

**Adoptions Australia
2006–07**

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Contents

- Acknowledgments..... vi
- Symbols..... vi
- Summaryvii
- 1 Introduction.....1**
- 2 Background2**
 - Categories of adoption2
 - Adoption processes.....3
- 3 An overview of adoptions in Australia.....8**
 - Adoptions in 2006–078
 - Trends10
- 4 Detailed information13**
 - Intercountry adoptions.....13
 - Local adoptions19
 - ‘Known’ child adoptions.....23
 - Adoption of Aboriginal and Torres Strait Islander children25
 - Permanent care orders (Victoria only)26
 - Access to information27
- 5 Discussion of key findings.....33**
- Appendix A Statistical tables.....36**
- Appendix B Legislation52**
 - B.1 Summary of legislation52
 - B.2 Provisions for ‘open’ adoptions60
 - B.3 Access to information and veto systems.....62
- Appendix C Countries party to the Hague Convention67**
- Glossary.....69**
- References72**
- List of tables74**
- List of figures76**

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Symbols

- 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. Although the number of adoptions in Australia has declined over the last 30 years, there are still a considerable number each year. The results in this report, as with previous editions, present the latest data on adoptions of Australian children and those from overseas, while also highlighting important trends in 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 department responsible for adoption. Data on adoptions are collated by the AIHW on a financial year basis, with the most recent data for the 2006–07 year. The *Adoptions Australia* reports are published annually, and this edition is the seventeenth report in the series.

Findings

Although the total number of adoptions has remained relatively stable since the mid-1990s, 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 more than doubled over the last 25 years. There has also been a dramatic increase in the proportion of intercountry adoptions over this period – from 6% of all adoptions in 1981–82 to 71% in 2006–07.

In 2006–07:

- There were 568 adoptions in Australia – 71% were intercountry, 10% were local and 18% were ‘known’ child adoptions (see Glossary for definitions).
- Almost two-thirds of intercountry adoptions were from China (31%), South Korea (20%) and Ethiopia (12%).
- For ‘known’ child adoptions, 76% of adoptions were by step-parents and 21% by carers.
- In local and intercountry adoptions, nearly all children were less than 5 years old (92%), whereas 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 three in every five had adoptive parents aged 40 years and over.

Key message

The total numbers of adoptions are continuing to remain fairly stable. As in recent years, the vast majority of adoptions in 2006–07 were intercountry adoptions, and the number of Australian children adopted continues to remain relatively low. Data from future years will need to be monitored to see whether these trends continue.

1 Introduction

Adoption is one of a range of options used to provide care for children who cannot live with their birth families.

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 biological 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 Appendix B.2).

Data sources

The data included in this report were collected from the state and territory departments responsible for adoption, 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. Definitions of terms used in the data 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 B). These differences should be taken into account when comparing data across jurisdictions.

Purpose and structure of this report

Adoptions Australia 2006–07, the seventeenth report in the series, includes data on all finalised adoptions recorded by the state and territory departments responsible for adoption for the period 1 July 2006 to 30 June 2007. It presents the latest available data on the patterns and trends in adoptions in Australia.

This report has five chapters. Chapter 2 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 2006–07, including current patterns and trends.
- Chapter 4 presents detailed data on categories of adoption in 2006–07, 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 A, and state and territory adoptions legislation is summarised in Appendix B.

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. People 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 Appendix B.1.

Intercountry adoptions

The adoption process for intercountry children is strictly controlled by each state and territory under the relevant state-level adoption legislation and by the Australian Government under the *Immigration (Guardianship of Children) Act 1946*, the Family Law (Hague Convention on Intercountry Adoption) Regulations 1998, and in accordance with the principles of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the Convention).

The Australian Government Attorney-General's Department has primary responsibility for the management and establishment of Australia's intercountry adoption programs. The department works closely with the state and territory governments to ensure that existing programs are effectively and efficiently maintained, and that opportunities for new programs are identified and explored in a timely and efficient manner. The department and the states and territories work cooperatively to ensure that all adoption programs meet the standards of the Convention. The state and territory governments are responsible for processing adoption applications and assessing and approving prospective adoptive parents. Although 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's ratification of the Hague Convention entered into force:

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 protects children and their families against the risks of illegal, irregular, premature or ill-prepared adoptions overseas. It does this by establishing principles for countries to follow that focus on the need for intercountry adoptions to occur only where it is in the best interests of the child. The Convention also focuses on the need for countries to work to prevent the abduction, sale, or trafficking of children. A list of countries currently party to the Hague Convention can be found in Appendix C.

From 1998–99 onwards, data on intercountry adoptions have been categorised into 'Hague' and 'non-Hague' adoptions. An adoption is classed as a 'Hague' adoption if the child's country of origin was party to the Hague Convention before the child's file was sent overseas – that is, if the country ratified or acceded to the Convention before the allocation process began (see Figure 2.2). Adoptions of children from countries that are not party to the Hague Convention, but have a bilateral arrangement with Australia, are classified as 'non-Hague' adoptions. With the exception of China, these bilateral arrangements existed before

Australia's ratification of the Hague Convention – Australia signed a bilateral agreement with China in December 1999.

These existing bilateral arrangements 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 arrangements with China, Fiji, Hong Kong, South Korea and Taiwan continue. This was endorsed by the Community and Disability Services Ministers' Council in July 2005. Subsequent to this review, China ratified the Hague Convention in January 2006. A further review will take place in 2009.

The data on 'Hague' adoptions are also used by the Attorney-General's Department – the Australian Central Authority for the Convention in Australia – to provide statistical reports to the Hague Conference on Private International Law. The Australian Central Authority is responsible for ensuring that Australia fulfils its obligations under the Convention. In accordance with its responsibilities for intercountry adoption, each state and territory has established a Central Authority under the Convention.

An intercountry adoption may be finalised using either of the following processes. A full adoption order can be made in the child's country of origin – this adoption order is recognised in Australia (Figure 2.2). Alternatively, for children whose adoption orders are not finalised in the country of origin, the federal Minister for Immigration and Citizenship assumes guardianship of the child for immigration purposes. Once the child arrives in Australia, the Minister then delegates this guardianship to the relevant state or territory minister or department head, thereby allowing the minister or department head to give consent to the adoption – this arrangement remains in place until an adoption order is finalised in the relevant state or territory (Boss 1992:39).

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). Of these recommendations, one-third have been resolved and all others are being actively implemented. In response to one of the recommendations made, the Attorney-General's Department has now taken on primary responsibility for all of Australia's intercountry adoption programs.

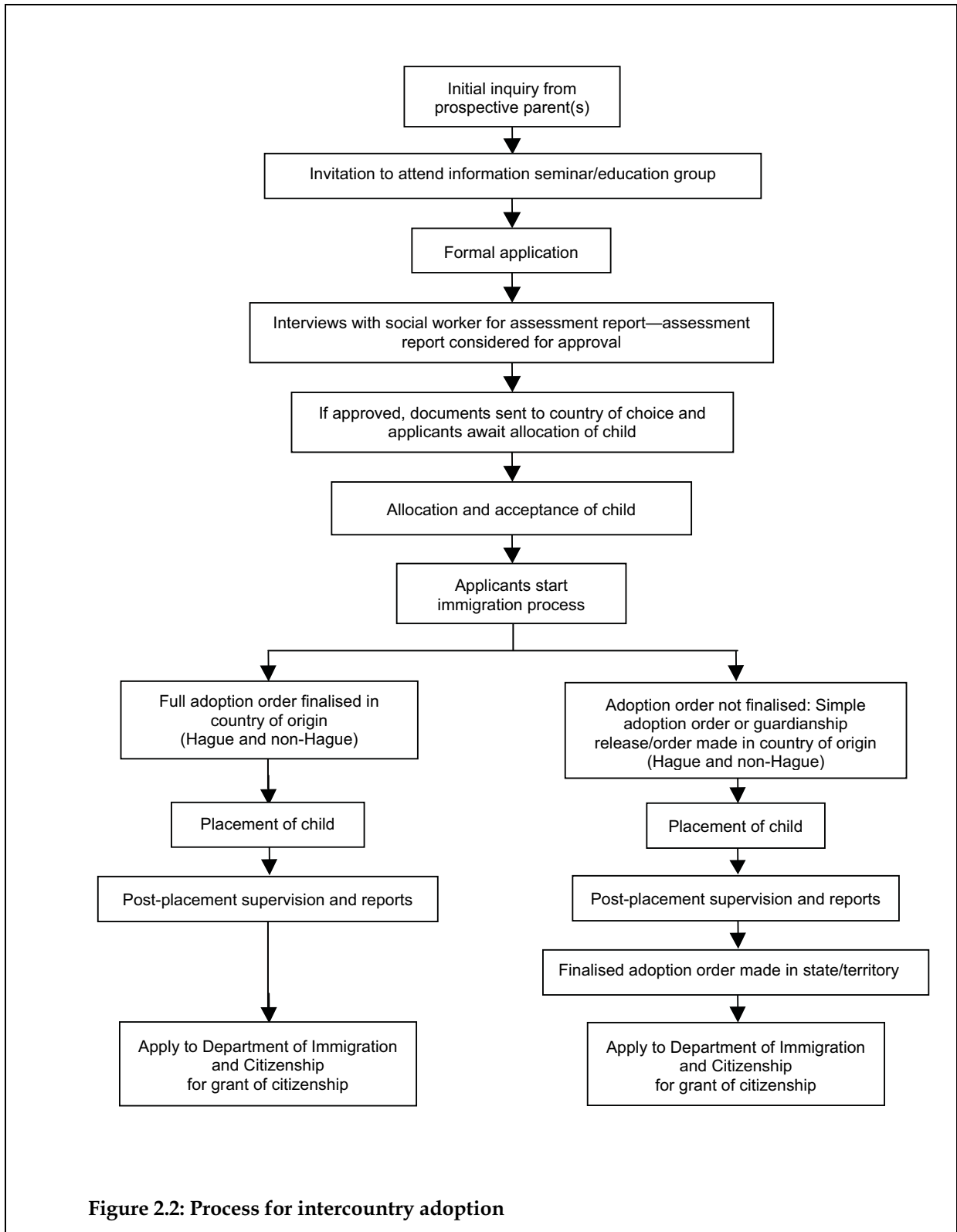
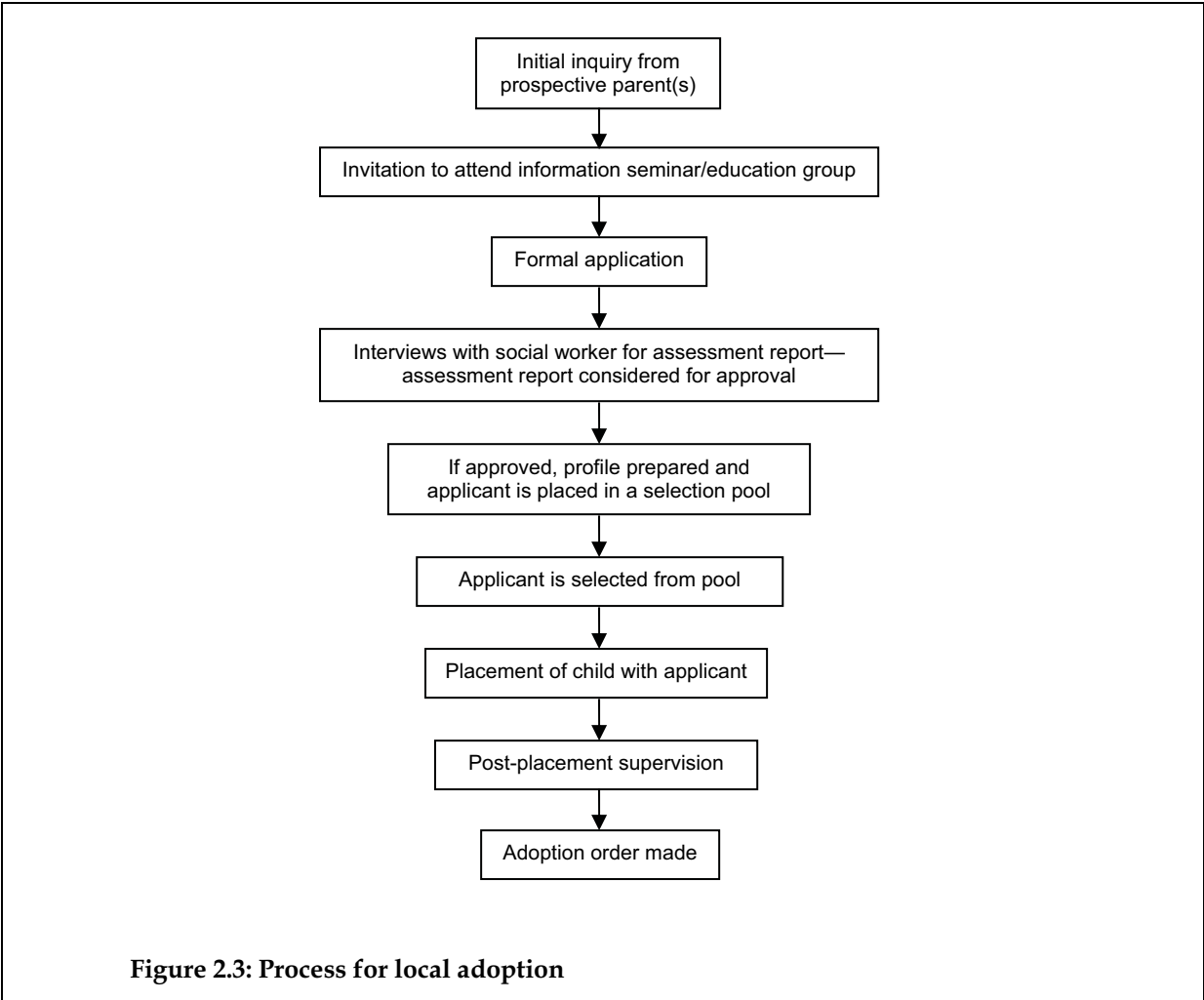


Figure 2.2: Process for intercountry adoption

Local adoptions

For local adoptions, the guardianship of a child for whom a general consent for adoption has been signed generally resides with the state/territory department responsible for adoption 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.



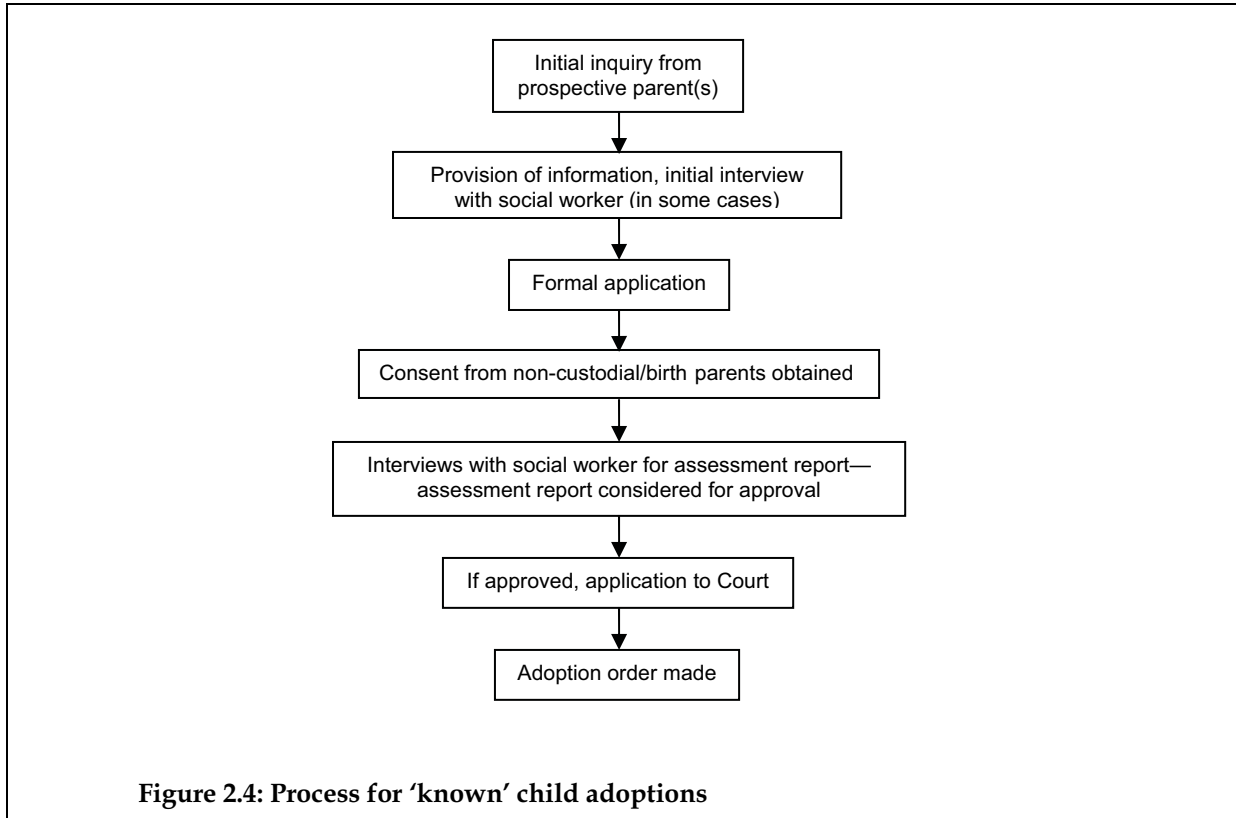
'Known' child adoptions

'Known' child adoptions are administered by the department responsible for adoption 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 (for example, permanent care and guardianship/custody orders), rather than adoption, when placing children in the care of relatives other than parents. Adoptions by relatives are generally discouraged because of the confusion and distortion that may occur to biological relationships. For example, if a child were adopted by his or her grandmother, then the birth parent would become the child's sibling (DoCS 2007).

