local adoptions, by type of arranging body, 2005–06**

Arranging body	Number	Per cent
Government	36	60
Non-government agency	24	40
Unknown	—	—
<b>Total</b>	<b>60</b>	<b>100</b>

Source: AIHW Adoptions Australia data collection.

**Table A18: 'Known' child adoptions: relationship of adoptive parent(s), 1998–99 to 2005–06**

	Step-parent	Other relative <sup>(a)</sup>	Carer	Unknown	Total
<b>Number</b>					
1998–99	116	8	48	—	172
1999–00	114	2	43	—	159
2000–01	98	1	29	12	140
2001–02	103	5	52	—	160
2002–03	72	2	29	13	116
2003–04	31	3	25	—	59
2004–05	52	5	29	—	86
<b>2005–06</b>	<b>69</b>	<b>5</b>	<b>21</b>	<b>—</b>	<b>95</b>
<b>Per cent<sup>(b)</sup></b>					
1998–99	67	5	28	—	100
1999–00	72	1	27	—	100
2000–01	77	1	23	—	100
2001–02	64	3	33	—	100
2002–03	70	2	28	—	100
2003–04	53	5	42	—	100
2004–05	60	6	34	—	100
<b>2005–06</b>	<b>73</b>	<b>5</b>	<b>22</b>	<b>—</b>	<b>100</b>

(a) Includes children adopted by commissioning (surrogate) parent(s).

(b) Excludes 'Unknown'.

Source: AIHW Adoptions Australia data collection.

**Table A19: 'Known' child adoptions: relationship of adoptive parents, by age and sex of child, 2005–06**

Age (years)	Step-parent			Carer			Other relative <sup>(a)</sup>			Total		
	M	F	P	M	F	P	M	F	P	M	F	P
<b>Number</b>												
Under 1	—	—	—	—	—	—	—	—	—	—	—	—
1–4	—	1	1	1	—	1	—	2	2	1	3	4
5–9	3	9	12	5	4	9	1	1	2	9	14	23
10–14	9	14	23	3	1	4	—	—	—	12	15	27
15+	14	19	33	5	2	7	—	1	1	19	22	41 <sup>(b)</sup>
<b>Total</b>	<b>26</b>	<b>43</b>	<b>69</b>	<b>14</b>	<b>7</b>	<b>21</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>41</b>	<b>54</b>	<b>95</b>
<b>Per cent</b>												
Under 1	—	—	—	—	—	—	—	—	—	—	—	—
1–4	—	2	1	7	—	5	—	50	40	2	6	4
5–9	12	21	17	36	57	43	100	25	40	22	26	24
10–14	35	33	33	21	14	19	—	—	—	29	28	28
15+	54	44	48	36	29	33	—	25	20	46	41	43
<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>

M = male, F = female, P = persons

(a) Includes children adopted by commissioning (surrogate) parents.

(b) Includes 18 children aged 18 years or more.

Note: Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

**Table A20: Information applications and contact and information vetoes lodged, 1995–96 to 2005–06**

Year	Information applications lodged	Contact and information vetoes lodged
1995–96	5,567	426
1996–97	4,455	259
1997–98	4,324	174
1998–99	5,430	174
1999–00	5,008	146
2000–01	4,304	113
2001–02	4,159	88
2002–03	3,744	137
2003–04	3,407	63
2004–05	3,414	56
<b>2005–06</b>	<b>3,038</b>	<b>58</b>

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

Source: AIHW Adoptions Australia data collection.

# Appendix 2: Legislation

## 2.1 Summary of legislation

### Commonwealth

*Immigration (Guardianship of Children) Act 1946*

*Marriage Act 1961*

*Family Law Reform Act 1996*

### New South Wales

*Adoption Act 2000*

Adoption Regulation 2003

### Level of court

Supreme Court of New South Wales

### Step-parent adoptions

Applications may be made to the Supreme Court by a step-parent for formal adoption of a step-child. The child must be at least 5 years old and have had a relationship for at least three years with the step-parent. A contracted adoption assessor is appointed by the New South Wales Department of Community Services (DoCS) to provide a written assessment of the case which is submitted with the application to court to assist the court in its decision making.

### Relative adoptions

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

### Carer adoptions

Children may be adopted by their carers, if the parents consent, the Supreme Court dispenses with their consent, or the child consents (aged over 12 years and has been with the carers for five years), and adoption is seen to be in the child's best interests and all alternatives having been considered, adoption is preferable to any other order.