In Western Australia, adoptions by relatives other than step-parents are no longer permitted under the 2003 amendments made to the *Adoption Act 1994* and adoptions by carers can occur only when the child has been in their care for at least 3 years. In all other states and territories, legislative provisions allow for adoptions by carers or relatives other than step-parents only in exceptional circumstances, that is, when a guardianship or custody order would not adequately provide for the welfare of the child (see Appendix B.1).

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

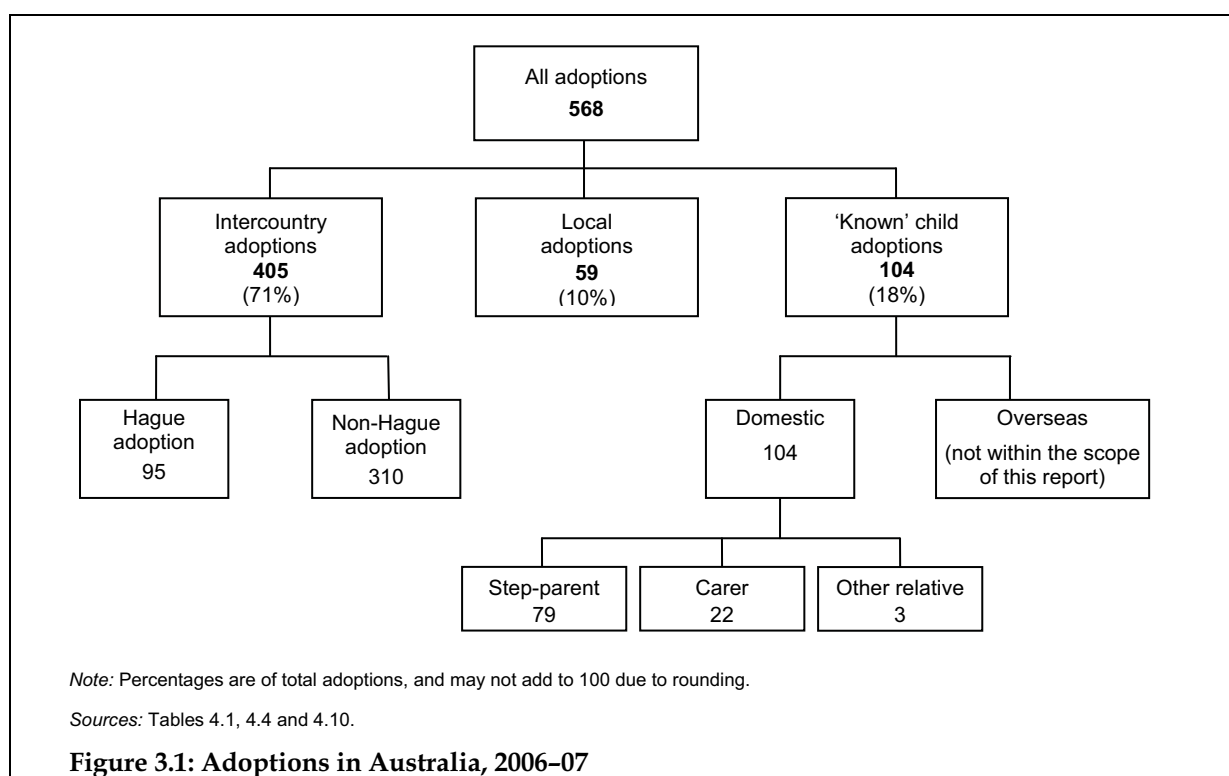
Adoptions in 2006–07

In 2006–07, there were 568 adoptions of children in Australia, a 1% decrease from 576 adoptions in 2005–06 (Figure 3.1; Table A1). Almost three-quarters of all adoptions in 2006–07 (71%) were intercountry adoptions, 18% were ‘known’ child adoptions and 10% were local adoptions (see Chapter 2 and the Glossary for definitions of these categories).

Of all adoptions in 2006–07, the majority of adopted children were aged under 5 years (76%), with just under half of these aged less than 1 year. More females than males were adopted (58% compared with 42%) (Figure 3.2).

The number and rate of adoptions vary considerably across the states and territories. Although the states with larger populations (New South Wales, Victoria, Queensland) had the highest number of adoptions in 2006–07, they had the lowest adoption rates. Rates of adoptions were highest in the Australian Capital Territory, Tasmania and the Northern Territory (Table 3.1).

For local and intercountry adoptions, children are placed with their adoptive families before their adoption order is finalised (Figures 2.2 and 2.3). There were 396 such children placed with their adoptive families during 2006–07 (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 2006–07 may relate to children who were placed in the previous year.



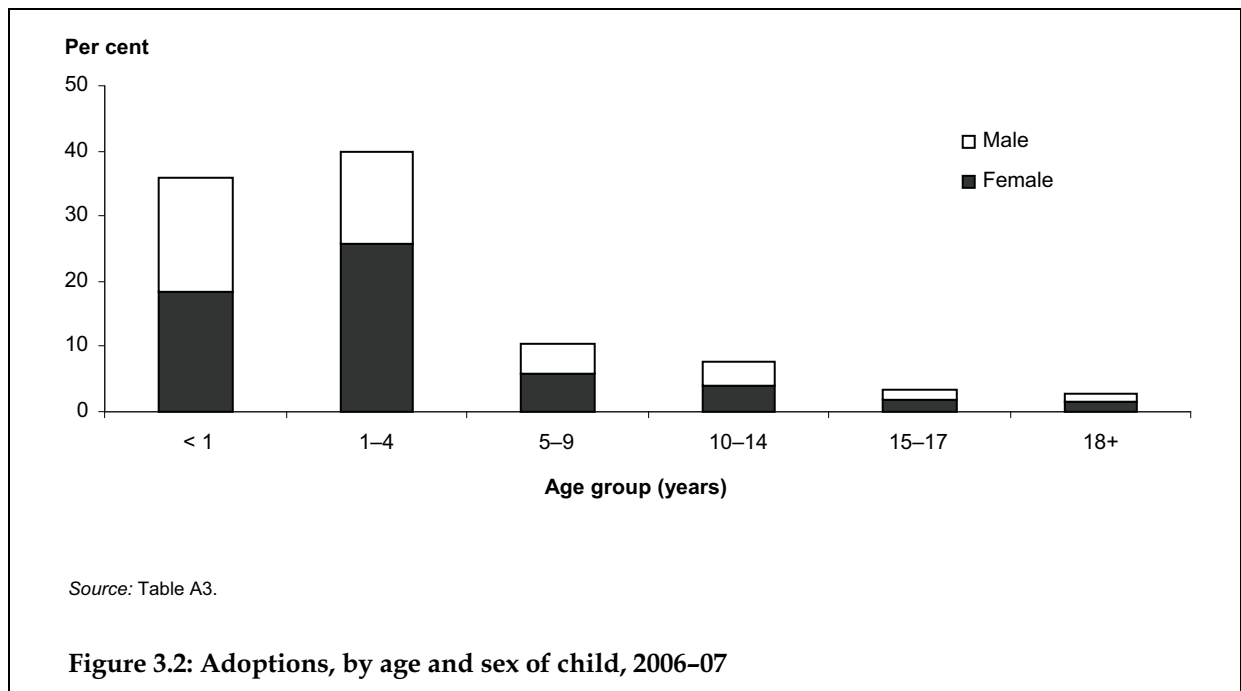


Table 3.1: Number and rate of adoptions, by state and territory, 2006-07

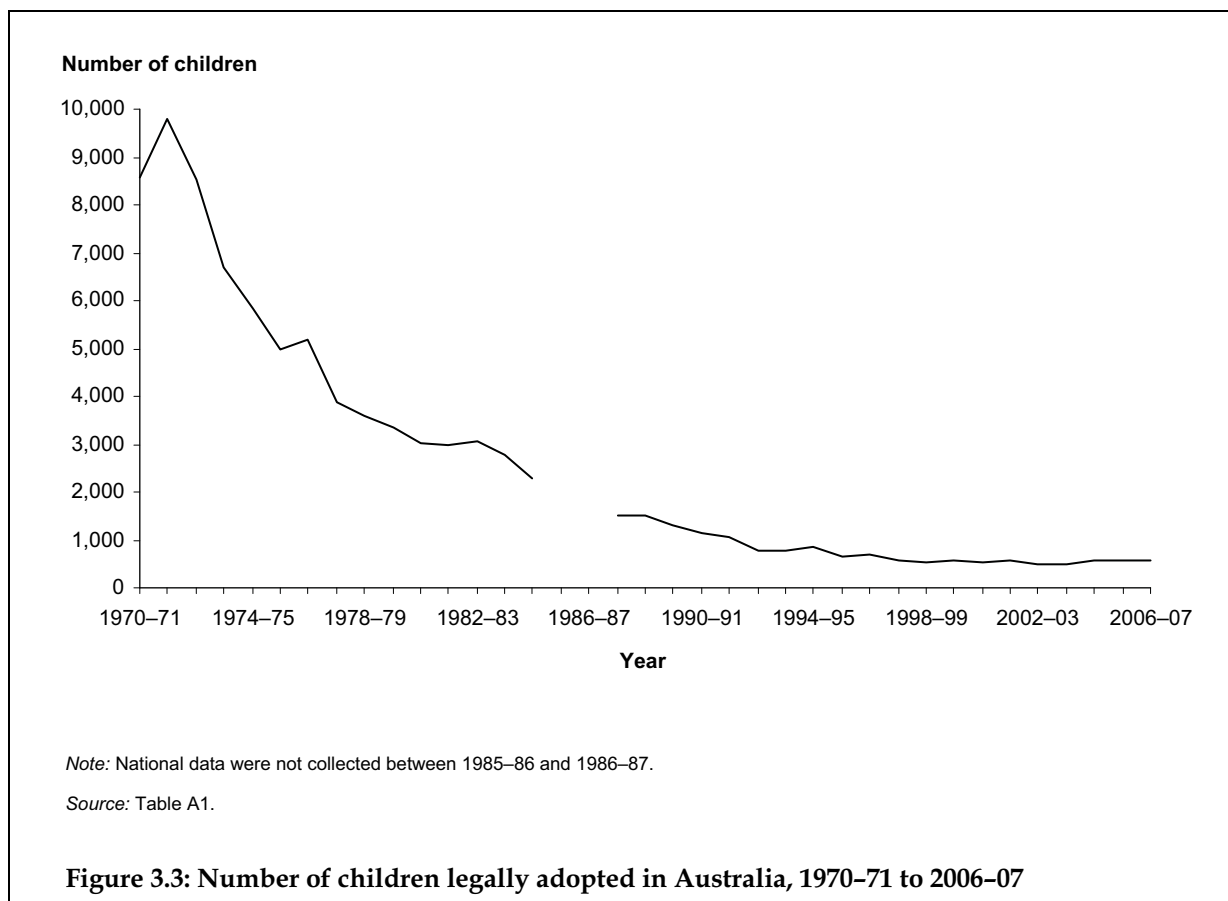
State/territory	Number of adoptions	Adoptions per 100,000 population ^(a)
New South Wales	164	2.4
Victoria	127	2.5
Queensland	91	2.2
Western Australia	65	3.1
South Australia	62	3.9
Tasmania	26	5.3
Australian Capital Territory	22	6.5
Northern Territory	11	5.2
Australia	568	2.7

(a) Rate for ABS estimated resident population in each state/territory at 31 December 2006 (all ages).

Source: AIHW Adoptions Australia data collection.

Trends

Since the 1970s, there has been a dramatic decline in the number of adoptions in Australia – from almost 10,000 in 1971–72 to 568 in 2006–07 (Figure 3.3). This coincides with declining fertility rates and increasing social acceptance of raising children outside registered marriage (ABS 2007). Since the late 1990s, the number of adoptions has fluctuated slightly, but has remained relatively stable.

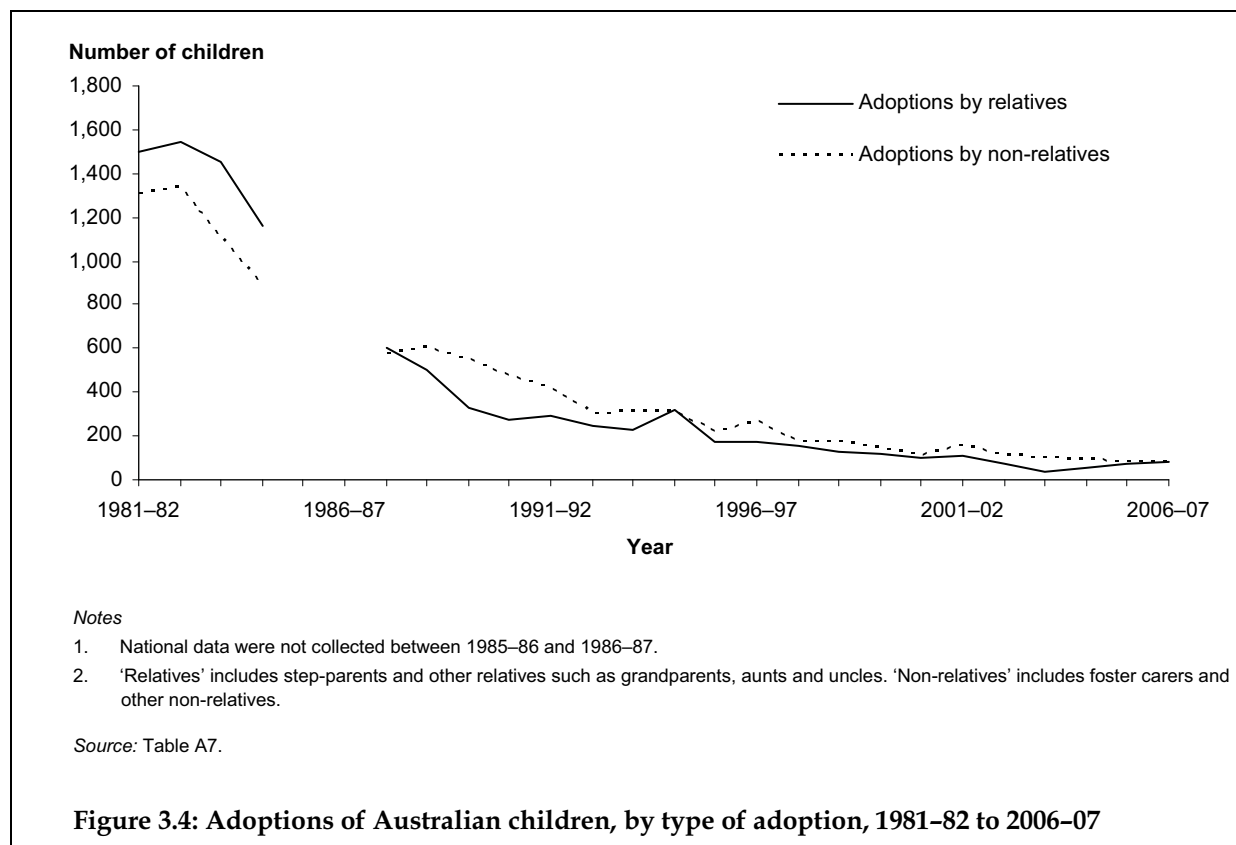


Trends in categories of adoptions

Adoption of Australian children

The overall decline in adoptions in the last 25 years can be attributed to the fall in the number of Australian children adopted – a 17-fold decline, from 2,805 to 163 between 1981–82 and 2006–07 (Table A4).

Although changes to the adoption categories in 1998–99 limit the amount of trend data available for local and ‘known’ child adoptions of Australian children (see Figure 2.1), it is possible to explore trends for adoptions by relatives and non-relatives over a longer time period. The number of Australian children adopted by relatives and non-relatives has fluctuated in the past 25 years, but has decreased overall (Figure 3.4). This decline was slightly greater in adoptions by relatives than non-relatives (18-fold and 16-fold decline respectively, between 1981–82 and 2006–07).



Local adoptions have decreased fairly steadily, from 127 to 59 adoptions over the nine years between 1998-99 and 2006-07 (Table A5). In contrast, 'known' child adoptions have fluctuated, dropping from 172 to 59 adoptions between 1998-99 and 2003-04, then increasing to 104 adoptions in 2006-07 (Table A6).

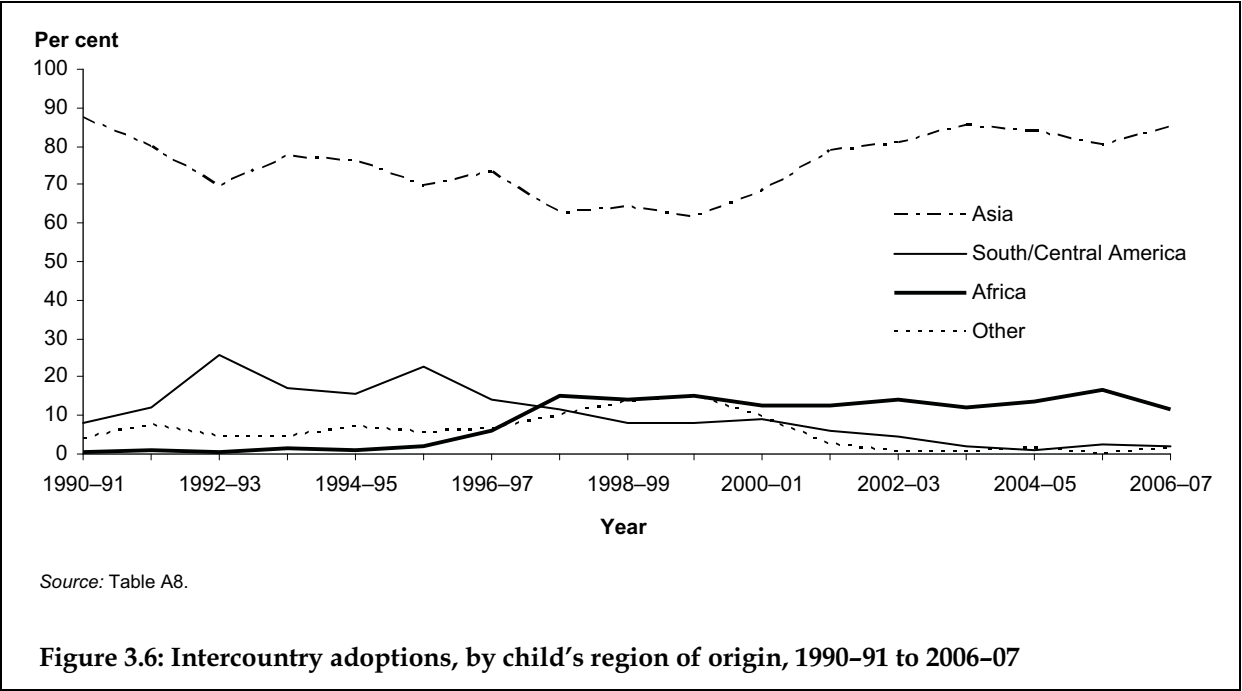
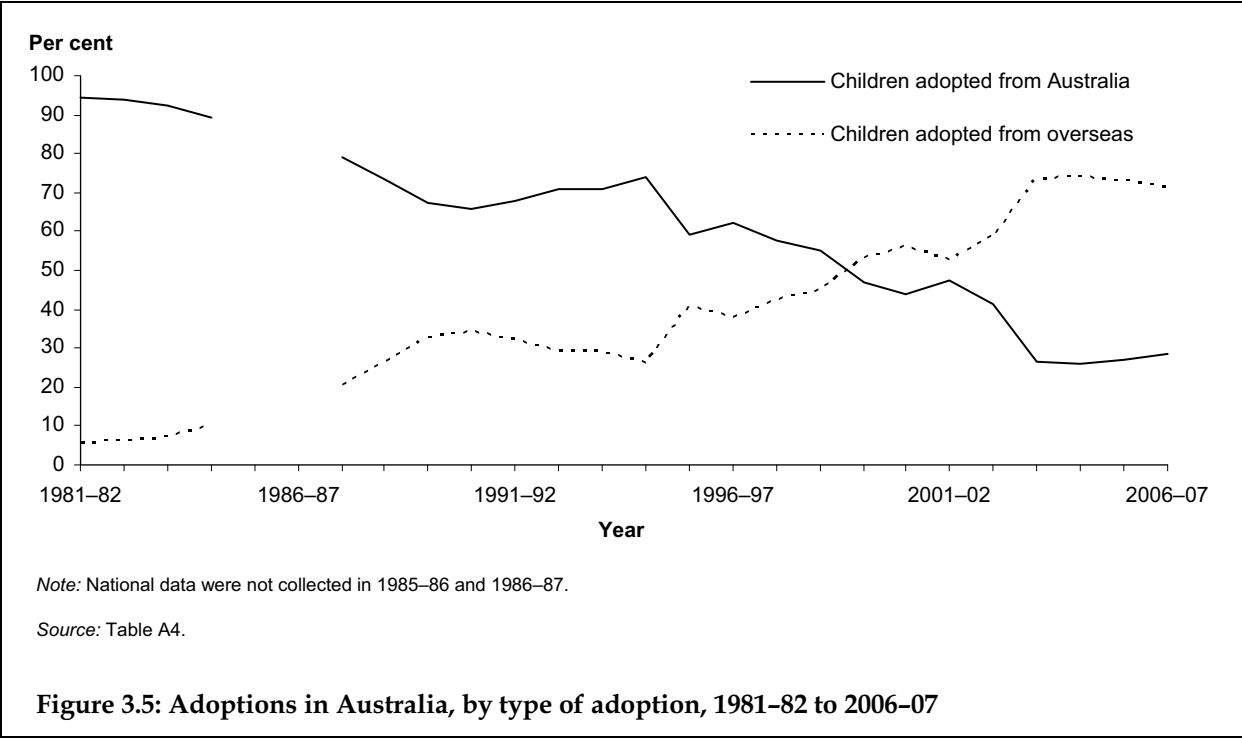
Intercountry adoptions

The number of children adopted from overseas has fluctuated over time, but has more than doubled over the 25 years between 1981-82 and 2006-07, from 162 to 405 adoptions (Table A4). Intercountry adoption has also clearly emerged as the dominant category of adoptions in recent years – in 2006-07, intercountry adoptions represented 71% of all adoptions, compared with 6% of adoptions in 1981-82 (Figure 3.5).

In accordance with these trends, the countries from which children are adopted have also varied over this period. Although the majority of intercountry adoptions have consistently been from Asia since the early 1990s, there have been considerable changes in the proportion adopted from Africa and South/Central America over this period (Figure 3.6).

Children from African countries made up 12% of all intercountry adoptions in 2006-07, up from less than 1% in 1990-91. This increase can be directly attributed to a ninefold increase in adoptions from Ethiopia between 1995-96 and 2006-07. The proportion of children adopted from South and Central America has been steadily declining over this time – from 23% of all intercountry adoptions in 1995-96 to 2% in 2006-07. This decline is largely due to an eightfold decrease in the number of children adopted from Chile and Colombia between 1992-93 and 2006-07 – partly reflecting efforts by these countries in recent years to increase the number of children who are adopted locally. However, the number of adoptions from these countries represent a relatively small proportion of all intercountry adoptions.

There have also been some notable changes among the Asian countries of origin since the early 1990s. South Korea was the leading country of origin between 1990–91 and 2002–03. However, since Australia signed a bilateral agreement with China in 1999, the number of children adopted from China has rapidly increased (an eightfold increase between 2000–01 and 2006–07), and China has been the leading country of origin since 2003–04.



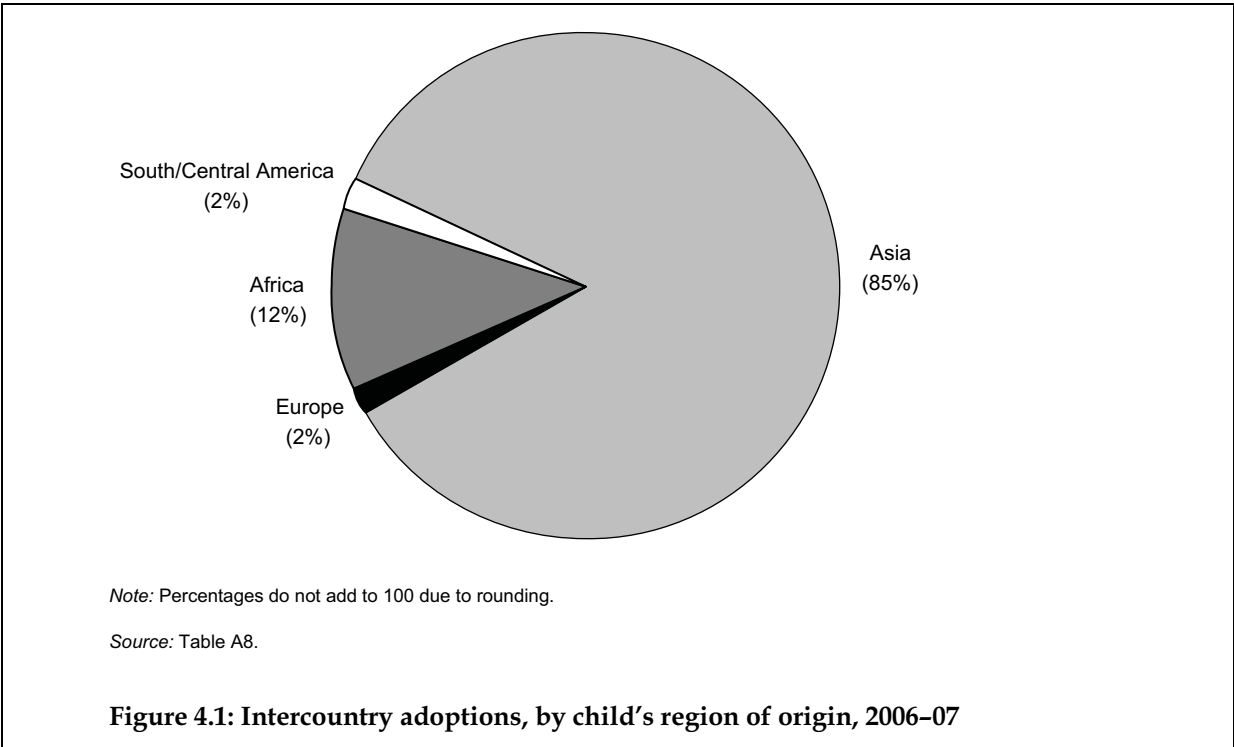
4 Detailed information

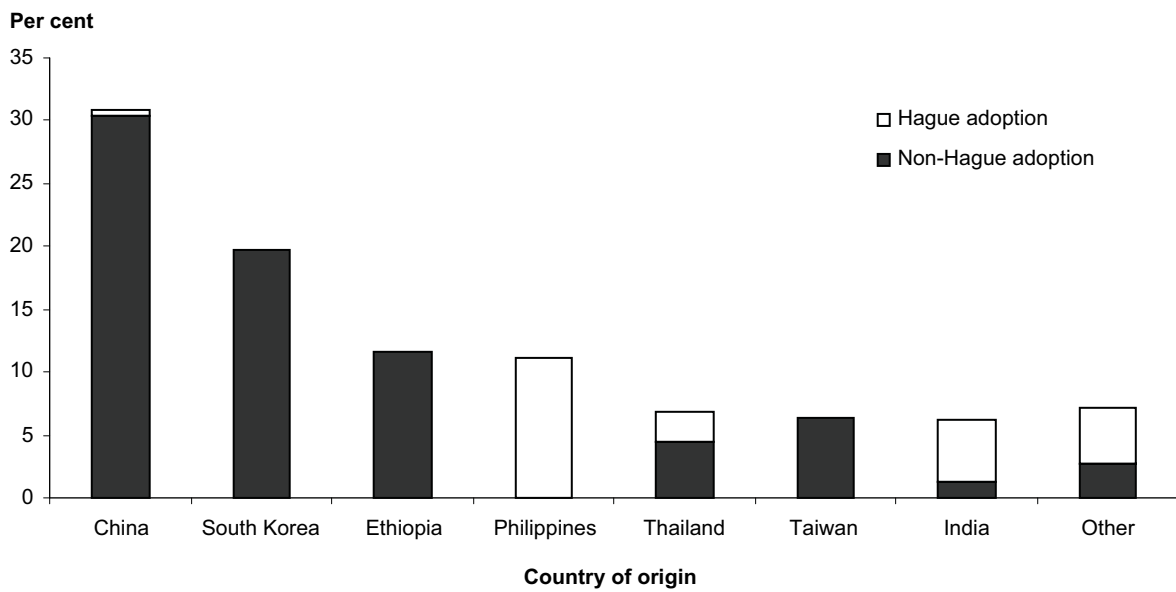
Intercountry adoptions

There were 405 intercountry adoptions in 2006–07, representing 71% of all adoptions (Figure 3.1; Table 4.1). The number of intercountry adoptions has declined by 4% since 2005–06, largely attributable to falls in the number of adoptions from Ethiopia and South Korea (33% and 22% decreases, respectively) (Tables A9 and A10).

Country of origin

- In 2006–07, 85% of intercountry adoptions were of children from Asia, and 12% were from Africa (Figure 4.1).
- Almost two-thirds of all intercountry adoptions were from the following countries: China (31%), South Korea (20%) and Ethiopia (12%). A considerable proportion of children were also adopted from the Philippines (11%) and Thailand (7%) (Figure 4.2).
- Of the total number of intercountry children adopted in the past decade, 26% have come from South Korea, 18% from China, 14% from Ethiopia and 10% from India (Table A10).
- In 2006–07, 23% of intercountry adoptions were Hague adoptions, an increase from 17% in 2005–06 (Table 4.1; AIHW 2006).





Notes

1. 'Other' includes adoptions from Bolivia, Colombia, England, Guatemala, Hong Kong, Lithuania, Poland and Sri Lanka.
2. For those adoptions from China, India and Thailand that are counted as non-Hague, the allocation process (see Figure 2.2) began before 1 January 2006, 1 October 2003 and 1 August 2004, respectively.

Source: Table 4.1.