### Local and intercountry adoptions

*Eligibility requirements:*

- Applicants for adoption must be resident in New South Wales, over 21 years of age, may be a single person, or a couple who have been living together continuously for three years and one applicant must be an Australian citizen. Gazetted selection criteria apply



and are available on the DoCS website at  
<[www.community.nsw.gov.au/html/adoption/adoption.htm](http://www.community.nsw.gov.au/html/adoption/adoption.htm)>

- The main consideration for any adoption order being made is that it is in the best interests of the child concerned in both childhood and later life.
- Arrangements must be made by DoCS or an accredited adoption service provider such as Centacare Adoption Services, Anglicare Adoption Services and Barnardos Australia.

### **Adoption of Indigenous children**

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

### **Victoria**

*Adoption Act 1984*

Adoption Regulations 1998

*Adoption (Amendment) Act 1991*

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

*Adoption (Amendment) Act 2000*

### **Level of court**

Supreme Court and County Court

### **Step-parent and other-relative adoptions**

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

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

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

### **Local and intercountry adoptions**

*Eligibility requirements:*

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

Intercountry adoptions are arranged only via the DHS; however, local adoptions may be arranged by the DHS or an approved non-government organisation (see 'Step-parent and other-relative adoptions').

## **Adoption of Indigenous children**

The Adoption Act recognises the principles of Aboriginal self-management and self-determination, and that adoption is not available in Aboriginal child care arrangements. Restrictive eligibility criteria are in place for the selection of adoptive parents for Indigenous children. The birth parent(s) of an Indigenous child can place the condition on adoption that the child go to Indigenous adoptive parents, or that a right of access be granted to the natural parents, other relatives and members of the Aboriginal community.

## **Queensland**

*Adoption of Children Act 1964*

Adoption of Children Regulation 1999

### **Level of court**

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

### **Step-parent adoptions**

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

### **Other-relative adoptions**

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

### **Local and intercountry adoptions**

*Eligibility requirements:*

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

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

## **Adoption of Indigenous children**

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

consultation with appropriate Indigenous services or community groups to facilitate decision making.

The Act makes provision for a child to be adopted by adoptive parents with a different racial and cultural background from the child where it is apparent that there are no prospective parents from the child's background or where it is in a child's best interests for the placement to occur. However, it is not the policy of the DChS to place children from an Indigenous background with non-Indigenous adoptive parents.

### **Review of *Adoption of Children Act 1964***

The Department of Child Safety is currently reviewing Queensland's adoption legislation.

## **Western Australia**

*Adoption Act 1994*

Adoption Regulation 1995

### **Level of court**

Family Court of Western Australia

### **Step-parent adoptions**

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

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

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

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

### **Other-relative adoptions**

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

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

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

## **Carer adoptions**

Carer adoptions can occur when it is considered that the best interests of the child are served by the child being adopted by eligible and approved carers. The carers must have had the full-time care of the child for at least three consecutive years. The Department for Community Development must have arranged or approved the placement of the child with the carer and must be satisfied that the child will not return to live with the birth family or extended family. It is required that the birth parents give their consent to the adoption or that there is an order from the Family Court of Western Australia dispensing with consent. Unless dispensed with by the Family Court, an adoption plan is a legal requirement. The Family Court finalises the adoption by the granting of an adoption order.

## **Local and intercountry adoptions**

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

All adoptions are arranged through the Department for Community Development.

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

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

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

## **Adoption of Indigenous children**

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

## **South Australia**

*Adoption Act 1988*

*Adoption (Miscellaneous) Amendment Act 1996*

Adoption Regulations 2004

## **Level of court**

Youth Court of South Australia

## **Step-parent adoptions**

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

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

### **Other-relative adoptions**

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

Adoption by relatives can be arranged only through the DFC.

### **Local and intercountry adoptions**

*Eligibility requirements:*

- a married couple or a de facto couple for more than five years at the time of the making of the adoption order, three years for allocation or placement of child
- a single person in particular circumstances.

Adoptions can be arranged only through the DFC.

### **Adoption of Indigenous children**

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

### **Tasmania**

*Adoption Act 1988*

Adoption Regulations 1992

#### **Level of court**

Magistrate sitting alone

#### **Step-parent adoptions**

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

### **Other-relative adoptions**

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

### **Local and intercountry adoptions**

*Eligibility requirements:*

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

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

### **Adoption of Indigenous children**

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

## **Australian Capital Territory**

*Adoption Act 1993*

### **Level of court**

Supreme Court

### **Step-parent adoptions**

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

### **Other-relative adoptions**

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

Adoption by relatives can be arranged only through the OCYFS.