Figure 4.2: Intercountry adoptions, by type of adoption and child's country of origin, 2006-07

Table 4.1: Intercountry adoptions, by child's country of origin, 2006–07

Country of origin	NSW ^(a)	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Hague adoptions									
Bolivia	1	—	—	—	—	—	—	—	1
China ^(b)	1	—	1	—	—	—	—	—	2
Colombia	5	—	—	—	—	—	—	—	5
England	3	—	—	—	—	—	—	—	3
India	2	5	1	1	8	—	1	2	20
Lithuania	2	—	—	—	—	—	—	—	2
Philippines	19	8	8	1	4	2	3	—	45
Poland	—	2	—	—	—	—	—	—	2
Sri Lanka	3	2	—	—	—	—	—	—	5
Thailand	—	4	2	2	—	1	1	—	10
<i>Total Hague adoptions</i>	36	21	12	4	12	3	5	2	95
Non-Hague adoptions									
China ^(b)	35	27	6	24	13	2	9	7	123
Ethiopia	8	11	13	4	6	4	1	—	47
Guatemala	—	2	—	—	—	—	—	—	2
Hong Kong ^(c)	—	4	—	3	1	1	—	—	9
India	—	5	—	—	—	—	—	—	5
South Korea ^(d)	24	20	15	5	11	1	3	1	80
Taiwan	8	—	12	—	6	—	—	—	26
Thailand	1	5	5	—	7	—	—	—	18
<i>Total non-Hague adoptions</i>	76	74	51	36	44	8	13	8	310
Total intercountry adoptions	112	95	63	40	56	11	18	10	405
Per cent of intercountry adoptions	27.7	23.5	15.6	9.9	13.8	2.7	4.4	2.5	100.0

(a) Four children adopted in New South Wales were 'known' children from overseas. However, their adoptive parent(s) were formally assessed by the NSW Department of Community Services before the adoption orders were finalised.

(b) Officially known as the People's Republic of China—excludes Special Administrative Regions (SARs) and Taiwan Province.

(c) Officially known as the Hong Kong Special Administrative Region of the People's Republic of China.

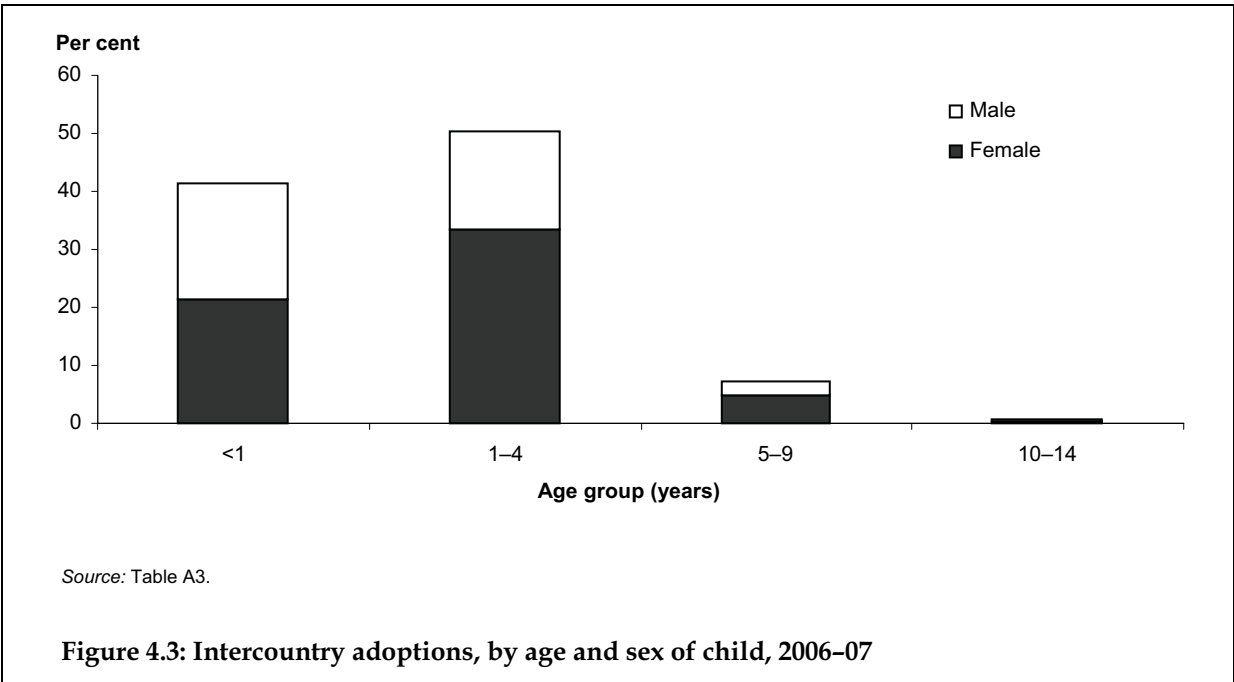
(d) Officially known as the Republic of Korea.

Note: For those adoptions from China, India and Thailand that are counted as non-Hague, the allocation process (see Figure 2.2) began before 1 January 2006, 1 October 2003 and 1 August 2004, respectively.

Source: AIHW Adoptions Australia data collection.

Characteristics of adopted children

- The majority of children in intercountry adoptions were aged under 5 years (91%), and of these, just under half were infants aged less than 1 year (Figure 4.3).
- Children who were the subject of non-Hague adoptions were more likely to be infants – 49% of non-Hague adoptions were of children aged less than 1 year, compared with 16% of Hague adoptions (Table A11).
- A higher proportion of females than males were adopted (60% compared with 40%) (Table A3).
- The majority of intercountry adoptions were of single children, but 10% of children were adopted as part of a sibling group. Over half of intercountry sibling group adoptions were non-Hague adoptions (55%) (Table A12).



Administration of Hague adoptions

- In 2006-07, 67% of children who were the subject of Hague adoptions entered Australia under guardianship orders, and then had their adoption orders finalised in Australia. The remaining 33% of children entered Australia under full adoption orders made in their country of origin (Table A13).
- Almost two-thirds (64%) of those children entering Australia under guardianship orders were from the Philippines (Table A13).

Characteristics of adoptive families

- Almost two-thirds (62%) of adoptive parents were aged 40 years and over (60% of mothers and 65% of fathers) (Figure 4.4).
- Nearly all intercountry adoptions were by registered married couples (94%) (Table 4.2).
- Similar proportions of children were adopted into families with no other children as into families with children (49% compared with 51%). Around half of the adoptive families had no children, just under one-third had adopted children only, and one-sixth had biological children only (Table 4.3).
- The types of families children were adopted into varied slightly between Hague and non-Hague adoptions – children in Hague adoptions were slightly less likely to be adopted into families with no other children than those in non-Hague adoptions (Table 4.3).

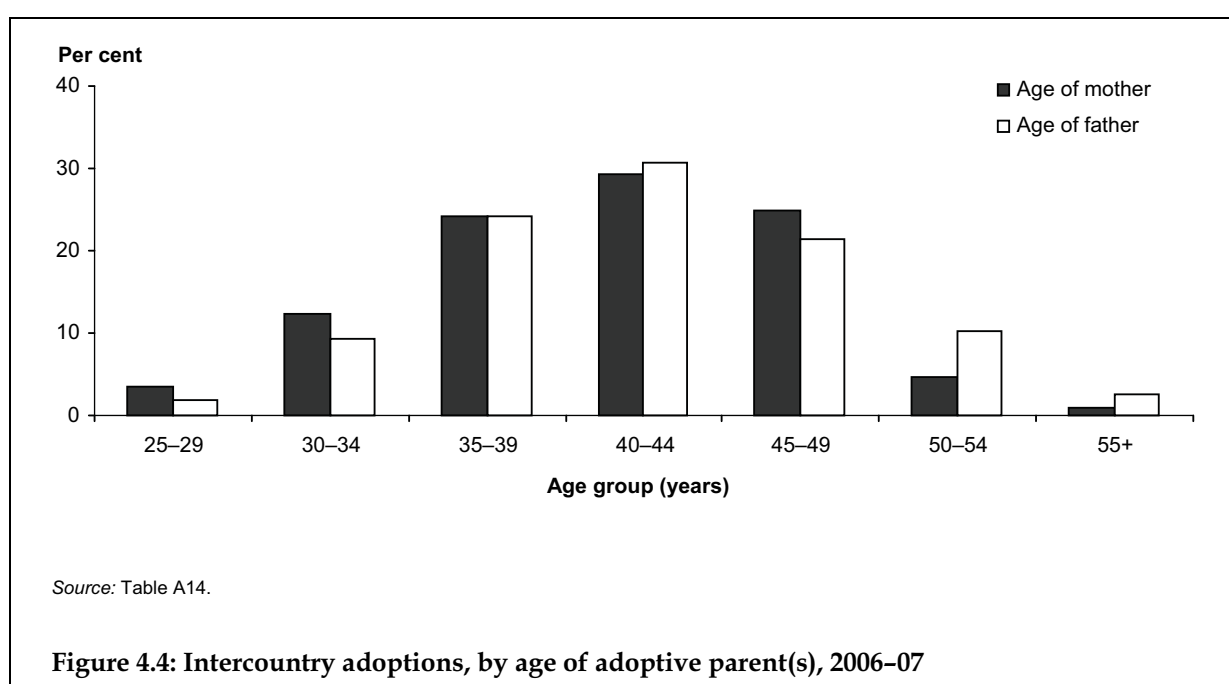


Table 4.2: Intercountry adoptions, by type of adoption, by marital status of the adoptive parent(s), 2006-07

Marital status of the adoptive parent(s)	Hague adoption		Non-Hague adoption		All intercountry adoptions	
	Number	Per cent	Number	Per cent	Number	Per cent
Registered married couples	93	97.9	288	92.9	381	94.1
De facto married couples	—	—	4	1.3	4	1.0
Single person ^(a)	2	2.1	18	5.8	20	4.9
Total	95	100.0	310	100.0	405	100.0

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

Table 4.3: Intercountry adoptions, by type of adoption, by composition of the adoptive family, 2006–07

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	28	47.5	117	50.0	145	49.5
Biological children only	12	20.3	38	16.2	50	17.1
Adopted children only	19	32.2	68	29.1	87	29.7
Both biological and adopted children	—	—	11	4.7	11	3.8
Total^(a)	59	100.0	234	100.0	293	100.0

(a) Excludes 112 adoptive families (36 Hague, 76 non-Hague) for which New South Wales was unable to report on composition of family.

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

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 departments responsible for adoption. 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 or government authority. 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 2006–07, there were 111 such visas issued for children who were adopted through an overseas agency/authority, and whose adoptive parents lived overseas for 12 months or more (Table A15). This is the highest number recorded since 1998–99, and a 12% increase from 2005–06 when 97 visas were issued (AIHW 2000:16, 2006:16). In 2006–07, visas were issued from 37 countries, compared with 33 countries in 2005–06.

A further 332 visas were issued for standard intercountry adoptions that were arranged by an Australian state/territory authority (Table A15). However, not all children who were issued visas in 2006–07 may have entered Australia during that period.

Local adoptions

In 2006–07, there were 59 local adoptions, representing 10% of all adoptions (Table 4.4; Figure 3.1). The number of local adoptions has remained steady since 2005–06 (60 adoptions, see Table A5).

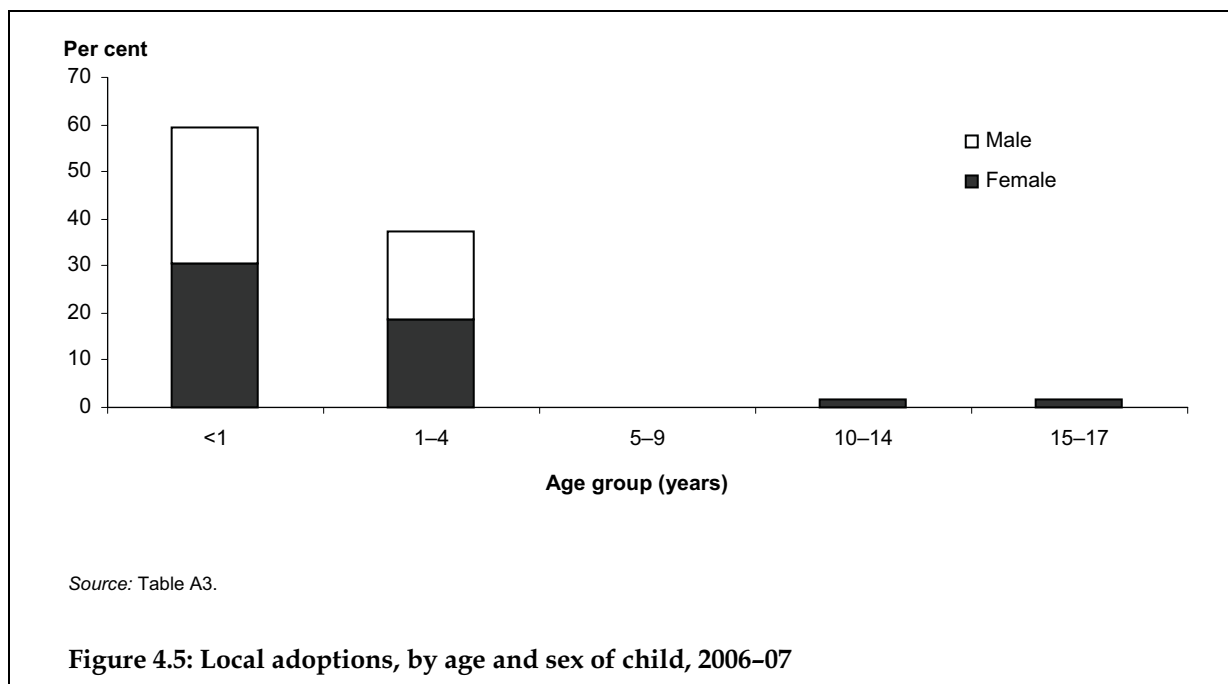
Table 4.4: Local adoptions, by state and territory, 2006–07

State/territory	Number	Per cent
New South Wales	12	20.3
Victoria	18	30.5
Queensland	12	20.3
Western Australia	8	13.6
South Australia	5	8.5
Tasmania	3	5.1
Australian Capital Territory	1	1.7
Northern Territory	—	—
Australia	59	100.0

Source: AIHW Adoptions Australia data collection.

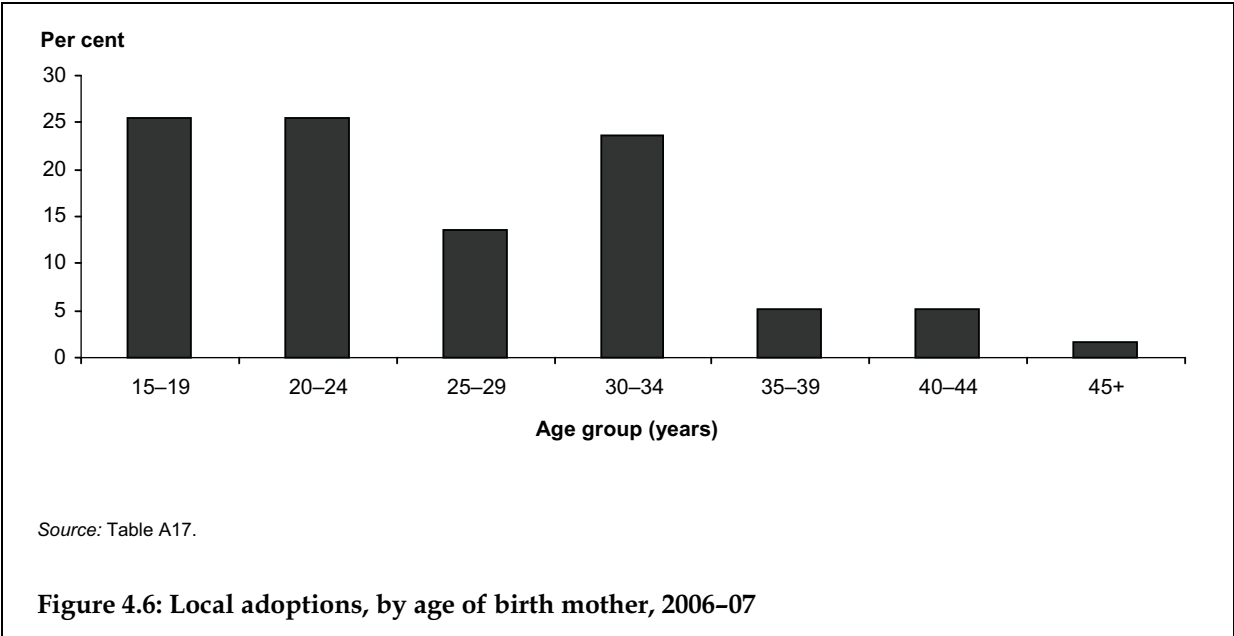
Characteristics of adopted children

- All local adoptions, except two, were of children aged under 5 years, with three in five adoptions (59%) of children aged under 1 year (Figure 4.5).
- A slightly higher proportion of females than males were adopted (53% compared with 47%, respectively) (Table A3).



Characteristics of birth mothers

- Almost two-thirds of the children adopted (64%) had birth mothers who were under the age of 30 years, including one-quarter whose birth mothers were less than 20 years of age (Figure 4.6).
- In 2006-07, birth mothers were generally older than in previous years – a mean age of 26.5 years, the second-highest mean age recorded since 1998-99 (Table A16).
- A large proportion of children adopted (86%) were born to mothers who were not in a registered marriage (Table A18). This proportion has remained fairly stable since 1998-99, generally ranging between 86% and 93%.



Administration of local adoptions

- In two-thirds of local adoptions, consent to the adoption was given by the birth mother only – this may reflect the high proportion of mothers who were not in a registered marriage at the time of birth. A further 32% of local adoptions had consent from both birth parents (Table 4.5).
- Agreements made at the time of adoption indicate that the majority of local adoptions are now ‘open’, with only 12% of birth parents requesting ‘no contact or information exchange’ (Table 4.6). This is the second-highest proportion of such agreements since 1998-99 and is substantially higher than in previous years (Table A19).
- Almost three-quarters of local adoptions (73%) were arranged by the state and territory government departments, and the remaining 27% were arranged by non-government agencies (Table A20).

Table 4.5: Local adoptions, by type of consent, 2006–07

Type of consent given	Number	Per cent
Mother only	39	66.1
Father only	—	—
Mother and father	19	32.2
Dispensations	1	1.7
Total	59	100.0

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. Consent is required from both parents, therefore, all 'mother only' consents were accompanied by dispensations of the birth father's consent. The category 'dispensations' includes those adoptions where the consent of both parents has been dispensed with.

Source: AIHW Adoptions Australia data collection.

Table 4.6: Local adoptions, by type of agreement, 2006–07

Type of agreement	Number	Per cent
Contact and information exchange	23	39.0
Contact only	1	1.7
Information exchange only	28	47.5
No contact or information exchange	7	11.9
Total	59	100.0

Source: AIHW Adoptions Australia data collection.

Characteristics of adoptive families

- Almost half (47%) of the adoptive parents were aged 40 years and over (40% of mothers and 53% of fathers) (Figure 4.7).
- Nearly all local adoptions were by couples who were in a registered marriage (95%) (Table 4.7).
- Similar proportions of children were adopted into families with no other children as into families with children (49% compared with 51%). Almost half of the adoptive families had no children, around one-third had adopted children only, and just under one-sixth had biological children only (Table 4.8).

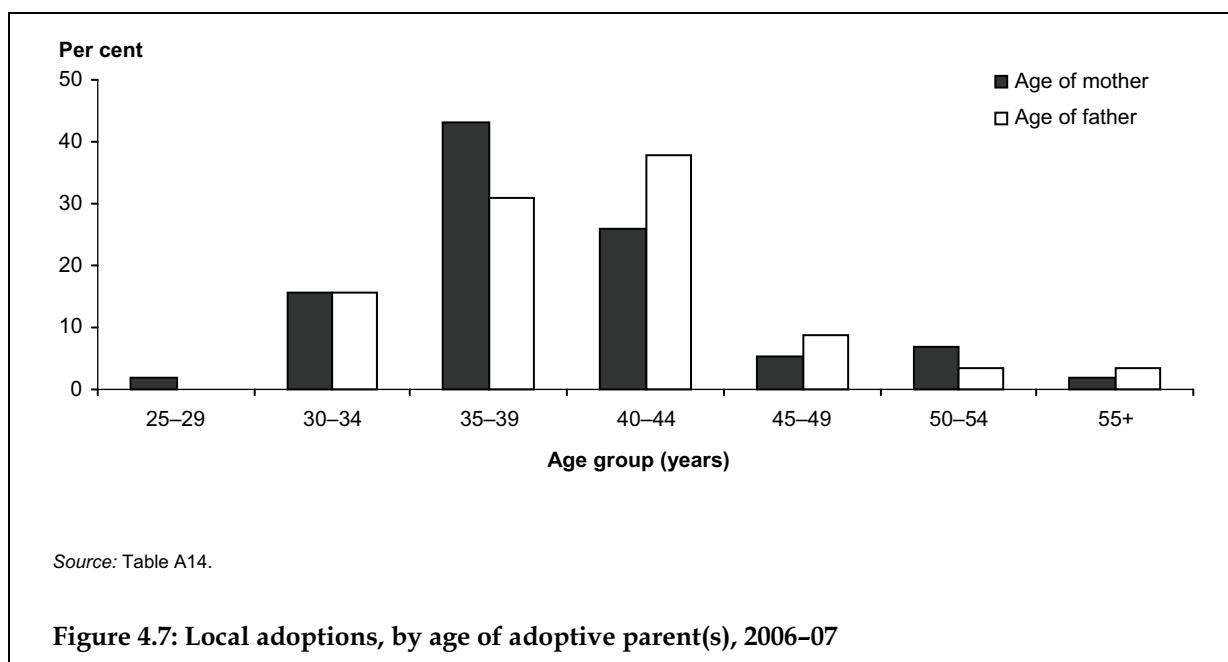


Table 4.7: Local adoptions, by marital status of the adoptive parent(s), 2006-07

Marital status of the adoptive parent(s)	Number	Per cent
Registered married couples	56	94.9
De facto married couples	1	1.7
Single person ^(a)	2	3.4
Total	59	100.0

(a) May include widowed parents.

Source: AIHW Adoptions Australia data collection.

Table 4.8: Local adoptions, by composition of the adoptive family, 2006-07

Composition of the adoptive family	Number	Per cent
No other children in the family	23	48.9
Biological children only	7	14.9
Adopted children only	16	34.0
Both biological and adopted children	1	2.1
Total^(a)	47	100.0

(a) Excludes 12 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 104 ‘known’ child adoptions in 2006–07, representing 18% of all adoptions (Figure 3.1; Table 4.9). The number of ‘known’ child adoptions has increased by 9% from 95 adoptions in 2005–06 (Table A6). In 2006–07, three in every four adoptions were by step-parents (76%), with a further 21% by carers – similar proportions to previous years (Table 4.10; Table A21).

Table 4.9: ‘Known’ child adoptions, by state and territory, 2006–07

State/territory	Number	Per cent
New South Wales	40 ^(a)	38.5
Victoria	14	13.5
Queensland	16	15.4
Western Australia	17 ^(b)	16.3
South Australia	1	1.0
Tasmania	12 ^(c)	11.5
Australian Capital Territory	3	2.9
Northern Territory	1	1.0
Australia	104	100.0

(a) Includes 6 children aged 18 years and over.

(b) Includes 7 children aged 18 years and over.

(c) Includes 3 children aged 18 years and over.

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

Source: AIHW Adoptions Australia data collection.

Table 4.10: ‘Known’ child adoptions, by relationship of adoptive parent(s), 2006–07

Relationship of the adoptive parent(s)	Number	Per cent
Step-parent ^(a)	79	76.0
Carer ^(a)	22	21.2
Other relative ^(b)	3	2.9
Total	104	100.0

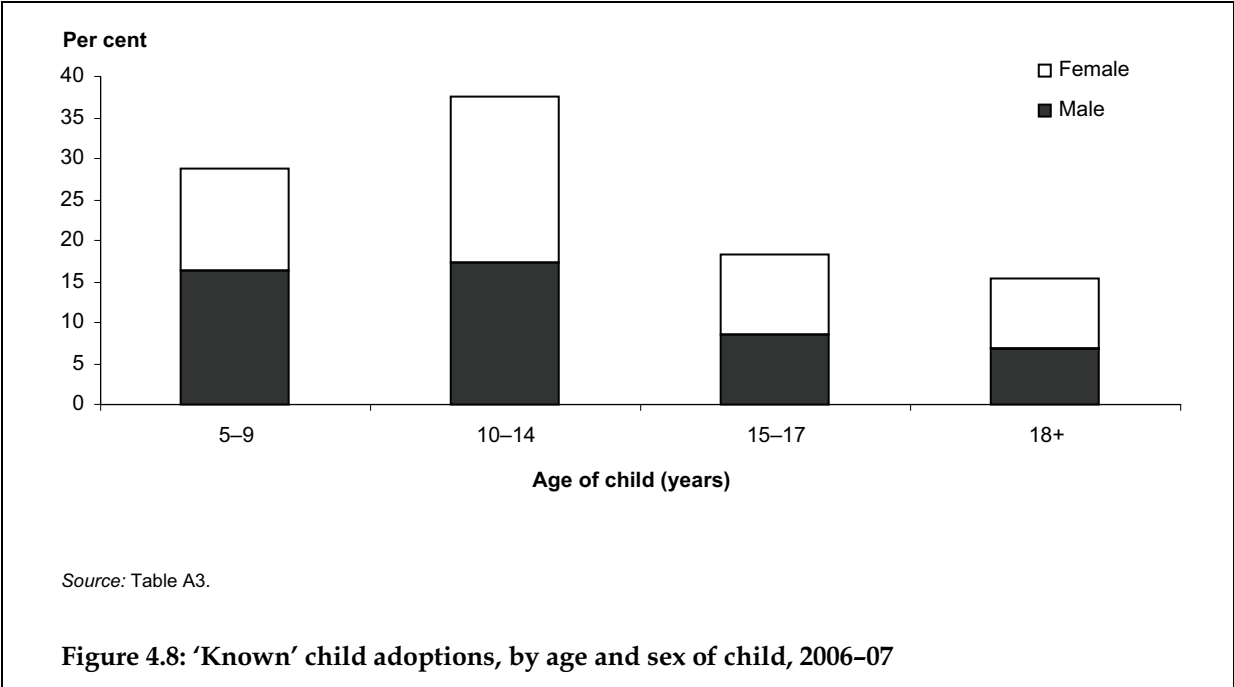
(a) Number of adoptions includes children aged 18 years and over (see Table A22).

(b) May include children adopted by commissioning (surrogate) parent(s).

Source: AIHW Adoptions Australia data collection.

Characteristics of adopted children

- Similar proportions of males and females were adopted (49% and 51% respectively) (Figure 4.8).
- Almost three-quarters of ‘known’ child adoptions were of children aged 10 years and over (71%), with one-fifth of these children aged 18 years and over. No children younger than 5 years old were adopted, and the remaining 29% of adoptions were of children aged 5 to 9 years (Figure 4.8).
- Children adopted by step-parents tended to be older than those adopted by other adults, with 76% of children in step-parent adoptions aged 10 years and over, compared with 56% of children in other ‘known’ child adoptions (Table A22).



Adoption of Aboriginal and Torres Strait Islander children

All adoptions of Aboriginal and Torres Strait Islander children are carried out in accordance with the Aboriginal Child Placement Principle. The Principle outlines a preference for the placement of Indigenous children with other 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 2006–07, six Indigenous children were adopted in Australia – four were adopted by Indigenous parents, and two by Other Australian adoptive parents. It is difficult to identify trends, as the number of adoptions of Aboriginal and Torres Strait Islander children remains small, with only 92 adoptions of such children occurring in the last 16 years (Table 4.11).

Table 4.11: Adoptions of Indigenous children, by Indigenous status of adoptive parent(s), 1991–92 to 2006–07

Year	Indigenous status of adoptive parent(s)		Total
	Indigenous Australian	Other Australian	
1991–92	5	4	9
1992–93	5	2	7
1993–94	7	6	13
1994–95	7	5	12
1995–96	2	5	7
1996–97	5	2	7
1997–98	3	1	4
1998–99	—	3	3
1999–00	2	—	2
2000–01	3	1	4
2001–02	1	5	6
2002–03	—	2	2
2003–04	—	1	1
2004–05	2	2	4
2005–06	3	2	5
2006–07	4	2	6
Total	47	45	92

Note: Adoptive parents are included in the 'Indigenous Australian' category when at least one of the parents is Indigenous. Where the Indigenous status of the parents was not known, the adoption was included in the 'Other Australian' category.

Source: AIHW Adoptions Australia data collection.

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 2006–07, there were 201 permanent care orders granted, a 24% increase from the 162 orders granted in the previous financial year (Table 4.12). A total of 2,044 permanent care orders have been granted by the Department of Human Services in Victoria since their inception in 1992.

Table 4.12: Number of permanent care orders granted in Victoria, 1992–93 to 2006–07

Year	Males	Females	Total
1992–93	7	4	11
1993–94	36	38	74
1994–95	65	70	135
1995–96	56	54	110
1996–97	54	41	95
1997–98	63	61	124
1998–99	67	75	142
1999–00	68	90	158
2000–01	81	79	161 ^(a)
2001–02	99	92	191
2002–03	48	66	114
2003–04	86	75	161
2004–05	115	90	205
2005–06	74	86	162 ^(a)
2006–07	99	102	201

(a) Total includes children for whom Victoria was unable to report on sex—one child in 2000–01 and 2 children in 2005–06.

Source: Victorian Government Department of Human Services.

Access to information

Adoption law in Australia has undergone significant change in the past two decades in relation to access to information, starting with Victoria's *Adoption Act 1984*. Currently, all states and territories have legislation that grants certain rights to information to adopted people who are aged 18 years and over, 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 varies among the jurisdictions (see Appendixes B.2 and B.3).

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 (see Appendix B.3). 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 (such as 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 2006-07:

- There were 2,851 information applications made – 83% for identifying information and 17% for non-identifying information (Table 4.13). This is the lowest number recorded over the last decade, and a reduction of 6% from 2005-06 (Table A23).
- The vast majority of the information applications (both identifying and non-identifying) were made by the adopted person (73% in total), 15% by the birth parents (mainly the birth mother), and 7% by other birth relatives (Table 4.13).
- Nine in ten adopted persons seeking identifying information were aged 25 years and over, and just over two-thirds were aged 35 years and over (Table 4.14).
- Adopted persons seeking identifying information were more likely to be female than male (54% compared with 46%) (Table 4.14).
- The number of information applications lodged each year has fallen fairly steadily over the 15 years to 2006-07 – from 6,167 to 2,851 (Table A23).

Table 4.13: Information applications lodged, by person lodging application, 2006–07

Person lodging the application	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Identifying information									
Adopted person	599	359	373	210	187	61	21	12	1,822
Adoptive mother	—	—	1	5	2	—	—	—	8
Adoptive father	—	—	—	1	—	—	—	—	1
Birth mother	119	—	72	47	28	12	8	3	289
Birth father	11	—	8	12	6	2	2	—	41
Other birth relative(s)	36	—	14	23	10	7	1	1	92
Other adoptive relative(s)	3	—	—	3	12	—	—	—	18
Child of adopted person	14	21	30	14	7	1	—	1	88
Total	782	380	498	315	252	83	32	17	2,359
Non-identifying information									
Adopted person	—	—	51	172	15	—	—	13	251
Adoptive mother	—	2	1	6	—	—	—	—	9
Adoptive father	—	3	1	1	—	1	—	—	6
Birth mother	—	39	6	38	5	—	—	3	91
Birth father	—	9	—	10	1	—	—	—	20
Other birth relative(s)	—	68	—	27	2	—	—	1	98
Other adoptive relative(s)	—	—	—	2	1	—	—	—	3
Child of adopted person	—	—	—	13	—	—	—	1	14
Total	—	121	59	269	24	1	—	18	492

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 4.14: Identifying information applications lodged by the adopted person, by age, sex and Indigenous status, for selected states and territories^(a), 2006–07

Age group (years)	Indigenous Australians			Other Australians			Total		
	M	F	P	M	F	P	M	F	P
18–19	—	—	—	7	27 ^(b)	34	7	27	34
20–24	1	1	2	21	40	61	22	41	63
25–34	5	2	7	114	123	237	119	125	244
35–44	8	5	13	195	170	365	203	175	378
45+	3	5	8	164	233	397	167	238	405
Total	17	13	30	501	593	1,094	518	606	1,124

M = male, F = female, P = persons

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

(b) Includes one child aged 15 years old.