### **Local and intercountry adoptions**

*Eligibility requirements:*

- a married couple for more than three years
- a de facto couple for more than three years
- a single person in particular circumstances.

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

### **Adoption of Indigenous children**

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

## **Northern Territory**

*Adoption of Children Act 1994*

The Adoption of Children Act was amended to enable the issue of Australian birth certificates for overseas-born adopted children, whenever the necessary birth information is provided by the country of origin. This applies irrespective of whether the adoption is finalised in the Local Court or as a foreign adoption order, automatically recognised under Australian law. The amendment came into effect on 3 July 2006.

**Level of court**

Local Court

**Step-parent adoptions**

Other arrangements are sought before an adoption order is considered.

**Other-relative adoptions**

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

**Local and intercountry adoptions**

*Eligibility requirements:*

- a married couple for two years or more
- a single person in exceptional circumstances.

All adoptions must be arranged through the Department of Health and Community Services.

**Adoption of Indigenous children**

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

## 2.2 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. An adoption plan, which may include the regular exchange of information and/or contact, is usually presented to the court at the time an adoption order is sought. Increasingly, birth parents are participating in the choice of the adoptive family for their child. The Department of Community Services or agency which arranged the adoption will help with mediating ongoing contact after the adoption order if necessary.

### Victoria

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

### Queensland

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

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

### Western Australia

Since the *Adoption Act 1994*, all adoptions are considered open. All parties to an adoption have access to information, which is either ‘identifying’ or ‘non-identifying’. The level of information depends on when the adoption took place. The 2003 amendments to the *Adoption Act 1994* mean that no new information vetoes can be placed and existing information vetoes were removed.

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



## **South Australia**

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

## **Tasmania**

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

## **Australian Capital Territory**

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

## **Northern Territory**

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

## 2.3 Access to information and veto systems

### New South Wales

#### Access to information

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

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

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

#### Veto system

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

### Victoria

#### Access to information

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

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

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

Adoptive parents may apply for information about the birth family's background. The written permission of the birth parent is required before identifying information may be

released. Also, where the adopted person is 18 years of age or older, the adopted person must be notified in writing of the intention to release identifying information about the birth family.

### **Veto system**

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

## **Queensland**

### **Access to information**

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

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

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

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

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

### **Veto (objection) system**

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

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

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

## **Western Australia**

### **Access to information**

At the time of placement of a child, an adoption plan must be negotiated between the birth parents and adoptive parents to facilitate the sharing of information about the child. In Western Australia, birth parents, adoptive parents and adopted persons over 18 years of age may obtain non-identifying information about the adoption from departmental records. All parties to an adoption can have access to birth and court records. Amendments to the *Adoption Act 1994* gazetted in 2003 prohibit the placement of any new information vetoes on adoptions since that date.

### **Veto system**

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

Under the *Adoption Act 1994*, where the adoption occurred before 1 January 1995 an adopted person aged 18 years or over, birth parents and adoptive parents can have access to birth records and adoption court records (i.e. identifying information). Since the 2003 changes to the legislation, no new information vetoes are permitted to be lodged. All existing information vetoes were removed in June 2005.

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

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

## **South Australia**

### **Access to information**

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

### **Veto system**

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

Adoptive parents are able to lodge a veto to restrict identifying information about themselves being released to the birth parents with a provision that this does not prevent the

adopted person and the birth parent from making contact with each other. Certain information is also available to adoptive parents.

## **Tasmania**

### **Access to information**

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

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

### **Veto system**

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

## **Australian Capital Territory**

### **Access to information**

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

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

### **Veto system**

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

The Act provides for an unqualified right to information, but also gives the adopted person aged over 17 years 6 months, an adoptive parent, birth parent, adult birth relatives, adoptive relatives and adult children or other descendants of the adopted person the right to lodge a contact veto. On the 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.