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 some cases, a party to an adoption may wish to block contact or access to information by another party to the adoption. 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 (see Appendix B.3). 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 before lodging a contact veto. For instance, contact vetoes may be lodged in relation to adoptions for which information may never be requested.

In 2006–07:

- There were 80 contact and identifying information vetoes lodged (Table 4.15).
- There were 9,004 contact and identifying information vetoes in place at 30 June 2007 (Table 4.16).
- For both vetoes lodged in 2006–07 and vetoes in place at 30 June 2007, the majority of vetoes were lodged by the adopted person (61% and 56% respectively) or the birth parents (33% and 40% respectively) (Tables 4.15 and 4.16).
- The number of vetoes lodged each year has fluctuated, but has generally decreased over the 15 years to 2006–07, from 286 to 80 vetoes (Table A23).
- As in previous years, in 2006–07 the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information – 2,851 compared with 80 (Table A23).

Table 4.15: Contact or identifying information vetoes lodged in 2006–07, by person lodging veto, for selected states and territories^(a)

Person lodging the veto ^(b)	NSW ^(b,c)	Qld ^(b)	SA ^(d)	Tas ^(c)	ACT ^(c)	NT ^(b,d)	Total
Contact vetoes							
Adopted person	2	3	31	7	—	4	47
Adoptive mother	..	..	3	—	—	..	3
Adoptive father	..	..	2	—	—	..	2
Birth mother	—	—	22	—	1	—	23
Birth father	—	—	1	—	—	—	2
Other birth relative(s)	..	..	—	—	—	..	—
Other adoptive relative(s)	..	..	—	—	—	..	—
Total	2	3	59	7	1	4	76
Identifying information vetoes							
Adopted person	..	2	..	..	..	..	2
Adoptive mother	..	—	..	..	..	..	—
Adoptive father	..	—	..	..	..	..	—
Birth mother	..	2	..	..	..	..	2
Birth father	..	—	..	..	..	..	—
Other birth relative(s)	..	—	..	..	..	..	—
Other adoptive relative(s)	..	—	..	..	..	..	—
Total	..	4	..	..	..	..	4

.. not applicable

— nil or rounded to zero

- (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 parent(s) have existing contact vetoes, have 12 months in which to request the continuation of the current veto—in 2006–07, there was one such continuation granted.
- (b) In some jurisdictions, only certain people may lodge a veto. In New South Wales, only adopted persons and birth parents may lodge a contact veto. In Queensland, contact and identifying information can be vetoed only by birth parents who signed an adoption consent before June 1991 and persons who were adopted before June 1991. In the Northern Territory, only the adopted person and birth parent(s) are able to lodge vetoes with respect to adoptions finalised before 1994.
- (c) The release of identifying information cannot be vetoed in New South Wales, Tasmania and the Australian Capital Territory.
- (d) Both contact and identifying information are vetoed in the same veto lodgement in South Australia and the Northern Territory.

Source: AIHW Adoptions Australia data collection.

Table 4.16: Number of information and contact vetoes in place at 30 June 2007, by person lodging the veto, for selected states and territories^(a)

Person lodging the veto ^(b)	NSW ^(b,c)	Qld ^(b)	WA ^(d)	SA ^(e)	Tas ^(c)	ACT ^(c)	NT ^(b,e)	Total
Contact vetoes								
Adopted person	2,353	177	295	417	138	47	10	3,437
Adoptive mother	..	..	239 ^(f)	13	1	15	..	268
Adoptive father	..	..	10	8	9	14	..	41
Birth mother	1,802	75	189 ^(g)	240	21	21	1	2,349
Birth father	53	—	8	9	1	4	—	75
Other birth relative(s)	..	..	3	—	2	3	..	8
Other adoptive relative(s)	..	..	1	—	1	—	..	2
Total	4,208	252	745	—	173	104	11	6,180
Identifying information vetoes								
Adopted person	..	1,648	..	..	..	..	..	1,648
Adoptive mother	..	—	..	..	..	..	..	—
Adoptive father	..	—	..	..	..	..	..	—
Birth mother	..	1,168	..	..	..	..	..	1,168
Birth father	..	6	..	..	..	..	..	6
Other birth relative(s)	..	—	..	..	..	..	..	—
Other adoptive relative(s)	..	—	..	..	..	..	..	—
Unknown	..	2	..	..	..	..	..	2
Total	..	2,824	..	..	..	..	..	2,824

.. not applicable

— nil or rounded to zero

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

(b) In some jurisdictions, only certain people may lodge a veto. In New South Wales, only adopted persons and birth parents may lodge a contact veto. In Queensland, contact and identifying information can be vetoed only by birth parents who signed an adoption consent before June 1991 and persons who were adopted before June 1991. In the Northern Territory, only the adopted person and birth parent(s) are able to lodge vetoes with respect to adoptions finalised before 1994.

(c) The release of identifying information cannot be vetoed in New South Wales, Tasmania and the Australian Capital Territory. In Tasmania, contact veto applications were not implemented until 18 June 1999.

(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) Both contact and identifying information are vetoed in the same veto lodgement in South Australia and the Northern Territory.

(f) Includes 202 vetoes lodged by both adoptive parents.

(g) Includes 9 vetoes lodged by both birth parents.

Source: AIHW Adoptions Australia data collection.

5 Discussion of key findings

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

National patterns and trends

In 2006–07, there were 568 adoptions in Australia. Although the total number of adoptions has remained relatively stable since the late 1990s, there has been a 17-fold decrease in adoptions since the early 1970s. Almost all this decline in numbers (over 95%) occurred between the early 1970s and the early 1990s.

As intercountry adoptions constituted 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 17-fold decline since 1981–82. This reflects the decline in the number of Australian children who are legally available for, and require, an adoption.

Various 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, has 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 having 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 negated the need for adoption (ABS 1998). In 2004 in Australia, there were 7,143 births following assisted reproduction treatment – more than 12 times the number of adoptions in 2004–05 (Wang et al. 2006; Table A1).

Increasing social acceptance of raising children outside registered marriage and increased levels of support available to lone 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 B). 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 whom the child is currently living with.

Whereas the number of adoptions of children from Australia has declined, the number of intercountry adoptions has been steadily increasing (more than doubling since 1981–82) – thus, the relatively stable number of total adoptions in recent years is a reflection of the increase in intercountry adoptions. Data from future years will need to be monitored to see whether this trend continues.

Since the early 1990s, the majority of children adopted from overseas have come from Asian countries – largely from South Korea and Sri Lanka and, in recent years, China. The

proportion of adoptions from South and Central American countries has decreased over this period, and adoptions from Africa (particularly Ethiopia) have increased.

Characteristics of adopted children

Children adopted from within Australia (excluding 'known' child adoptions) tend to be younger than children adopted from other countries – three in five local adoptions were of infants (aged under 1 year), compared with two in five 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 within 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 used for these categories of adoption.

In contrast, Australian children from 'known' child adoptions tend to be much older than other children adopted – no children under the age of 5 were adopted. 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 Appendix B.1). The older age of children in 'known' child adoptions is also driven by the high proportion of adoptions by step-parents (76% of all 'known' adoptions) – children adopted by step-parents tend to be older than those adopted by other adults.

The Baby Bonus (formerly named the Maternity Payment) is a one-off payment made by the Australian Government to families following the birth or adoption of a baby, in recognition of the extra costs incurred at this time. In the case of adoption, the child must have come into the care of the adoptive parent(s), or have entered Australia, before the child is 2 years old (FAO 2007). In 2006–07, 86% and 73% of children in local and intercountry adoptions, respectively, were under 2 years old when they were placed with their adoptive parent(s) (Table A3).

Almost two-thirds of children in local adoptions had birth mothers who were aged under 30 years. Although the median age of adoptive children's birth mothers was almost 7 years lower than that for all mothers giving birth in 2006 (24.0 years compared with 30.8 years), it was similar to the median age of mothers giving birth in 2006 who were not in a registered marriage and where the father had not acknowledged paternity (25.3 years) (AIHW unpublished adoptions data; ABS 2007:64). This similarity reflects that the majority of children in local adoptions are born to women who are not in registered marriages.

Characteristics of adoptive families

Nearly all adoptive parents were registered 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 registered married couples are allowed to adopt, whereas registered and de facto married 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 accepting applications only under special circumstances.

Among local and intercountry adoptions, three in every five adoptive parents were aged 40 years and over. Adoptive parents of children from overseas tended to be older than those for local adoptions, with 62% of parents aged 40 years and over (compared with 47% of parents for local adoptions). This pattern has remained unchanged since 1998–99.

Family composition was similar for both local and intercountry adoptions – approximately half of the adoptive families had no children, around one-third had adopted children only, and one-sixth 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 lone 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, the proportion of local adoptions that would be considered ‘open’ adoptions has fluctuated between 84% and 95% (Table A19).

International comparisons

The overall patterns and trends in adoptions in Australia show some similarities to, but also some differences from, those in other developed countries for which data are readily available. However, please note 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 2006; Scottish Executive 2004; Stats NZ 1997; 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. In addition, the increase in the proportion of intercountry adoptions in Australia is consistent with trends in Norway, the United States and Ireland. However, in recent years in New Zealand and the United Kingdom, the proportion of intercountry adoptions has remained fairly stable.

The proportion of overseas adoptions in Norway (80% in 2005) is similar to that of Australia (71% in 2006–07), while the proportions in New Zealand (49% in 2003), the United States (15% in 2001) and the United Kingdom (5% in 2002) are considerably lower. Australia is also similar to Norway in that over two-thirds of overseas adoptions are of children from Asian countries (66% in Norway in 2005 compared with 84% in Australia in 2006–07), with most of these from China.

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.

Appendix A Statistical tables

Table A1: Number of children legally adopted, by state and territory, 1968–69 to 2006–07

Year	NSW ^(a)	Vic	Qld ^(b)	WA	SA	Tas	ACT ^(b)	NT	Australia
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 ^(c)	n.a.	n.a.	359	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87 ^(c)	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
2005–06	149	131	82	62	72	35	30	15	576
2006–07	164	127	91	65	62	26	22	11	568

(a) New South Wales was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

(b) Data for 1986–87, 1987–88 and 1998–99 may differ from previous reports due to updated figures.

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

Source: AIHW Adoptions Australia data collection; AIHW: Wilkinson & Angus 1993:18.

Table A2: Placement adoptions: number of children who were placed for adoption, regardless of whether the adoption order was finalised, 2006–07

Type of adoption	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
Local placement	12	17	13	7	1	3	1	1	55
Intercountry placement									
Hague adoption	36	23	15	5	11	7	3	2	102
Non-Hague adoption	68	45	36	29	25	12	13	11	239
Total	116	85	64	41	37	22	17	14	396

Source: AIHW Adoptions Australia data collection.

Table A3: Adoptions, by type of adoption, by age and sex of child, 2006–07

Age group (years)	Intercountry adoptions			Local adoptions			'Known' child adoptions			Total		
	M	F	P	M	F	P	M	F	P	M	F	P
	Number											
Under 1	81	87	168	17	18	35	—	—	—	98	105	203
1	36	90	126	8	8	16	—	—	—	44	98	142
2–4	32	46	78	3	3	6	—	—	—	35	49	84
5–9	10	20	30	—	—	—	17	13	30	27	33	60
10–14	2	1	3	—	1	1	18	21	39	20	23	43
15–17	—	—	—	—	1	1	9	10	19	9	11	20
18+	—	—	—	—	—	—	7	9	16	7	9	16
Total	161	244	405	28	31	59	51	53	104	240	328	568
	Per cent											
Under 1	50.3	35.7	41.5	60.7	58.1	59.3	—	—	—	40.8	32.0	35.7
1	22.4	36.9	31.1	28.6	25.8	27.1	—	—	—	18.3	29.9	25.0
2–4	19.9	18.9	19.3	10.7	9.7	10.2	—	—	—	14.6	14.9	14.8
5–9	6.2	8.2	7.4	—	—	—	33.3	24.5	28.8	11.3	10.1	10.6
10–14	1.2	0.4	0.7	—	3.2	1.7	35.3	39.6	37.5	8.3	7.0	7.6
15–17	—	—	—	—	3.2	1.7	17.6	18.9	18.3	3.8	3.4	3.5
18+	—	—	—	—	—	—	13.7	17.0	15.4	2.9	2.7	2.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

M = male, F = female, P = persons

Notes

- Percentages may not add to 100 due to rounding.
- For local and intercountry adoptions, 'age of child' refers to the age of the adopted child at the date of placement with the adoptive parent(s); for 'known' child adoptions 'age of child' refers to the age of the adopted child at the date the adoption order was granted.

Source: AIHW Adoptions Australia data collection.

Table A4: Adoptions in Australia, by type of adoption, 1981–82 to 2006–07

Year	Children adopted from Australia		Children adopted from overseas		Total ^(a)	
	Number	Per cent	Number	Per cent	Number	Per cent
1981–82	2,805	94.4	162	5.5	2,971	100.0
1982–83	2,884	93.9	188	6.1	3,072	100.0
1983–84	2,560	92.4	197	7.1	2,770	100.0
1984–85	2,045	89.1	235	10.2	2,294	100.0
1985–86	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	1,183	79.2	308 ^(b)	20.6	1,494	100.0
1988–89	1,106	73.7	394	26.2	1,501	100.0
1989–90	874	67.5	420	32.5	1,294	100.0
1990–91	749	65.6	393	34.4	1,142	100.0
1991–92	713	67.8	338	32.1	1,052	100.0
1992–93	556	71.0	227	29.0	783	100.0
1993–94	542	70.9	222	29.1	764	100.0
1994–95	631	73.8	224	26.2	855	100.0
1995–96	394	59.0	274	41.0	668	100.0
1996–97	440	62.1	269	37.9	709	100.0
1997–98	332	57.5	245	42.5	577	100.0
1998–99	299	55.1	244	44.9	543	100.0
1999–00	265	46.8	301	53.2	566	100.0
2000–01	225	43.8	289	56.2	514	100.0
2001–02	267	47.6	294	52.4	561	100.0
2002–03	194	41.1	278	58.9	472	100.0
2003–04	132	26.3	370	73.7	502	100.0
2004–05	151	25.8	434	74.2	585	100.0
2005–06	155	26.9	421	73.1	576	100.0
2006–07	163	28.7	405	71.3	568	100.0

(a) Includes children of unknown country of origin. Therefore numbers and percentages for subcategories may not add to those for total.

(b) Excludes Victoria for which data were not available.

Notes

1. National data were not collected in 1985–86 and 1986–87.
2. New South Wales was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

Sources: AIHW Adoptions data collection; AIHW: Wilkinson & Angus 1993:20–21.

Table A5: Local adoptions, by state and territory, 1998–99 to 2006–07

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
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
2005–06	23	17	8	9	—	2	1	—	60
2006–07	12	18	12	8	5	3	1	—	59

Note: Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for 'local' adoptions (see Figure 2.1).

Source: AIHW Adoptions Australia data collection.

Table A6: 'Known' child adoptions, 1998–99 to 2006–07

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
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
2005–06	33	10	13	17	3	7	9	3	95
2006–07	40	14	16	17	1	12	3	1	104

Note: Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for 'known' child adoptions (see Figure 2.1).

Source: AIHW Adoptions Australia data collection.

Table A7: Adoptions of Australian children, by type of adoption, 1981–82 to 2006–07

Year	Children adopted by relatives		Children adopted by non-relatives		Total ^(a)	
	Number	Per cent	Number	Per cent	Number	Per cent
1981–82	1,494	53.3	1,311	46.7	2,805	100.0
1982–83	1,548	53.7	1,336	46.3	2,884	100.0
1983–84	1,452	56.7	1,108	43.3	2,560	100.0
1984–85	1,157	56.6	888	43.4	2,045	100.0
1985–86	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1986–87	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
1987–88	605	51.1	578	48.9	1,183	100.0
1988–89	500	45.2	606	54.8	1,106	100.0
1989–90	327	37.4	547	62.6	874	100.0
1990–91	277	37.0	472	63.0	749	100.0
1991–92	295	41.4	418	58.6	713	100.0
1992–93	250	45.0	306	55.0	556	100.0
1993–94	228	42.1	314	57.9	542	100.0
1994–95	320	50.7	311	49.3	631	100.0
1995–96	177	44.9	217	55.1	394	100.0
1996–97	177	40.2	263	59.8	440	100.0
1997–98	154	46.4	178	53.6	332	100.0
1998–99	124	41.5	175	58.5	299	100.0
1999–00	116	43.8	149	56.2	265	100.0
2000–01	102	45.3	114	50.7	225	100.0
2001–02	108	40.4	159	59.6	267	100.0
2002–03	74	38.1	107	55.2	194	100.0
2003–04	34	25.8	98	74.2	132	100.0
2004–05	57	37.7	94	62.3	151	100.0
2005–06	74	47.7	81	52.3	155	100.0
2006–07	82	50.3	81	49.7	163	100.0

(a) Includes adoptions involving children with an unknown relationship to the adoptive parent(s). Therefore numbers and percentages for subcategories may not add to those for total.

Notes

1. National data were not collected in 1985–86 and 1986–87.
2. New South Wales was unable to provide data on adoptions by step-parents from 1987–88 to 1993–94.

Sources: AIHW Adoptions data collection; AIHW: Wilkinson & Angus 1993:20–21.

Table A8: Intercountry adoptions, by child's region of origin, 1990–91 to 2006–07

	Asia		South/Central America		Africa		Other		Total	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
1990–91	344	87.5	32	8.1	2	0.5	15	3.8	393	100.0
1991–92	269	79.6	41	12.1	3	0.9	25	7.4	338	100.0
1992–93	158	69.6	58	25.6	1	0.4	10	4.4	227	100.0
1993–94	171	77.0	38	17.1	3	1.4	10	4.5	222	100.0
1994–95	171	76.3	35	15.6	2	0.9	16	7.1	224	100.0
1995–96	191	69.7	62	22.6	6	2.2	15	5.5	274	100.0
1996–97	197	73.2	38	14.1	16	5.9	18	6.7	269	100.0
1997–98	154	62.9	29	11.8	37	15.1	25	10.2	245	100.0
1998–99	157	64.3	20	8.2	34	13.9	33	13.5	244	100.0
1999–00	186	61.8	24	8.0	46	15.3	45	15.0	301	100.0
2000–01	197	68.2	27	9.3	37	12.8	28	9.7	289	100.0
2001–02	231	78.6	18	6.1	37	12.6	8	2.7	294	100.0
2002–03	224	80.6	12	4.3	40	14.4	2	0.7	278	100.0
2003–04	316	85.4	7	1.9	45	12.2	2	0.5	370	100.0
2004–05	363	83.6	5	1.2	59	13.6	7	1.6	434	100.0
2005–06	339	80.5	11	2.6	70	16.6	1	0.2	421	100.0
2006–07	343	84.7	8	2.0	47	11.6	7	1.7	405	100.0

Note: 'Other' includes Europe, North America and Oceania. In 2006–07, 'Other' includes Europe only.

Source: AIHW Adoptions Australia data collection.

Table A9: Intercountry adoptions, by state and territory, 1990–91 to 2006–07

Year	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Australia
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
2005–06	93	104	61	36	69	26	20	12	421
2006–07	112	95	63	40	56	11	18	10	405

Notes

1. Data for years before 1990–91 are included in previous editions of this publication.
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 A10: Intercountry adoptions, by country of origin, 1997–98 to 2006–07

Country of birth	1997–98	1998–99	1999–00	2000–01	2001–02	2002–03	2003–04	2004–05	2005–06	2006–07	Total
Number											
China ^(a)	—	—	1	15	39	46	112	140	116	125	594
Colombia	14	11	17	15	9	7	7	3	9	5	97
Ethiopia	37	34	46	37	36	39	45	59	70	47	450
Fiji	18	12	5	3	5	—	1	1	1	—	46
Guatemala	7	6	2	3	6	4	—	1	1	2	32
Hong Kong ^(b)	1	6	3	3	10	4	4	3	4	9	47
India	28	30	37	40	40	33	29	31	34	25	327
Philippines	19	14	29	18	12	18	29	48	42	45	274
Romania	5	17	36	22	2	1	—	—	—	—	83
South Korea ^(c)	69	70	77	75	93	101	98	96	103	80	862
Sri Lanka	3	5	3	4	3	2	2	2	3	5	32
Taiwan	8	6	2	6	6	3	3	10	10	26	80
Thailand	26	25	33	35	28	17	39	31	27	28	289
Other ^(d)	10	8	10	13	5	3	1	9	1	8	68
Total	245	244	301	289	294	278	370	434	421	405	3,281
Per cent											
China ^(a)	—	—	0.3	5.2	13.3	16.5	30.3	32.3	27.6	30.9	18.1
Colombia	5.7	4.5	5.6	5.2	3.1	2.5	1.9	0.7	2.1	1.2	3.0
Ethiopia	15.1	13.9	15.3	12.8	12.2	14.0	12.2	13.6	16.6	11.6	13.7
Fiji	7.3	4.9	1.7	1.0	1.7	—	0.3	0.2	0.2	—	1.4
Guatemala	2.9	2.5	0.7	1.0	2.0	1.4	—	0.2	0.2	0.5	1.0
Hong Kong ^(b)	0.4	2.5	1.0	1.0	3.4	1.4	1.1	0.7	1.0	2.2	1.4
India	11.4	12.3	12.3	13.8	13.6	11.9	7.8	7.1	8.1	6.2	10.0
Philippines	7.8	5.7	9.6	6.2	4.1	6.5	7.8	11.1	10.0	11.1	8.4
Romania	2.0	7.0	12.0	7.6	0.7	0.4	—	—	—	—	2.5
South Korea ^(c)	28.2	28.7	25.6	26.0	31.6	36.3	26.5	22.1	24.5	19.8	26.3
Sri Lanka	1.2	2.0	1.0	1.4	1.0	0.7	0.5	0.5	0.7	1.2	1.0
Taiwan	3.3	2.5	0.7	2.1	2.0	1.1	0.8	2.3	2.4	6.4	2.4
Thailand	10.6	10.2	11.0	12.1	9.5	6.1	10.5	7.1	6.4	6.9	8.8
Other ^(d)	4.1	3.3	3.3	4.5	1.7	1.1	0.3	2.1	0.2	2.0	2.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(a) Officially known as the People's Republic of China—excludes Special Administrative Regions (SARs) and Taiwan Province.

(b) Officially known as the Hong Kong Special Administrative Region of the People's Republic of China.

(c) Officially known as the Republic of Korea.

(d) 'Other' includes: Azerbaijan, Bolivia, Burkina Faso, Canada, Chile, Croatia, Honduras, Italy, Lebanon, Lithuania, Macedonia, Malta, Nicaragua, Papua New Guinea, Poland, Tonga, Uganda, United Kingdom and United States of America.

Notes

1. Before 1998–99, 'intercountry adoptions' were referred to as 'adoptions of overseas-born children by non-relatives'.
2. Percentages may not add to 100 due to rounding.

Source: AIHW Adoptions Australia data collection.

Table A11: Intercountry adoptions, by type of adoption, by age and sex of child, 2006–07

Age group (years)	Hague adoptions			Non-Hague adoptions		
	Males	Females	Persons	Males	Females	Persons
Number						
Under 1	8	7	15	73	80	153
1–4	37	25	62	31	111	142
5–9	5	10	15	5	10	15
10–14	2	1	3	—	—	—
15+	—	—	—	—	—	—
Total	52	43	95	109	201	310
Per cent						
Under 1	15.4	16.3	15.8	67.0	39.8	49.4
1–4	71.2	58.1	65.3	28.4	55.2	45.8
5–9	9.6	23.3	15.8	4.6	5.0	4.8
10–14	3.8	2.3	3.2	—	—	—
15+	—	—	—	—	—	—
Total	100.0	100.0	100.0	100.0	100.0	100.0

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

Source: AIHW Adoptions Australia data collection.

Table A12: Local and intercountry adoptions, by sibling groups, 2006–07

Type of adoption	Number of sibling groups	Children adopted in sibling groups	
		Number	Per cent of adoption type
Local adoption	1	2	3.4
Intercountry adoptions			
Hague adoption	9	18	18.9
Non-Hague adoption	11	23	7.4
<i>Total intercountry adoptions</i>	20	41	10.1
Total local and intercountry adoptions	21	43	9.3

Source: AIHW Adoptions Australia data collection.

Table A13: Intercountry adoptions from Hague countries, by type of order under which the child entered Australia, 2006–07

Country of origin	Adoption order in country of origin	Guardianship order	Total
Bolivia	1	—	1
China ^(a)	2	—	2
Colombia	5	—	5
England	2	1	3
India	8	12	20
Lithuania	2	—	2
Philippines	4	41	45
Poland	2	—	2
Sri Lanka	5	—	5
Thailand	—	10	10
Total	31	64	95
Per cent of total	32.6	67.4	100.0

(a) Officially known as the People's Republic of China—excludes Special Administrative Regions (SARs) and Taiwan Province.

Source: AIHW Adoptions Australia data collection.

Table A14: Local and intercountry adoptions, by age of the adoptive parent(s), 2006–07

	Age group (years)									Total
	Under 25	25–29	30–34	35–39	40–44	45–49	50–54	55+	Unknown	
	Age of adoptive mother									
Local adoptions	—	1	9	25	15	3	4	1	—	58
Intercountry adoptions										
Hague	—	2	6	22	33	28	4	—	—	95
Non-Hague	—	12	44	76	86	73	15	4	—	310
<i>Total intercountry</i>	—	14	50	98	119	101	19	4	—	405
Total local and intercountry adoptions	—	15	59	123	134	104	23	5	—	463
	Age of adoptive father									
Local adoptions	—	—	9	18	22	5	2	2	2	60
Intercountry adoptions										
Hague	—	—	5	18	25	32	10	3	—	93
Non-Hague	—	7	31	75	93	50	29	7	—	292
<i>Total intercountry</i>	—	7	36	93	118	82	39	10	—	385
Total local and intercountry adoptions	—	7	45	111	140	87	41	12	2	445

Note: Totals for mothers and fathers do not add to the total number of local and intercountry adoptions (464) as 20 women were single, and one adoption was made by a same-sex couple.

Source: AIHW Adoptions Australia data collection.

Table A15: Adoption visas (subclass 102) issued during 2006–07

Country of birth	Adoptions arranged by Australian state/ territory authority	Adoptions arranged by overseas agency/ authority	Total
Bolivia	1	—	1
Brazil	—	1	1
Burkina Faso	—	1	1
Cambodia, the Kingdom of	5	9	14
Canada	—	1	1
China ^(a)	108	5	113
Colombia	6	1	7
Ethiopia	35	2	37
Fiji	—	9	9
Former Yugoslav Republic of Macedonia	—	1	1
Greece	—	3	3
Guatemala	—	2	2
Hong Kong ^(b)	5	9	14
India	29	3	32
Indonesia	1	5	6
Israel	—	1	1
Japan	—	1	1
South Korea ^(c)	42	—	42
Lao People's Democratic Republic	—	1	1
Lesotho	—	1	1
Lithuania	2	—	2
Malawi	—	1	1
Malaysia	—	7	7
Mauritius	—	1	1
Mozambique	—	1	1
Nigeria	—	1	1
Papua New Guinea	—	3	3
Philippines	44	4	48
Poland	2	—	2
Russian Federation	—	1	1
Singapore	—	3	3
Solomon Islands	—	1	1
South Africa, Republic of	—	6	6
Spain	—	1	1
Sri Lanka	5	5	10
Taiwan	28	—	28
Thailand	17	3	20
Tonga	—	1	1
United Kingdom	2	3	5
United States of America	—	10	10
Vietnam	—	2	2
Zambia	—	1	1
Total	332	111	443

(a) Officially known as the People's Republic of China—excludes Special Administrative Regions (SARs) and Taiwan Province.

(b) Officially known as the Hong Kong Special Administrative Region of the People's Republic of China.

(c) Officially known as the Republic of Korea.

Note: This table relates to visas (subclass 102) that were issued during the financial year 2006–07. Not all children who are issued visas entered Australia during 2006–07. Only the persons recorded by the Department of Immigration and Citizenship (DIAC) are included in this table.

Source: Australian Government, Department of Immigration and Citizenship, unpublished data.

Table A16: Local adoptions, by mean age of birth mother, 1998–99 to 2006–07

Year	Mean age of birth mother
1998–99	25.0
1999–00	24.5
2000–01	24.9
2001–02	26.3
2002–03	23.7
2003–04	25.4
2004–05	24.8
2005–06	27.3
2006–07	26.5

Source: AIHW Adoptions Australia data collection.

Table A17: Local adoptions, by age and marital status of birth mother, 2006–07

Age group (years)	Registered married		Not registered married^(a)		Total	
	Number	Per cent	Number	Per cent	Number	Per cent
Under 20	—	—	15	30.0	15	25.4
20–24	1	12.5	13	26.0	15 ^(b)	25.4
25–29	1	12.5	7	14.0	8	13.6
30–34	3	37.5	11	22.0	14	23.7
35–39	1	12.5	2	4.0	3	5.1
40–44	1	12.5	2	4.0	3	5.1
45+	1	12.5	—	—	1	1.7
Total	8	100.0	50	100.0	59^(b)	100.0

(a) Includes de facto marriage relationships.

(b) Includes one mother whose marital status at birth was unknown.

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

Source: AIHW Adoptions Australia data collection.

Table A18: Local adoptions, by marital status of birth mother, 1998–99 to 2006–07

Year	Registered married		Not registered married ^(a)		Unknown	Total
	Number	Per cent	Number	Per cent	Number	
1998–99	14	12.0	103	88.0	10	127
1999–00	10	12.5	70	87.5	26	106
2000–01	14	19.4	58	80.6	16	88
2001–02	7	7.4	87	92.6	13	107
2002–03	5	6.7	70	93.3	3	78
2003–04	6	8.5	65	91.5	2	73
2004–05	6	9.2	59	90.8	—	65
2005–06	7	11.9	52	88.1	1	60
2006–07	8	13.8	50	86.2	1	59

(a) Includes de facto marriage relationships.

Notes

1. Percentages exclude 'unknown'.
2. Changes to the categories of adoption introduced in 1998–99 limit the amount of trend data available for 'local' adoptions (see Figure 2.1).

Source: AIHW Adoptions Australia data collection.

Table A19: Proportion of local adoptions, by type of agreement, 1998–99 to 2006–07 (per cent)

Year	No contact or information exchange	Some contact and/or information exchange
1998–99	9.7	90.3
1999–00	8.1	91.9
2000–01	6.9	93.1
2001–02	6.3	93.7
2002–03	16.2	83.8
2003–04	6.8	93.2
2004–05	8.1	91.9
2005–06	5.0	95.0
2006–07	11.9	88.1

Source: AIHW Adoptions Australia data collection.

Table A20: Local adoptions, by type of arranging body, 2006–07

Arranging body	Number	Per cent
Government department	43	72.9
Non-government agency	16	27.1
Total	59	100.0

Source: AIHW Adoptions Australia data collection.