## **Northern Territory**

### **Access to information**

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

### **Veto system**

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

# Appendix 3: Countries party to the Hague Convention

Listed below are the countries party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

Country	Date Convention came into effect	Country	Date Convention came into effect
Albania	1 January 2001	Italy	1 May 2000
Andorra <sup>(a)</sup>	1 May 1997	Latvia	1 December 2002
Australia	1 December 1998	Lithuania <sup>(a)</sup>	1 August 1998
Austria	1 September 1999	Luxembourg	1 November 2002
Azerbaijan <sup>(a)</sup>	1 October 2004	Madagascar	1 September 2004
Belarus	1 November 2003	Malta <sup>(a)</sup>	1 February 2005
Belgium	1 September 2005	Mauritius <sup>(a)</sup>	1 January 1999
Belize <sup>(a)</sup>	1 April 2006	Mexico	1 May 1995
Bolivia	1 July 2002	Moldova, Republic of <sup>(a)</sup>	1 August 1998
Brazil	1 July 1999	Monaco <sup>(a)</sup>	1 October 1999
Bulgaria	1 September 2002	Mongolia <sup>(a)</sup>	1 August 2000
Burkina Faso	1 May 1996	Netherlands	1 October 1998
Burundi <sup>(a)</sup>	1 February 1999	New Zealand <sup>(a)</sup>	1 January 1999
Canada	1 April 1997	Norway	1 January 1998
Chile	1 November 1999	Panama	1 January 2000
China, People's Republic of	1 January 2006	Paraguay <sup>(a)</sup>	1 September 1998
Colombia	1 November 1998	Peru	1 January 1996
Costa Rica	1 February 1996	Philippines	1 November 1996
Cyprus	1 June 1995	Poland	1 October 1995
Czech Republic	1 June 2000	Portugal	1 July 2004
Denmark	1 November 1997	Romania	1 May 1995
Ecuador	1 January 1996	San Marino <sup>(a)</sup>	1 February 2005
El Salvador	1 March 1999	Slovakia	1 October 2001
Estonia <sup>(a)</sup>	1 June 2002	Slovenia	1 May 2002
Finland	1 July 1997	South Africa <sup>(a)</sup>	1 December 2003
France	1 October 1998	Spain	1 November 1995
Georgia <sup>(a)</sup>	1 August 1999	Sri Lanka	1 May 1995
Germany	1 March 2002	Sweden	1 September 1997
Guatemala <sup>(a)</sup>	1 March 2003	Switzerland	1 January 2003
Guinea <sup>(a)</sup>	1 February 2004	Thailand	1 August 2004

(continued)

<b>Country</b>	<b>Date Convention came into effect</b>	<b>Country</b>	<b>Date Convention came into effect</b>
Hungary	1 August 2005	Turkey	1 September 2004
Iceland <sup>(a)</sup>	1 May 2000	United Kingdom	1 June 2003
India	1 October 2003	Uruguay	1 April 2004
Israel	1 June 1999	Venezuela	1 May 1997
		<i>Total countries</i>	<i>68</i>

(a) These countries have acceded to the Convention.

*Notes*

1. This information is correct as at 13 July 2006.
2. Countries that participated in the Seventeenth Session (a particular conference held by the Hague) are able to sign this Convention, with the option of also ratifying it. Alternatively, countries that did not participate in the Seventeenth Session are able to accede to this Convention.  
By signing the Hague Convention, a country expresses, in principle, its intention to become a party to the Convention. However, signature does not, in any way, oblige a country to take further action (towards ratification or not). A country is party to the Hague Convention if it has ratified or acceded to the Convention— this involves the legal obligation for the country to apply the Convention.
3. The following countries have signed, but are yet to ratify, the Convention: Ireland, Russian Federation and United States of America.

*Source:* Hague Conference on Private International Law website, <[www.hcch.net/index\\_en.php?act=conventions.status&cid=69](http://www.hcch.net/index_en.php?act=conventions.status&cid=69)>.



# Glossary

## **Adoption**

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

## **Adoption order**

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

## **Adoptive parent**

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

## **Age of child**

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

## **Arranging body**

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

### *Government*

This may be a state or territory community services department (see Acknowledgements) or another government authority.

### *Non-government agency*

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

## **Country of origin**

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

## **Hague Convention (Intercountry Adoption)**

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

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

### **Indigenous**

A person who identifies as Aboriginal and/or Torres Strait Islander and is accepted as such by the community with which he or she is associated.

### **Intercountry adoptions**

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

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

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

#### *Step-parent*

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

#### *Other relative(s)*

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

#### *Carer*

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

### **Local adoptions**

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

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

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

#### *Married*

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

### *De facto*

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

### *Single*

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

## **Marital status of birth mother**

### *Married*

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

### *Not married*

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

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