Table A21: 'Known' child adoptions: relationship of adoptive parent(s), 1998–99 to 2006–07

	Step-parent	Other relative ^(a)	Carer	Total
	Number			
1998–99	116	8	48	172
1999–00	114	2	43	159
2000–01	98	1	29	140 ^(b)
2001–02	103	5	52	160
2002–03	72	2	29	116 ^(c)
2003–04	31	3	25	59
2004–05	52	5	29	86
2005–06	69	5	21	95
2006–07	79	3	22	104
	Per cent^(d)			
1998–99	67.4	4.7	27.9	100.0
1999–00	71.7	1.3	27.0	100.0
2000–01	76.6	0.8	22.7	100.0
2001–02	64.4	3.1	32.5	100.0
2002–03	69.9	1.9	28.2	100.0
2003–04	52.5	5.1	42.4	100.0
2004–05	60.5	5.8	33.7	100.0
2005–06	72.6	5.3	22.1	100.0
2006–07	76.0	2.9	21.2	100.0

(a) May include children adopted by commissioning (surrogate) parent(s).

(b) Total includes 12 children where relationship with adoptive parent(s) was unknown.

(c) Total includes 13 children where relationship with adoptive parent(s) was unknown.

(d) Percentage excludes children where relationship with adoptive parent(s) was unknown.

Source: AIHW Adoptions Australia data collection.

Table A22: 'Known' child adoptions: relationship of adoptive parents, by age and sex of child, 2006-07

Age (years)	Step-parent			Carer			Other relative ^(a)			Total		
	M	F	P	M	F	P	M	F	P	M	F	P
Number												
Under 1	—	—	—	—	—	—	—	—	—	—	—	—
1-4	—	—	—	—	—	—	—	—	—	—	—	—
5-9	11	8	19	6	5	11	—	—	—	17	13	30
10-14	13	16	29	4	3	7	1	2	3	18	21	39
15-17	7	10	17	2	—	2	—	—	—	9	10	19
18+	7	7	14	—	2	2	—	—	—	7	9	16
Total	38	41	79	12	10	22	1	2	3	51	53	104
Per cent												
Under 1	—	—	—	—	—	—	—	—	—	—	—	—
1-4	—	—	—	—	—	—	—	—	—	—	—	—
5-9	28.9	19.5	24.1	50.0	50.0	50.0	—	—	—	33.3	24.5	28.8
10-14	34.2	39.0	36.7	33.3	30.0	31.8	100.0	100.0	100.0	35.3	39.6	37.5
15-17	18.4	24.4	21.5	16.7	0.0	9.1	—	—	—	17.6	18.9	18.3
18+	18.4	17.1	17.7	50.0	50.0	50.0	—	—	—	13.7	17.0	15.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

M = male, F = female, P = persons

(a) May include children adopted by commissioning (surrogate) parents.

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

Source: AIHW Adoptions Australia data collection.

Table A23: Information applications and contact and information vetoes lodged each year, 1992–93 to 2006–07

Year	Applications for access to information lodged	Contact and information vetoes lodged
1992–93	6,167	286
1993–94	6,135	359
1994–95	6,252	584
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
2005–06	3,038	58
2006–07	2,851	80

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 B Legislation

B.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 3 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 5 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, if the Supreme Court dispenses with their consent, or if the child consents (aged over 12 years and has been with the carers for 5 years), and if adoption is seen to be in the child's best interests and, all alternatives having been considered, adoption is preferable to any other order.

Local and intercountry adoptions

Eligibility requirements:

- Applicants for adoption must be resident in New South Wales, over 21 years of age, may be a single person or a couple who have been living together continuously for 3 years

where at least one applicant is an Australian citizen. Gazetted selection criteria apply and are available on the DoCS website at 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

Level of court

Supreme Court and County Court

Step-parent and other-relative adoptions

In all cases of placement with relatives, attempts are made to place the child on an order made through the Family Court. An adoption order in favour of a relative or step-parent is made only if exceptional circumstances exist and if an order from the Family Court will 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, 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 2 years
- a single person, if special circumstances exist in relation to the child.

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

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

Adoption of Indigenous children

The placement of an Indigenous child with adoptive parents 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 Regulations 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 is provided by the Department for Child Protection.

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 Child Protection 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 meet 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 his or her birth family, while addressing the day-to-day care needs of the child.

Carer adoptions

Carer adoptions can occur when it is considered that the best interests of the child are served by the child being adopted by eligible and approved carers. The carers must have had the

full-time care of the child for at least 3 consecutive years. The Department for Child Protection 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 Child Protection.

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 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 that 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 that 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 5 years at the time of the making of the adoption order, 3 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 Amendment Act 2007

Adoption Regulations 2006

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 that 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 3 years, with any period of time spent in de facto relationship before marriage included in time assessment

- a single person only in special circumstances relating to the welfare and interests of the child.

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

Adoption of Indigenous children

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

Australian Capital Territory

Adoption Act 1993

Level of court

Supreme Court

Step-parent adoptions

Adoption by step-parents can 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 3 years
- a de facto couple for more than 3 years
- a single person in particular circumstances.

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

Adoption of Indigenous children

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

Northern Territory

Adoption of Children Act 1994

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 2 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.

B.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 whether 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 Act 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 whether 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

Under the *Adoption Act 1988*, 'open' arrangements are possible between parties to the adoption. This can involve access to information or contact between the parties. The arrangements are not legally binding and are to be facilitated and mediated by the Department for Families and Communities.

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.

B.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 aged 18 years or older to have access to his or her original birth certificate and to information about 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 old. With the permission of the birth parent, identifying information may be released.

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

Veto system

Contact veto provisions do not apply to adoptions made after 26 October 1990. Where an order of adoption was made before 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 aged 18 years or older, or of the adoptive parents if the adopted person is under 18 years old.

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 aged 18 years 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. When this happens, 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 adopted person 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 legislative amendments have ensured that adoption is open and all parties will have access to identifying information.

Furthermore, as a result of these amendments, 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 older can have access to information contained in their original birth certificate, as well as details about their natural parents (if known) such as occupation, date of birth, physical attributes and personal interests. 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 older 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 older. 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 older, 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 3-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 C 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. This information is correct as at 27 November 2007.

Country	Date Convention came into effect	Country	Date Convention came into effect
Albania	1 January 2001	Georgia ^(a)	1 August 1999
Andorra ^(a)	1 May 1997	Germany	1 March 2002
Armenia ^(a)	1 June 2007	Guatemala ^(a)	1 March 2003
Australia	1 December 1998	Guinea ^(a)	1 February 2004
Austria	1 September 1999	Hungary	1 August 2005
Azerbaijan ^(a)	1 October 2004	Iceland ^(a)	1 May 2000
Belarus	1 November 2003	India	1 October 2003
Belgium	1 September 2005	Israel	1 June 1999
Belize ^(a)	1 April 2006	Italy	1 May 2000
Bolivia	1 July 2002	Kenya ^(a)	1 June 2007
Brazil	1 July 1999	Latvia	1 December 2002
Bulgaria	1 September 2002	Lithuania ^(a)	1 August 1998
Burkina Faso	1 May 1996	Luxembourg	1 November 2002
Burundi ^(a)	1 February 1999	Madagascar	1 September 2004
Cambodia ^(a)	1 August 2007	Mali ^(a)	1 September 2006
Canada	1 April 1997	Malta ^(a)	1 February 2005
Chile	1 November 1999	Mauritius ^(a)	1 January 1999
China, People's Republic of	1 January 2006	Mexico	1 May 1995
Colombia	1 November 1998	Moldova, Republic of ^(a)	1 August 1998
Costa Rica	1 February 1996	Monaco ^(a)	1 October 1999
Cuba ^(a)	1 June 2007	Mongolia ^(a)	1 August 2000
Cyprus	1 June 1995	Netherlands	1 October 1998
Czech Republic	1 June 2000	New Zealand ^(a)	1 January 1999
Denmark	1 November 1997	Norway	1 January 1998
Dominican Republic ^(a)	1 March 2007	Panama	1 January 2000
Ecuador	1 January 1996	Paraguay ^(a)	1 September 1998
El Salvador	1 March 1999	Peru	1 January 1996
Estonia ^(a)	1 June 2002	Philippines	1 November 1996
Finland	1 July 1997	Poland	1 October 1995
France	1 October 1998	Portugal	1 July 2004

(continued)

Country	Date Convention came into effect	Country	Date Convention came into effect
Romania	1 May 1995	Sweden	1 September 1997
San Marino ^(a)	1 February 2005	Switzerland	1 January 2003
Slovakia	1 October 2001	Thailand	1 August 2004
Slovenia	1 May 2002	Turkey	1 September 2004
South Africa ^(a)	1 December 2003	United Kingdom	1 June 2003
Spain	1 November 1995	Uruguay	1 April 2004
Sri Lanka	1 May 1995	Venezuela	1 May 1997
		<i>Total countries</i>	<i>74</i>

(a) These countries have acceded to the Convention.

Notes

1. 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.
2. 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>.

Glossary

Adoption

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

Adoption order

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

Adoptive parent

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

Age of adopted 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 is 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 departments responsible for adoption 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 Acknowledgments) or another government authority.

Non-government agency

A non-government agency is an agency approved to undertake adoption arrangements in Australia that is not owned or controlled by the Australian Government or by a state or territory government. Such agencies may include church organisations, registered charities, non-profit organisations, companies, and cooperative societies and associations.

Country of origin

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

Dispensation

A legal process by which a court may declare that the consent of a parent is not required for an adoption order to be granted. Grounds for dispensation applications are set under individual state and territory legislation.

Guardianship/custody order

An order sought through the court that has the impact of transferring guardianship or custody of the child to an authorised department or an individual.

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.

An intercountry adoption is classified as a 'Hague adoption' if the child's country of origin had ratified or acceded to the Convention before the child's file was sent overseas, or a 'non-Hague adoption' if the country had not ratified or acceded to the Convention before the child's file was sent overseas.

Indigenous person

A person of Aboriginal or Torres Strait Islander descent who is identified as an Aboriginal or Torres Strait Islander.

Intercountry adoptions

Intercountry adoptions 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 with the adoptive parents. An intercountry adoption can be classified as a 'Hague adoption' or a 'non-Hague adoption'. A non-Hague adoption may also be known as a bilateral adoption.

An intercountry adoption may be administered using either of the following processes (see Figure 2.2):

Full adoption order in child's country of origin

An adoption order made in the child's country of origin that creates, between the child and the adoptive parent(s), the legal relationship of parent and child and severs the relationship between the child and the biological parent(s).

Guardianship order

A simple adoption order made in the child's country of origin that creates a custodial relationship between the adoptive parent(s) and the child, but does not create the legal relationship of parent and child. In these cases, the parent/child link between the biological parent and the child is not severed. The child enters Australia under a guardianship order, and the full adoption order is made in Australia.

'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 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, for example, grandparent, sister, brother, aunt or 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 and have had the responsibility for making decisions concerning the daily care and control of the child for the relevant period, specified in the relevant state and territory, before the adoption.

Local adoptions

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

Marital status of adoptive parent(s)

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

Married

This includes situations where there are two adoptive parents who are legally married to each other and living together.

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 at the time of birth. This includes situations where the birth mother was living in a de facto relationship with the birth father.

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List of tables

Table 3.1: Number and rate of adoptions, by state and territory, 2006–07.....	9
Table 4.1: Intercountry adoptions, by child’s country of origin, 2006–07	15
Table 4.2: Intercountry adoptions, by type of adoption, by marital status of the adoptive parent(s), 2006–07	17
Table 4.3: Intercountry adoptions, by type of adoption, by composition of the adoptive family, 2006–07	18
Table 4.4: Local adoptions, by state and territory, 2006–07	19
Table 4.5: Local adoptions, by type of consent, 2006–07	21
Table 4.6: Local adoptions, by type of agreement, 2006–07	21
Table 4.7: Local adoptions, by marital status of the adoptive parent(s), 2006–07	22
Table 4.8: Local adoptions, by composition of the adoptive family, 2006–07	22
Table 4.9: ‘Known’ child adoptions, by state and territory, 2006–07	23
Table 4.10: ‘Known’ child adoptions, by relationship of adoptive parent(s), 2006–07	23
Table 4.11: Adoptions of Indigenous children, by Indigenous status of adoptive parent(s), 1991–92 to 2006–07	25
Table 4.12: Number of permanent care orders granted in Victoria, 1992–93 to 2006–07	26
Table 4.13: Information applications lodged, by person lodging application, 2006–07	28
Table 4.14: Identifying information applications lodged by the adopted person, by age, sex and Indigenous status, for selected states and territories, 2006–07	29
Table 4.15: Contact or identifying information vetoes lodged in 2006–07, by person lodging veto, for selected states and territories	31
Table 4.16: Number of information and contact vetoes in place at 30 June 2007, by person lodging the veto, for selected states and territories	32
Table A1: Number of children legally adopted, by state and territory, 1968–69 to 2006–07	36
Table A2: Placement adoptions: number of children who were placed for adoption, regardless of whether the adoption order was finalised, 2006–07	37
Table A3: Adoptions, by type of adoption, by age and sex of child, 2006–07	37
Table A4: Adoptions in Australia, by type of adoption, 1981–82 to 2006–07	38
Table A5: Local adoptions, by state and territory, 1998–99 to 2006–07	39
Table A6: ‘Known’ child adoptions, 1998–99 to 2006–07	39
Table A7: Adoptions of Australian children, by type of adoption, 1981–82 to 2006–07	40
Table A8: Intercountry adoptions, by child’s region of origin, 1990–91 to 2006–07	41
Table A9: Intercountry adoptions, by state and territory, 1990–91 to 2006–07	42
Table A10: Intercountry adoptions, by country of origin, 1997–98 to 2006–07	43
Table A11: Intercountry adoptions, by type of adoption, by age and sex of child, 2006–07	44
Table A12: Local and intercountry adoptions, by sibling groups, 2006–07	44
Table A13: Intercountry adoptions from Hague countries, by type of order under which the child entered Australia, 2006–07	45

Table A14: Local and intercountry adoptions, by age of the adoptive parent(s), 2006–07	45
Table A15: Adoption visas (subclass 102) issued during 2006–07	46
Table A16: Local adoptions, by mean age of birth mother, 1998–99 to 2006–07	47
Table A17: Local adoptions, by age and marital status of birth mother, 2006–07	47
Table A18: Local adoptions, by marital status of birth mother, 1998–99 to 2006–07	48
Table A19: Proportion of local adoptions, by type of agreement, 1998–99 to 2006–07 (per cent)	48
Table A20: Local adoptions, by type of arranging body, 2006–07	48
Table A21: ‘Known’ child adoptions: relationship of adoptive parent(s), 1998–99 to 2006–07	49
Table A22: ‘Known’ child adoptions: relationship of adoptive parents, by age and sex of child, 2006–07	50
Table A23: Information applications and contact and information vetoes lodged each year, 1992–93 to 2006–07	51

List of figures

Figure 2.1: Categories of adoption used in the *Adoptions Australia* publications2

Figure 2.2: Process for intercountry adoption5

Figure 2.3: Process for local adoption.....6

Figure 2.4: Process for ‘known’ child adoptions7

Figure 3.1: Adoptions in Australia, 2006–078

Figure 3.2: Adoptions, by age and sex of child, 2006–079

Figure 3.3: Number of children legally adopted in Australia, 1970–71 to 2006–0710

Figure 3.4: Adoptions of Australian children, by type of adoption, 1981–82 to 2006–0711

Figure 3.5: Adoptions in Australia, by type of adoption, 1981–82 to 2006–0712

Figure 3.6: Intercountry adoptions, by child’s region of origin, 1990–91 to 2006–0712

Figure 4.1: Intercountry adoptions, by child’s region of origin, 2006–0713

Figure 4.2: Intercountry adoptions, by type of adoption and child’s country of origin, 2006–0714

Figure 4.3: Intercountry adoptions, by age and sex of child, 2006–0716

Figure 4.4: Intercountry adoptions, by age of adoptive parent(s), 2006–0717

Figure 4.5: Local adoptions, by age and sex of child, 2006–0719

Figure 4.6: Local adoptions, by age of birth mother, 2006–0720

Figure 4.7: Local adoptions, by age of adoptive parent(s), 2006–0722

Figure 4.8: ‘Known’ child adoptions, by age and sex of child, 2006–07.....24